

# The Vermont Division for Historic Preservation

## New Consultants Training

April 12, 2016



*Division for Historic Preservation*

Vermont State Historic Preservation Officer



Division for Historic Preservation  
Advisory Council on Historic Preservation



Department of Housing and Community Development



Agency of Commerce and Community Development



*Division for Historic Preservation*

# Division for Historic Preservation Programs

State & National Register of Historic Places

National Historic Landmarks

Certified Local Governments

Historic Preservation & Barn Grants

State & Federal Tax Credits

Historic Preservation Project Review

State-owned Historic Sites

Archaeology Heritage Center

Covenants/Easements

Online Research Center

Vermont Commission on Native American Affairs

Vermont Advisory Council on Historic Preservation

Administrative/Financial



*Division for Historic Preservation*

# Team Project Review



# Vermont Consultants

## *Option 1: Anyone can work in Vermont*

- 36 CFR Part 61
- Follow our rules and procedures

## *Option 2: Qualified Consultant List*

- 36 CFR Part 61
  - Resume
- Annual Consultant Training
- ✓ Updated Annually

## *Option 3: Approved Consultant List*

- Programmatic Agreements
  - Request For Qualifications
    - 36 CFR Part 61
      - **5 years** residential structure experience with Section 106 review under HUD.
      - Resume/Writing Sample
      - Interview
    - Annual Consultant Training
    - Annual PA-specific Training
    - Tentative Training September
- ✓ Updated Annually



# Annual Review of Consultant Lists



## *Ways to stay on the list:*

- *Attend annual consultant training*
- *Submit project materials in a timely manner*
- *Site forms, final reports, ARA, etc.*
- *Conduct work in an ethical manner*

# Vermont State Plan

## *The Process: 2016-2021*

- *Preservation Achievements*
- *Preservation Challenges*
- *Goals*
  - *Strategy*
  - *Objectives*
  - *Tactics*
  - ✓ *Survey*



*Division for Historic Preservation*

Thank You!



*Division for Historic Preservation*

# Online Resource Center aka “The ORC”

Devin Colman  
State Architectural Historian



# What is the O.R.C? The Basics



We took all of this...

Devin Colman  
State Architectural Historian

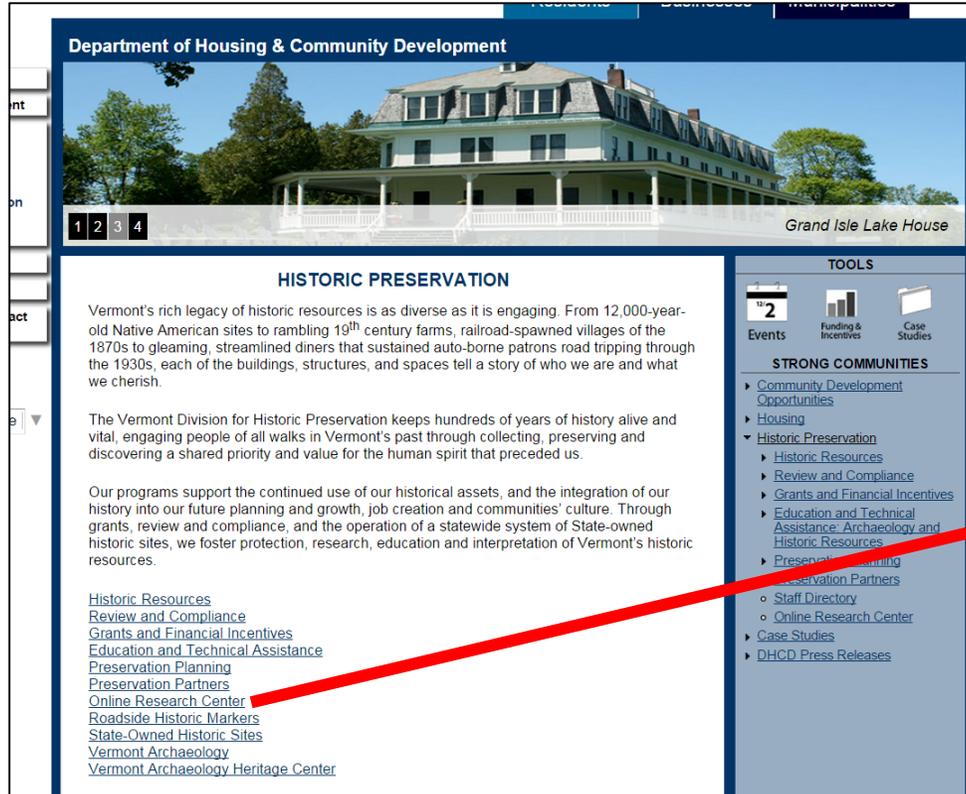


# What is the O.R.C? The Basics



...and put it online.

# www.orc.vermont.gov



Department of Housing & Community Development

Grand Isle Lake House

### HISTORIC PRESERVATION

Vermont's rich legacy of historic resources is as diverse as it is engaging. From 12,000-year-old Native American sites to rambling 19<sup>th</sup> century farms, railroad-spawned villages of the 1870s to gleaming, streamlined diners that sustained auto-borne patrons road tripping through the 1930s, each of the buildings, structures, and spaces tell a story of who we are and what we cherish.

The Vermont Division for Historic Preservation keeps hundreds of years of history alive and vital, engaging people of all walks in Vermont's past through collecting, preserving and discovering a shared priority and value for the human spirit that preceded us.

Our programs support the continued use of our historical assets, and the integration of our history into our future planning and growth, job creation and communities' culture. Through grants, review and compliance, and the operation of a statewide system of State-owned historic sites, we foster protection, research, education and interpretation of Vermont's historic resources.

[Historic Resources](#)  
[Review and Compliance](#)  
[Grants and Financial Incentives](#)  
[Education and Technical Assistance](#)  
[Preservation Planning](#)  
[Preservation Partners](#)  
[Online Research Center](#)  
[Roadside Historic Markers](#)  
[State-Owned Historic Sites](#)  
[Vermont Archaeology](#)  
[Vermont Archaeology Heritage Center](#)

**TOOLS**

Events  
Funding & Incentives  
Case Studies

**STRONG COMMUNITIES**

- Community Development Opportunities
- Housing
- Historic Preservation
  - Historic Resources
  - Review and Compliance
  - Grants and Financial Incentives
  - Education and Technical Assistance, Archaeology and Historic Resources
  - Preservation Planning
  - Preservation Partners
    - Staff Directory
    - Online Research Center
  - Case Studies
  - DHCD Press Releases



- [Historic Resources](#)
- [Review and Compliance](#)
- [Grants and Financial Incentives](#)
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- [Vermont Archaeology Heritage Center](#)

Devin Colman  
State Architectural Historian

DIVISION FOR HISTORIC PRESERVATION  
**Online Resource Center**

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Actions ▾

Search for...

County:

Town:  (Town - County)

FileType:

DocumentType:

[Reset Filter](#)

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Project Name	County	Town	File Type	Document Type	Project Number	File Path
2002			Advisory Council	Meeting Agenda/Meeting Minutes		<a href="#">view scanned document</a>
2009			Advisory Council	Meeting Agenda/Meeting Minutes		<a href="#">view scanned document</a>
2008			Advisory Council	Meeting Agenda/Meeting Minutes		<a href="#">view scanned document</a>

DIVISION FOR HISTORIC PRESERVATION  
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< 1 of 1 > 25 / Page

Project Name	County	Town	File Type	Document Type	Project Number	File Path
Montpelier Historic District, Amendment 1989	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>
Montpelier Historic District, 1978	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>
National Clothespin Factory	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>
Vermont State House	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>
College Hall	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>
Montpelier Court House	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>
Athenwood and Wood Studio	Washington	Montpelier	National Register	Nomination Form		<a href="#">view scanned document</a>

County:

Town:  (Town - County)

FileType:

DocumentType:

Devin Colman  
State Architectural Historian

# All documents and photos in the O.R.C:

- Can be viewed online
- Web links can be emailed
- PDFs can be downloaded and saved
- PDFs can be printed

[www.orc.vermont.gov](http://www.orc.vermont.gov)

**POOR QUALITY  
ORIGINAL**

June 27, 1983

Ms. Nancy Boone  
Vermont Division for Historic Preservation  
Pavilion Office Building  
Montpelier, Vermont 05602

RECEIVED JUN 28 1983

Dear Ms. Boone,

We recently purchased two adjacent buildings at 4 and 6 Birch Lane in the Queen City Park area of South Burlington, Vt. and would like to request that the Advisory Council consider these buildings to be added to the National Historical Register.

The buildings were constructed in the late 1800's during the time when Queen City Park was a spiritualist community. The three-story building was called the "Forest Queen" and the cottage was known as the "Princess".

Past alterations to the three-story structure included enclosing the front porch and building a flat roof over the third floor porch. Asbestos shingles and a few combination aluminum windows were added to the exterior. The cottage was covered with natural wood shingles.

The three-story structure retains much of its original trimwork at the peak of the roof.

We would like to restore the two buildings to their original condition and wish to employ an Architectural Historian to prepare a Register Nomination Form for us.

The buildings have recently been cited for fire code violations. Immediate work must be done to comply with fire regulations as the buildings are presently occupied. These include rebuilding portions of the rear porch that has rotted, extensive electrical work, and installing fire-rated sheet rock in the furnace room and on all interior ceilings.

In addition we plan to open up the front porches and construct new banisters and railings for them. Both houses need to be jacked up and leveled. We also intend to construct a peaked roof for the top of the front porch which would more closely follow the natural roof line of the house. In addition, we need to install new sheet rock and insulation to the interior walls and install some new plumbing.

Since much of this work needs to be addressed immediately we would appreciate a reply as soon as possible.

Sincerely,

Linwood & Elizabeth Abbott  
88 Central Avenue  
South Burlington, Vt. 05401

862-1264

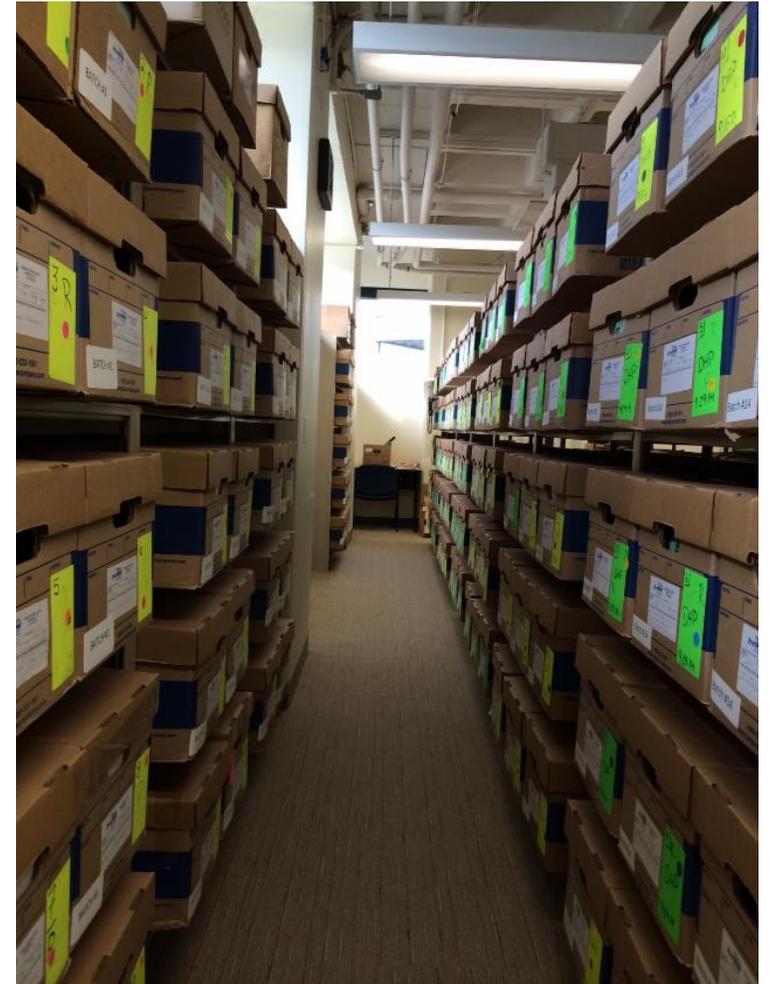


**VERMONT**

*Division for Historic Preservation*

Devin Colman  
State Architectural Historian

- To date, more than 26,000 paper documents have been scanned and uploaded.
- The O.R.C. is still a work in progress, and not all of our digital files have been uploaded yet.
- If you find a mistake, please let us know!



# Determinations of Eligibility

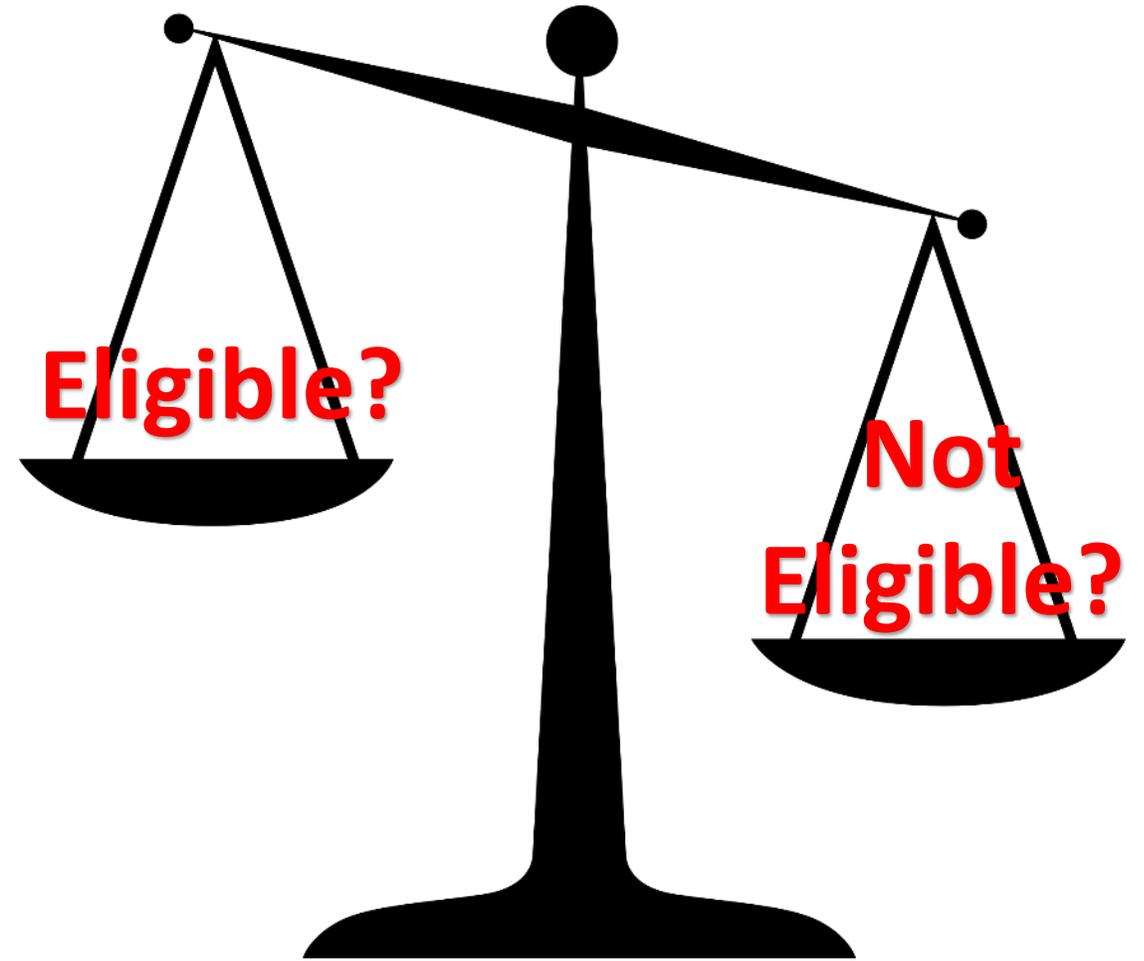
Devin Colman  
State Architectural Historian



## Determinations of Eligibility

### The Basics

A Determination of Eligibility is a decision regarding whether or not a district, site, building, structure or object meets the National Register criteria for evaluation, although the property is not *formally* listed in the State or National Register.



# Determinations of Eligibility

## The Basics

Making a Determination of Eligibility is an essential step in nearly everything we do at the Division:

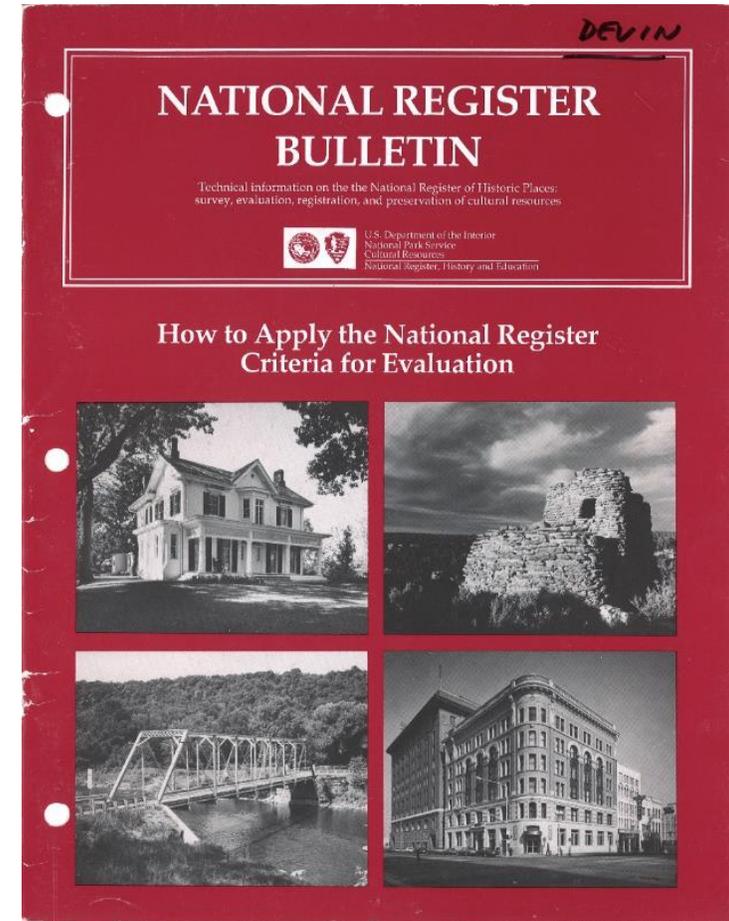
- ✓ State & National Register listings
- ✓ Section 106 & Act 250 reviews
- ✓ Grant programs
- ✓ Tax Credit projects

# Determinations of Eligibility

## The Basics

In 2001, the Division adopted the *National Register Criteria for Evaluation* to assess eligibility for the State Register of Historic Places.

Use these criteria to evaluate the eligibility of any resource type for the State and/or National Registers.



# Determinations of Eligibility

## The Basics

To document and track this process, the Division uses a *Determination of Eligibility* form, which serves as a cover sheet for a completed Historic Sites & Structures Survey form or Vermont Archaeological Inventory form documenting the resource.

# Determinations of Eligibility

## The Basics

### Vermont Division for Historic Preservation Determination of Eligibility Form

A "Determination of Eligibility" is a decision regarding whether or not a district, site, building, structure or object meets the National Register Criteria for Evaluation, although the property is not formally listed in the State or National Register.

Please complete this electronic form by clicking in each gray box and entering the required text.

**1. This Determination of Eligibility is for the:**

- State Register of Historic Places
- National Register of Historic Places

**2. Property Information:**

Property Name (e.g. "General Samuel Strong House" or "Watson Site")  
Street Address  
Municipality County

**3. Property Type:**

- Building** (e.g. house, barn, church, factory, city hall, library)
- Site** (e.g. archaeological site, location of a significant event, historic landscape)
- Structure** (e.g. bridge, tunnel, bandstand, dam)
- Object** (e.g. public sculpture, monument, fountain)
- District** (e.g. college campus, central business district, farmstead, neighborhood)

**4. Who is making this request?**

- Division for Historic Preservation Staff: Name, Title

-or-

Name  
Organization  
Mailing Address  
Phone Email

**5. Property Ownership:** (check one)

- I am the sole owner of this property
- There are multiple legal owners of this property. Number of owners: #
- I have a leasehold interest in this property
- I do not own this property

**6. Owner Information:** (list multiple owners on a separate sheet)

Name of Owner  
Organization  
Mailing Address  
Phone Email

# Determinations of Eligibility

## The Basics

Devin Colman  
State Architectural Historian

### 7. Has the owner been informed of this request?

- Yes
- No **If no, please explain**

### 8. Reason for this Request:

- I want to list this property in the State/National Register
- Federal project – Section 106 review
- State project – 22 VSA 14 review
- Act 250 project – Criterion 8 review
- State and/or Federal tax credits
- Division staff request
- Other: **Please explain**

### 9. Required Attachments:

- Survey Form:** A completed Historic Sites & Structures Survey or Vermont Archaeological Inventory form.
  
- Photographs:**
  - Building, Structure, Object: recent photographs of the property showing exterior views of each side; overall views of the property and the surrounding context; and views of important interior features. If possible, include copies of historic photographs of the property as well.
  
  - Archaeological Site: recent photographs showing visible features of the site and any notable artifacts recovered from the site.
  
  - District: recent photographs of the buildings, structures and/or objects in the district; and streetscape views showing how the resources relate to each other. If possible, include copies of historic photographs of the district as well.
  
- Location Map:** A printed or drawn map showing the location of the property in relation to streets, intersections or widely recognized features. Include a north arrow. For a district, include an approximate boundary showing the extent of the district.

### 10. Date of Submittal: **mm/dd/yyyy**

**Please email this entire form and all required attachments to:**

[ACCD.ProjectReview@vermont.gov](mailto:ACCD.ProjectReview@vermont.gov)

Questions? Call Devin at 802-828-3043  
or [devin.colman@vermont.gov](mailto:devin.colman@vermont.gov)

# Determinations of Eligibility

## The Basics

### INTERNAL USE ONLY

#### **For Determinations Related to a Section 106 review:**

Federal Agency Determination:  Eligible  Not Eligible

Criteria:  A  B  C  D

Considerations:  A  B  C  D  E  F  G

Area(s) of Significance: , ,

Period of Significance:

Does the Division concur with the Federal Agency Determination?  Yes  No

Staff Comments:

Reviewed by: Name, Title

Date: mm/dd/yyyy

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#### **For Determinations related to an Act 250 or 22 VSA 14 review:**

Division for Historic Preservation Determination:  Eligible  Not Eligible

Criteria:  A  B  C  D

Considerations:  A  B  C  D  E  F  G

Area(s) of Significance: , ,

Period of Significance:

Does the Advisory Council concur with the Division's Determination?  Yes  No

Advisory Council Comments:

Reviewed by: Name, Title

Date: mm/dd/yyyy

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#### **For all other requests:**

Division for Historic Preservation Determination:  Eligible  Not Eligible

Criteria:  A  B  C  D

Considerations:  A  B  C  D  E  F  G

Area(s) of Significance: , ,

Period of Significance:

Staff Comments:

Reviewed by: Name, Title

Date: mm/dd/yyyy

# Determinations of Eligibility

## The Basics

When making a Determination of Eligibility,  
first check to see if the resource is already:

- Documented in the Historic Sites & Structures Survey
- Documented in the Vermont Archaeological Inventory
- Listed in the State Register of Historic Places

USE THE O.R.C.!

# Historic Sites and Structures Survey

## Vermont Archaeological Inventory

- 1) Documentation of historic resources that meet the Criteria for Evaluation, but have not been formally reviewed for listing in the State Register;
- 2) Documentation of historic resources that have been formally reviewed and determined to *not* meet the Criteria for Evaluation; and
- 3) Documentation of historic resources that were formally listed, but were then de-listed due to loss of integrity or loss of the resource itself.

# Determinations of Eligibility

## The Basics

### State Register of Historic Places

- Documentation of historic resources that meet the Criteria for Evaluation *and* have been formally listed in the State Register (or determined eligible for listing) by the Vermont Advisory Council on Historic Preservation

# Determinations of Eligibility

## The Basics

STATE OF VERMONT Division for Historic Preservation Montpelier, VT 05602	Listed on State Register VT ACHP Date: <u>5-24-88</u>	SURVEY NUMBER: 0702-55
	HISTORIC SITES & STRUCTURES SURVEY Individual Structure Survey Form	NEGATIVE FILE NUMBER: 80-A-156
COUNTY: Grand Isle	UTM REFERENCES: Zone/Easting/Northing 18 / 633780 / 4955430	U.S.G.S. QUAD. MAP: Plattsburgh 15'
TOWN: Grand Isle	PRESENT FORMAL NAME: Paradee House	ORIGINAL FORMAL NAME: W. Brown House
LOCATION: East side of Simms Point Road, .4 miles north of Moccasin Avenue.	PRESENT USE: Residence	ORIGINAL USE: Residence
COMMON NAME:	ARCHITECT/ENGINEER: Unknown	BUILDER/CONTRACTOR: Unknown
FUNCTIONAL TYPE: Dwelling		

# Determinations of Eligibility

## The Basics

- The Determination of Eligibility form can be used to make a case that a property should be considered eligible *or* ineligible for the State/National Register.
- It can also be used to recommend changes in status for listed properties.

# Determinations of Eligibility

## The Basics

- Remember that you, as the project consultant, are making a *recommendation* as to whether or not a resource is eligible for the State/National Register.
- The *actual* Determination of Eligibility is made by Division staff and/or the Vermont Advisory Council on Historic Preservation.



# Determinations of Eligibility

## The Basics

- In the Section 106 process, you (the consultant) make a recommendation regarding eligibility to the Federal agency.
- The federal agency makes the Determination of Eligibility, and seeks concurrence from the Division.
- Feel free to contact the Division early in the Section 106 process and seek our input regarding eligibility of resources.

- In the Act 250 process, you (the consultant) make a recommendation regarding eligibility to your client.
- The client seeks concurrence with the Determination of Eligibility from the Division.
- All formal Determinations of Eligibility are made by the Vermont Advisory Council on Historic Preservation.
- Feel free to contact the Division early in the Act 250 process and seek our input regarding eligibility of resources.

When evaluating a resource, be sure to consider:

- **Historic Context:** theme(s), geographical limit(s), and chronological period
- **Level of Significance:** Local, State or National?
- **Area of Significance:** A (Event); B (Person); C (Design/Construction); or D (Information Potential) + Criteria Considerations
- **Integrity:** the ability of a property to convey its significance

As the consultant hired to evaluate historic resources that may be affected by a project, we expect you to provide a *definitive* recommendation regarding eligibility for the State/National Register.

- Avoid statements such as “potentially eligible...” or “marginally eligible...”
- If the resource is located in an area that could be identified as a historic district, describe the nature of the district and state whether or not the resource in question contributes or does not contribute to the historic significance of the district.

# Determinations of Eligibility

## Summary

By improving and strengthening the Determination of Eligibility process, we will:

- Ensure we are meeting our statutory obligations
- Arrive at consistent and defensible determinations
- Document all determinations that are made for future reference

# Historic Preservation Project Review



Jamie Duggan  
Senior Historic Preservation Review Coordinator



# Historic Preservation Project Review

## Regulatory Pathways

- *National Historic Preservation Act of 1966 (NHPA)*
  - *Section 106 Regulations*
  - *36 CFR 800 – Protection of Historic Properties*
- *Vermont Historic Preservation Act of 1975*
  - *22 VSA Chapter 14*
- *Act 250 / Criterion 8*
  - *10 VSA Chapter 151*
- *Public Service Board - Certificate of Public Good*
  - *Section 248 of Title 30*



# Historic Preservation Project Review

## Regulatory Pathways

### *National Historic Preservation Act of 1966 (NHPA)*

- The National Historic Preservation Act became law on October 15, 1966, Public Law 89-665, and was codified in title 16 of the United States Code.
- Various amendments followed through the years.
- On December 19, 2014, Public Law 13-287 moved the Act's provisions from title 16 of the United States Code to title 54



# Historic Preservation Project Review Regulatory Pathways

## *National Historic Preservation Act of 1966 (NHPA)*

16 U.S.C 470(a) - RECODIFIED as 54 U.S.C. § 100101 note

The Act's name (the "National Historic Preservation Act") is found in the notes of the very first section of title 54.

When referring to the findings one may cite to:  
"Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515."



# Historic Preservation Project Review Regulatory Pathways

## *National Historic Preservation Act of 1966 (NHPA)*

This act established several institutions:

- National Register of Historic Places
- Advisory Council on Historic Preservation
- State Historic Preservation Office
- the Section 106 review process
  - explained and defined in 36 CFR Part 800



# Historic Preservation Project Review Regulatory Pathways

## 36 CFR Part 800 – *Protection of Historic Resources* - The **Section 106 Review Process**

§ 800.1 **Purposes.** (a) Purposes of the section 106 process. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings.....



# Historic Preservation Project Review

## Regulatory Pathways

### *National Historic Preservation Act of 1966 (NHPA)*

§ 300308. **Historic Property** - any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.



# Historic Preservation Project Review Regulatory Pathways

## 36 CFR Part 800 – *Protection of Historic Resources* - The **Section 106** Review Process

§ 800.1 **Purposes.** (a) .....The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.



# Historic Preservation Project Review

## Regulatory Pathways

### *National Historic Preservation Act of 1966 (NHPA)*

§ 300320. **Undertaking** – a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including:

- (1) those carried out by or on behalf of the Federal agency;
- (2) those carried out with Federal financial assistance;
- (3) those requiring a Federal permit, license, or approval;  
and
- (4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.



# Historic Preservation Project Review

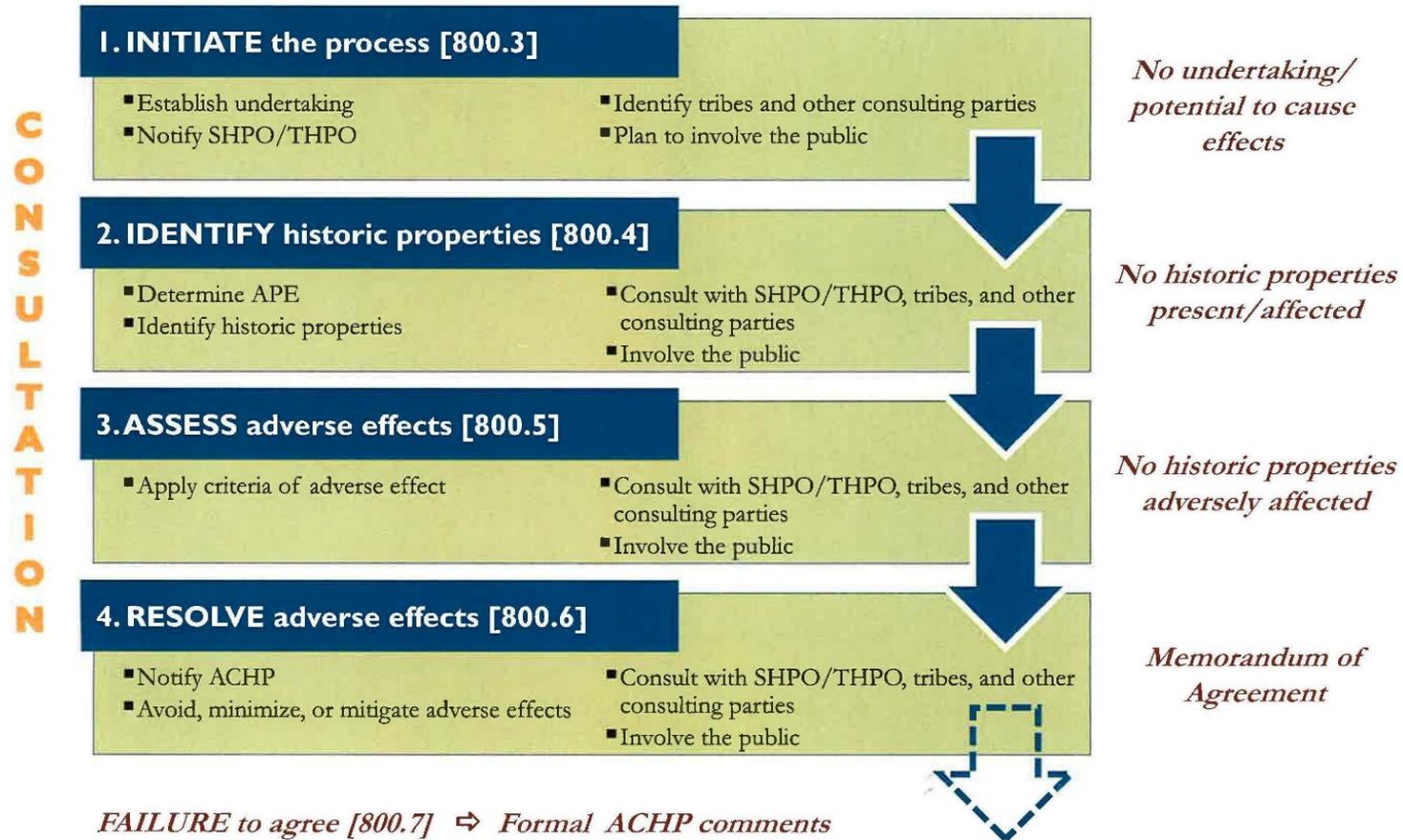
## Section 106 Review – Area of Potential Effect aka *A.P.E.*

### § 800.4 Identification of historic properties.

- (a) Determine scope of identification efforts. In consultation with the SHPO, the agency official shall:
  - (1) Determine and document the area of potential effects, as defined in § 800.16(d);
  
- (d) **Area of Potential Effects** means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.



# THE SECTION 106 PROCESS



# Historic Preservation Project Review

## Section 106 Review – Determinations of Effect

### § 800.4 Identification of historic properties.

(d) Results of identification and evaluation.

(1) **No Historic Properties Affected.** If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in § 800.16(i), the agency official shall provide documentation of this finding, as set forth in § 800.11(d), to the SHPO.

*A determination of “No Effect” is no longer an option in 106 Review*

*No Effect now = No Historic Properties Affected*

# Historic Preservation Project Review

## Section 106 Review – Determinations of Effect

### § 800.4 Identification of historic properties.

(d) Results of identification and evaluation.

(2) **Historic properties affected.** If the agency official finds that there are historic properties which may be affected by the undertaking, the agency official shall notify all consulting parties, ..... invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

# Historic Preservation Project Review

## Section 106 Review – Determinations of Effect

### § 800.5 Assessment of adverse effects.

(a) Apply criteria of adverse effect. In consultation with the SHPO, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) **Criteria of adverse effect.** An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

# Historic Preservation Project Review

## Section 106 Review – Determinations of Effect

### § 800.5 Assessment of adverse effects.

(2) **Examples of adverse effects.** Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

# Historic Preservation Project Review

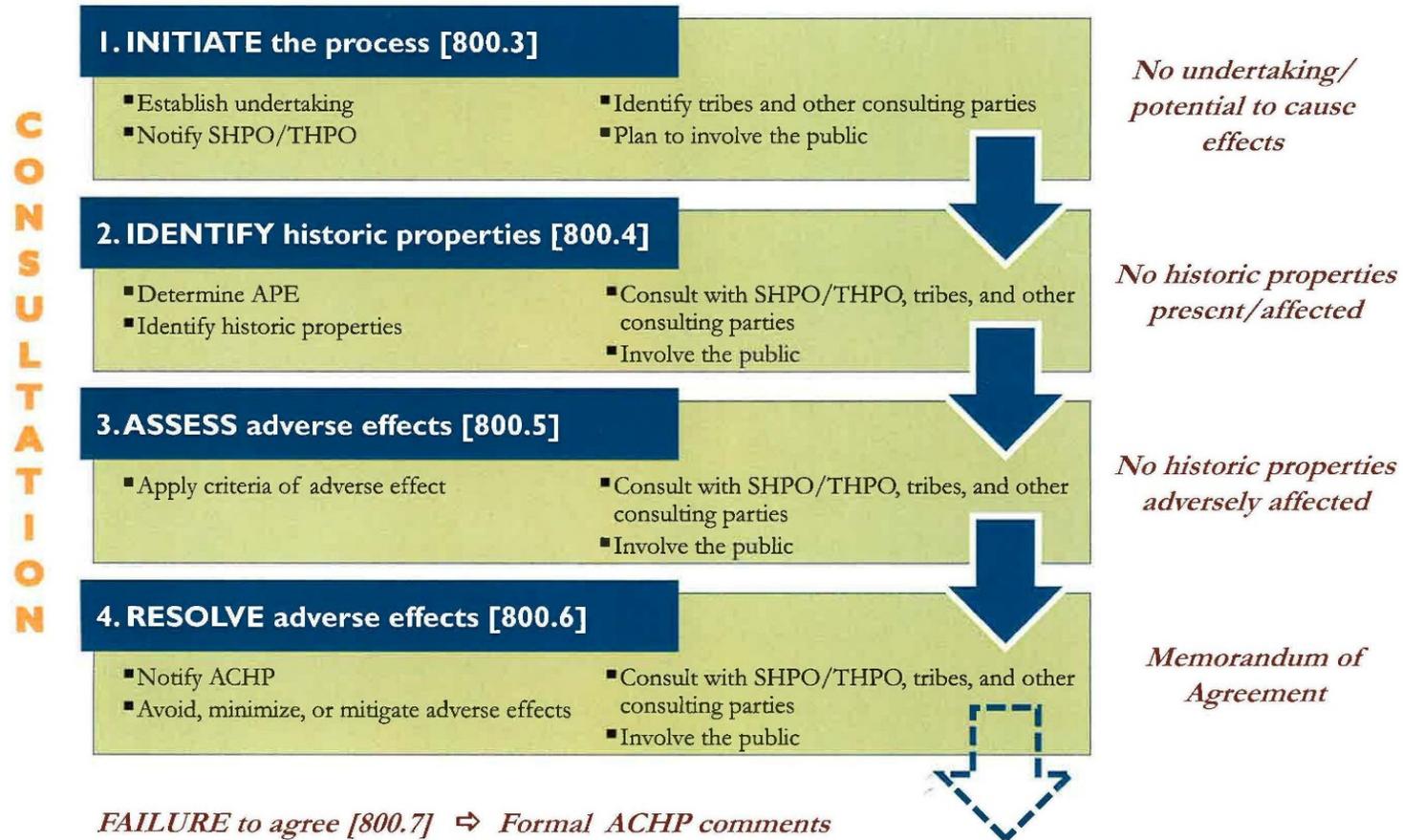
## Section 106 Review – Determinations of Effect

### § 800.5 Assessment of adverse effects.

(2) **Examples of adverse effects.** Adverse effects on historic properties include, but are not limited to:

- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration; and
- (vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

# THE SECTION 106 PROCESS



# Historic Preservation Project Review

## Section 106 Review – Determinations of Effect

### § 800.5 Assessment of adverse effects.

(b) Finding of **No Adverse Effect**. The agency official, in consultation with the SHPO, may propose a finding of no adverse effect when the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

Typically this is sought when the funding needs to be secured prior to the development of final construction documents. This situation can be resolved by VDHP issuing a "Conditional No Adverse Effect" letter for sign-off with the condition that VDHP will be provided the final construction drawings for review prior to any construction activities commencing.

# Historic Preservation Project Review

## Section 106 Review – Determinations of Effect

### § 800.6 Resolution of adverse effects.

(a) Continue consultation. The agency official shall consult with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could **avoid, minimize or mitigate** adverse effects on historic properties.

(1) Notify the Council and determine Council participation.

(i) The notice shall invite the Council to participate in the consultation when:

(A) The agency official wants the Council to participate;

(B) The undertaking has an adverse effect upon a National Historic Landmark; or

(C) A programmatic agreement under § 800.14(b) will be prepared;

(ii) The SHPO or any other consulting party may at any time independently request the Council to participate in the consultation.

# Historic Preservation Project Review

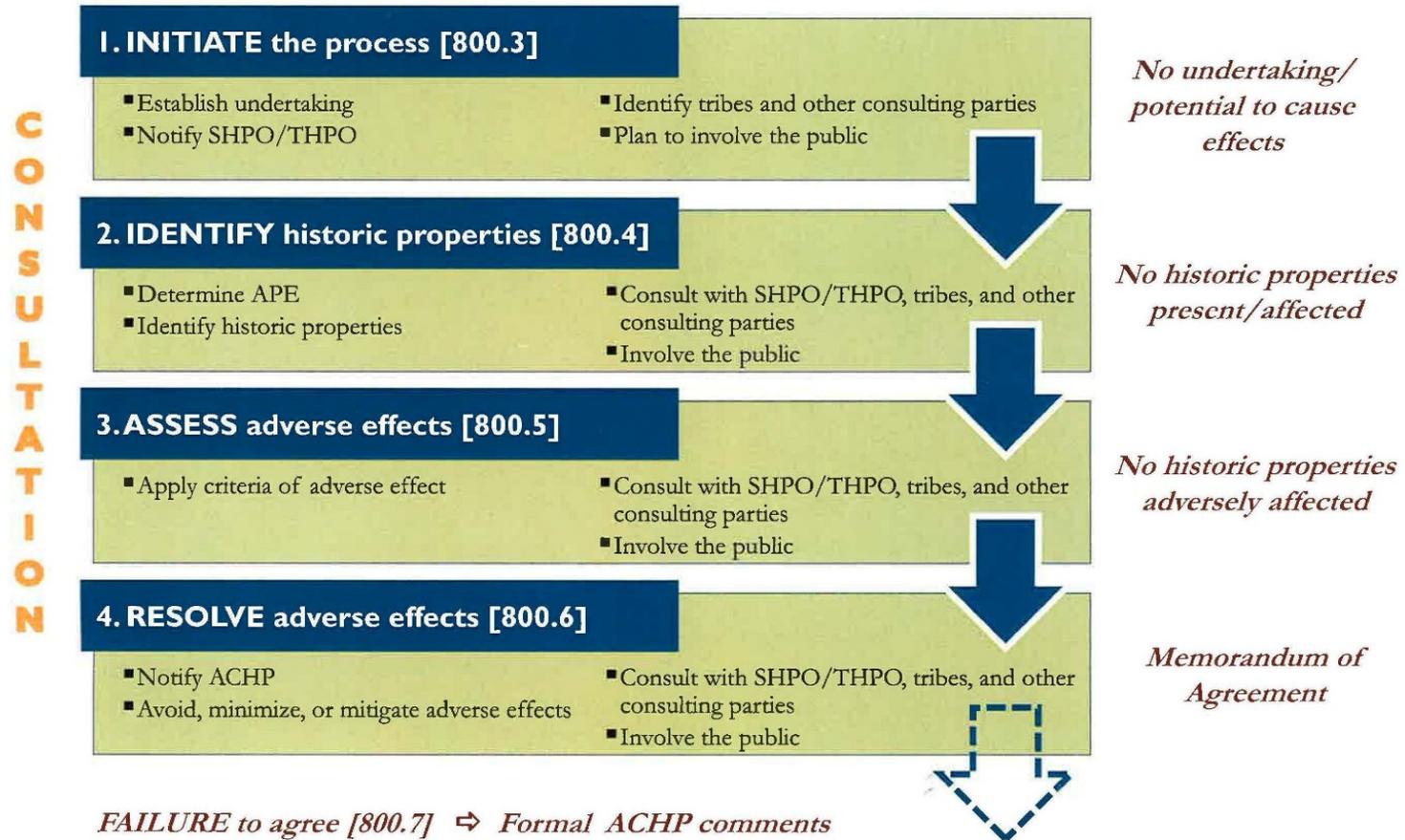
## Section 106 Review – Determinations of Effect

### § 800.6 Resolution of adverse effects.

(4) **Involve the public.** The agency official shall make information available to the public. The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking.

The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation.

# THE SECTION 106 PROCESS



# Historic Preservation Project Review

## Regulatory Pathways

### *22 VSA Chapter 14 - Vermont Historic Preservation Act of 1975*

- *Division for Historic Preservation created to coordinate historic preservation activities on behalf of the state*
- *Establishes State Historic Preservation Officer and role of SHPO*
- *VT Advisory Council on Historic Preservation*
- *Protection of Archaeological Information*
- *Vermont Archaeology Heritage Center*
- *State Historic Sites*



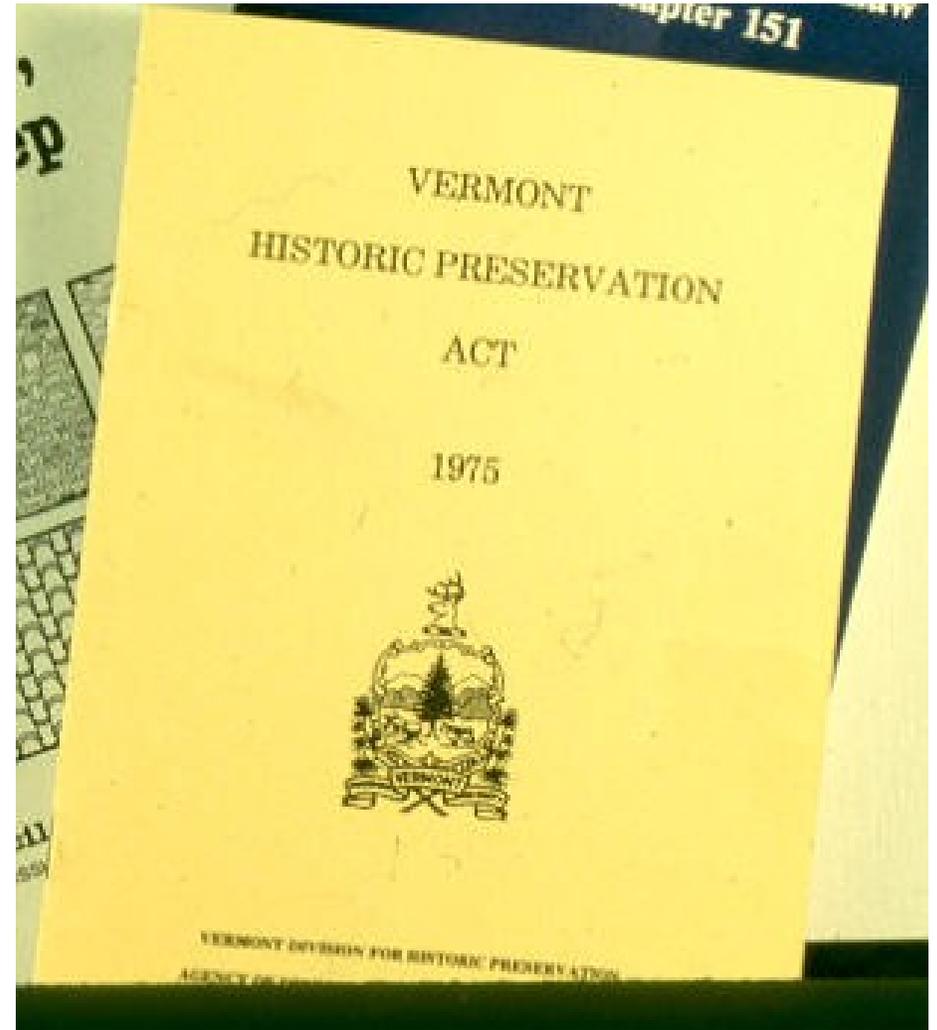
# Historic Preservation Project Review Regulatory Pathways

## *22 VSA Chapter 14 - Vermont Historic Preservation Act of 1975*

The Act requires that state agencies take measures to preserve the historic resources under its ownership.

A state agency, department, division or commission must consult the Vermont Advisory Council on Historic Preservation before demolishing, altering or transferring any property that is potentially of historical, architectural, archeological or cultural significance, including any property listed on the State Register of Historic Places.

It is the responsibility of the state agency involved in the project to initiate consultation with the Division for Historic Preservation and fulfill the requirements of 22 V.S.A. Chapter 14.



# Historic Preservation Project Review Regulatory Pathways

## *22 VSA Chapter 14*

### § 701. Definitions

(6) "**Historic Resource or Historic Property**" means any building, structure, object, district, area or site that is significant in the history, architecture, archeology or culture of this state, its communities or the nation.

(8) "**Site**" means any aboriginal mound, fort, earthwork, village location, burial ground, historic or prehistoric ruin, mine, cave, or other location which is or may be source of important archeological data.



# Historic Preservation Project Review

## Regulatory Pathways

### ***10 VSA Chapter 151 - Act 250 / Criterion 8***

Established in the spring of 1970 by the Vermont Legislature, Act 250 is Vermont's Land Use and Development Act. The Act 250 program provides a public, quasi-judicial process for reviewing and managing the environmental, social and fiscal consequences of major subdivisions and developments in Vermont.

For projects requiring either a new Act 250 permit or an amendment to an existing permit, the Division conducts its reviews pursuant to Criterion 8: Aesthetics, Historic Sites and Rare or Irreplaceable Natural Areas. **Project review consists of evaluating the project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and known or potential archeological resources.**



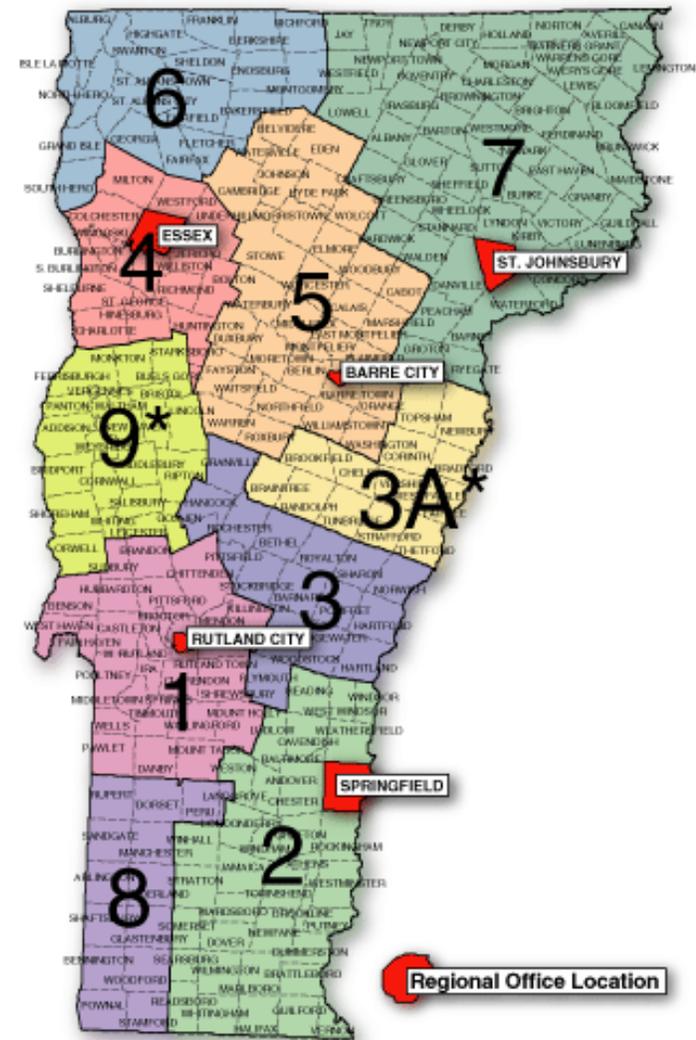
*Division for Historic Preservation*

# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

The purpose of the Division's review under Act 250 is to provide the Environmental District Commission with the information necessary for them to make a **positive finding** under the "historic sites" aspect of Criterion 8.

The Division relies on **Rule 4: Historic Sites and the Act 250 Process** to guide our reviews of Act 250 projects.



# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

### § 6001. Definitions

(9) “**Historic Site**” any site, structure, district, or archeological landmark which has been officially included in:

- National Register of Historic Places and/or
- State Register of Historic Places or
- Established by testimony of the Vermont Advisory Council on Historic Preservation as being *historically significant*.



# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

### Determination of Effects

Predictive Model and Field Inspection and Archaeological Resource Assessment (ARA) can all be used to determine archaeological sensitivity

If an area is determined to be sensitive, generally a plan is developed to avoid that area and/or buffer it for protection

If the area can not be avoided, then Field Investigation typically is required and all work must meet the VDHP's *Guidelines for Conducting Archaeology in Vermont*



# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

### Determination of Effects

The Secretary of the Interior's *Standards for Rehabilitation* are applied when assessing the effects upon buildings and structures

#### Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

### § 6086. Issuance of permit; conditions and criteria

(a) Before granting a permit, the District Commission shall find that the subdivision or development:

(8) Will not have **an undue adverse** effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.



*Division for Historic Preservation*

# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

### Determination of Effects

- No Effect
- No Adverse Effect
- Adverse Effect (w/ mitigation)

ALL of the above determinations are considered positive recommendations under ACT 250

Undue Adverse Effect is not a positive recommendation



*Division for Historic Preservation*

# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

4.1.21 "**Undue adverse effect**" on an historic site means, for the Division's review purposes, an adverse effect that is not appropriately mitigated or reasonably avoided. Also known as the *QUECHEE ANALYSIS*.

The Division considers four factors in determining whether an adverse effect is “undue”:

- (1) the failure of an applicant to take generally available mitigating steps which a reasonable person would take to preserve the character of the historic site;
- (2) interference on the part of the proposed project with the ability of the public to interpret or appreciate the historic qualities of the site;
- (3) cumulative effects on historic qualities of the site by the various components of a proposed project which, when taken together, are so significant that they create an unacceptable impact;
- (4) violation of a clear, written community standard which is intended to preserve the historic qualities of the site.



# Historic Preservation Project Review

## 10 VSA Chapter 151 – Act 250 / Criterion 8

### § 6086. Issuance of permit; conditions and criteria

- Consultants can only make recommendations to the Division
- Only the Division can only make recommendations to the District Commission as a statutory party in response to Criterion 8.
- Only the Commission can issue a permit and/or apply conditions (if appropriate)



# Historic Preservation Project Review

## Regulatory Pathways

### **Section 248 of Title 30 – Public Service Board - Certificate of Public Good**

Section 248 of Title 30 requires companies to obtain a Certificate of Public Good from the Public Service Board (Board) before beginning site preparation or construction of electric transmission facilities, electric generation facilities and certain gas pipelines within Vermont.

The ten Act 250 criteria for evaluating the potential effects of a project are also utilized in the Section 248 process. For projects requiring a Certificate of Public Good, the Division conducts its reviews pursuant to Criterion 8: Aesthetics, Historic Sites and Rare or Irreplaceable Natural Areas. Project review consists of evaluating the project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and known or potential archeological resources.



*Division for Historic Preservation*

# Historic Preservation Project Review Project Submittals

## *How is project review initiated?*

- Formally submitting materials for our review  
(Typical)
- Informal call/email early in the planning stages  
(BEST)

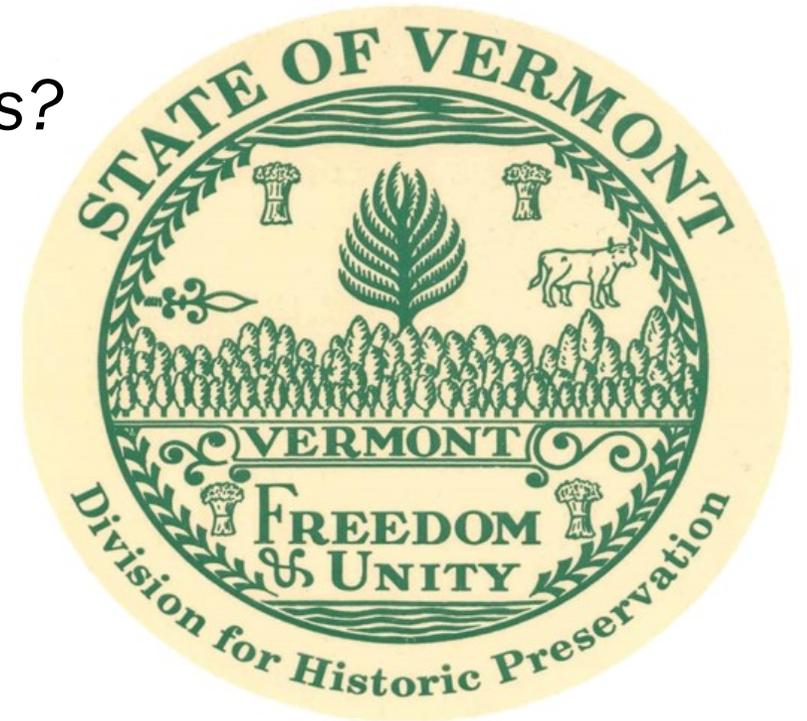


# Historic Preservation Project Review

## Project Submittals

*What is needed to begin the formal review process?*

- Project Review Cover Form  
Without this form we will not initiate the calendar for review.
- Request for consultation letter w/project description
- Maps - Location Map & Site Map
- Project plans – architectural / construction drawings
- Building reports - historic building report and/or archaeological reports)
- Photographs showing project area and building / structure involved

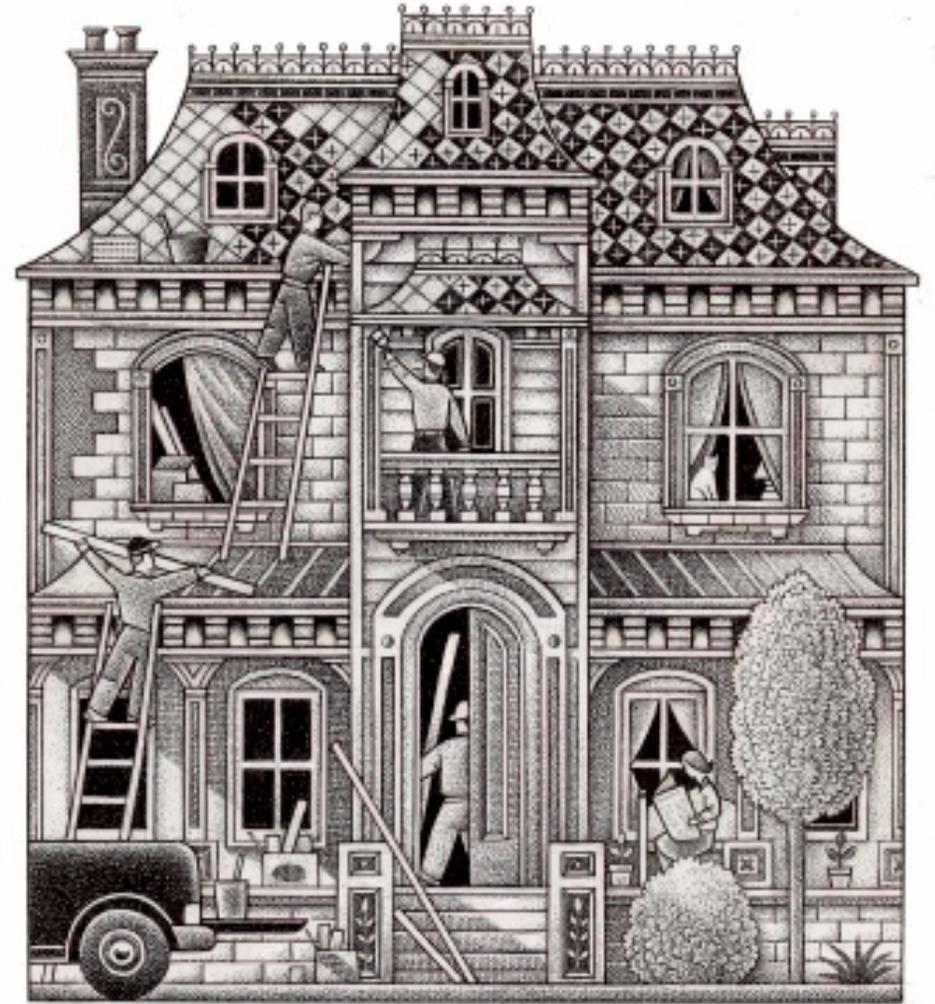


# Historic Preservation Project Review Project Submittals

## *Request for Consultation Letter* (aka “Cover letter”)

This letter should:

- Request and initiate consultation with VDHP
- Provide a narrative description of the project
- Provide a clear description of the proposed APE
- Provide any preliminary recommendations for Determinations of Eligibility
- Provide any preliminary recommendations for Determinations of Effects



*Division for Historic Preservation*

# Historic Preservation Project Review

## Project Submittals

### *Request for Consultation Letter*

Please also include:

- The name of the federal or state agency involved in the project
- The type of funding, license or permit for which you are applying
- A list of all buildings or structures in the project area and their dates of construction (if known)
- A description of any previous ground disturbance (if known).



# Historic Preservation Project Review

## Project Submittals

### *Location Map*

Location map may be:

- An annotated USGS Quadrangle Map
- An annotated Google, Bing or similar Map



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# Historic Preservation Project Review

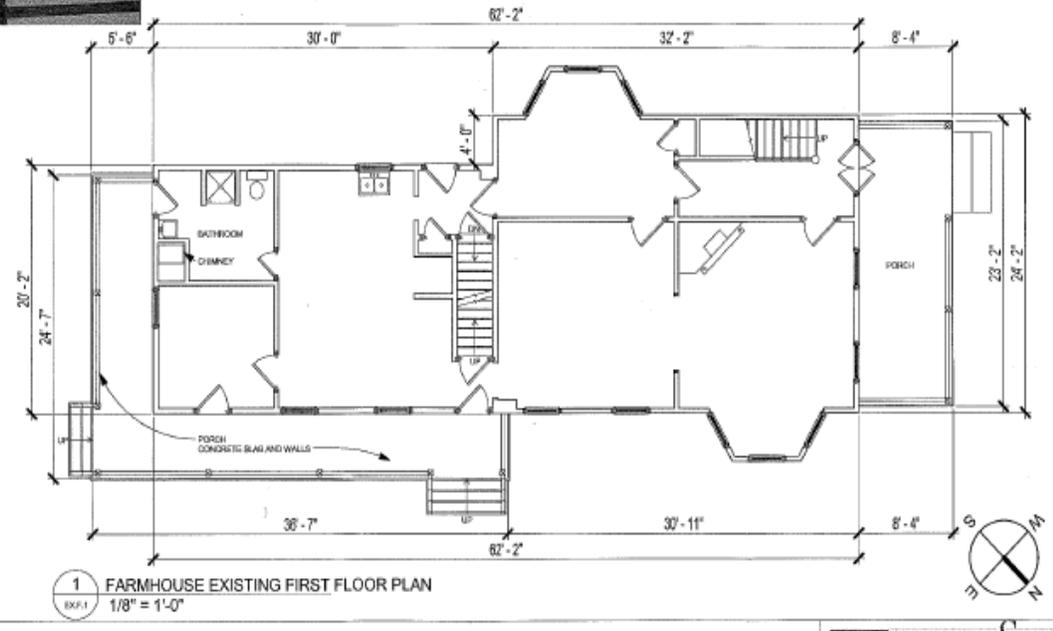
## Project Submittals

### Project Plans

- Architectural Plans & Renderings
- Project Specifications
- Engineering reports & Construction drawings



NORTH ELEVATION



# Historic Preservation Project Review

## Project Submittals

### *Building Reports & Archaeology Reports*

- Historic Structures Report
- Historic Materials Inventory & Analysis
- Engineering Analysis
- Conditions Assessment & Treatment Recommendations
- Archaeological Resource Assessment (ARA)
- Phase 1A Reporting
- Archival Research Report
- Many other formats

Archaeological Resources Assessment  
Moran Center at Waterfront Park  
City of Burlington, Chittenden County, Vermont



Submitted to:  
Alan R. Liptak  
KAS, Inc.  
368 Avenue D, Suite 15  
P.O. Box 787  
Williston, Vermont 05495



*Division for Historic Preservation*

# Historic Preservation Project Review

## Project Submittals

### *Photographs*

- Jpeg files are preferred
- Photographs should be:
  - High-quality images utilizing good lighting
  - Be clear and in focus
  - Organized and captioned or keyed to a master list



# Historic Preservation Project Review Project Submittals

## Project Review Cover Form

- This is a form that will be required for **ALL** projects – this is the formal trigger to initiate the project review process.



State of Vermont  
Division for Historic Preservation  
1 National Life Drive, Davis Building, 6<sup>th</sup> Floor  
Montpelier, Vermont 05620-0501  
[http://accd.vermont.gov/strong\\_communities/preservation/](http://accd.vermont.gov/strong_communities/preservation/)

Agency of Commerce and  
Community Development

(Phone) 802-828-3045  
(Fax) 802-828-3206

### HISTORIC PRESERVATION PROJECT REVIEW COVER FORM

Please complete this form and attach it to the top of all information submitted to this office for review. Accurate and complete forms will assist in the timely processing and response to your request.

Rectar

1. DOES THIS INFORMATION RELATE TO A PREVIOUSLY SUBMITTED PROJECT? Please check box.

If you have checked this box and noted the previous Project Review (PR) number assigned by this office you do not need to continue unless any of the required information below has changed.

1a. PREVIOUS PROJECT REVIEW NUMBER or PROJECT NAME

TOWN

COUNTY

2. IS THIS A NEW PROJECT? Please check box

If you have checked this box you will need to complete ALL of the following information

Project Name

Location

You MUST include street number, street name and/or County, State or Interstate route number if applicable.

Point Data

GIS Coordinates/Location Information/UTM Latitude-Longitude

City/Town/Village

List the correct city/town/village in which your project is being undertaken.

County

If the undertaking covers multiple towns/counties please email a list defining all towns/counties included with your digital submission at [ACCD.Projectreview@state.vt.us](mailto:ACCD.Projectreview@state.vt.us)

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE PROJECT (include a more detailed summary or cover letter describing the details of your project as an attachment.)



Division for Historic Preservation

## HISTORIC PRESERVATION PROJECT REVIEW COVER FORM

Please complete this form and attach it to the top of all information submitted to this office for review.  
Accurate and complete forms will assist in the timely processing and response to your request.

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TOWN  COUNTY

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Please check box

If you have checked this box you will need  
to complete ALL of the following  
information

Project Name

Location

You MUST include street number, street name and/or County, State or Interstate route number if applicable.

Point Data

GIS Coordinates/Location Information/UTM Latitude-Longitude

City/Town/Village

List the correct city/town/village in which your project is being undertaken.

County

If the undertaking covers multiple towns/counties please email a list defining all towns/counties included with your digital  
submission at [ACCD.Projectreview@vermont.gov](mailto:ACCD.Projectreview@vermont.gov).

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE PROJECT (include a more detailed summary or cover letter describing the  
details of your project as an attachment.)

The project consists of replacement of 3 windows on the rear elevation of the house, modification of the rear deck to include a wheelchair accessible ramp to the house, and a solar panel on the roof of the detached garage.

## The Historic Preservation Review Process in Vermont

In order to insure that historic preservation is carefully considered in publicly-funded or permitted undertakings, there are laws at each level of government that require projects to be reviewed for their potential impact/effect on historic properties.

These laws include:

- **10 V.S.A. Chapter 151 - Act 250/Criterion 8** - For projects requiring a new Act 250 permit or an amendment to an existing permit.
- **Section 248** - Public Service Board - For projects requiring a Certificate of Public Good.
- **22 V.S.A. Chapter 14** -The Vermont Historic Preservation Act - For projects with state involvement in the form of funding, licenses or permits.
- **Section 106 of the National Historic Preservation Act of 1966** - For projects with federal involvement in the form of funding, licenses or permits.

Regulations on line at: [http://accd.vermont.gov/strong\\_communities/preservation/review\\_compliance/rules](http://accd.vermont.gov/strong_communities/preservation/review_compliance/rules)

Project review consists of identifying a project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and to known or potential archaeological resources. Project review is a consultative process between the applicant and the Division. Applicants are encouraged to contact our office as early as possible in the project planning process. We can assist in identifying historic resources in the project area and provide guidance on how to evaluate and avoid potential adverse effects to those resources as an outcome of the project. While protecting historic resources, this can save you time and money in the development of your project.



*Division for Historic Preservation*

**TYPE OF REVIEW REQUIRED/REQUESTED (Please answer both questions)**

**1. Does this action involve a permit approval or funding, now or ultimately from any other governmental agency?**

**Yes**     **No**    If yes, list agency name(s) and permit(s)/approval(s)     **Don't Know Yet**

Agency Involved

USDA

Section 106     Section 248 - PSB  
 22 VSA     Other  
 Act 250

**2. Does the project site involve or is it near a property listed or recommended for listing in the Vermont State or National Registers of Historic Places?**     **Yes**     **No**     **Unknown**

**ALL PROJECTS SUBMITTED FOR REVIEW SHOULD INCLUDE THE FOLLOWING MATERIALS**

- ✘ Project Description** – Attach a full description of the nature and extent of the work to be undertaken as part of this project. Relevant portions of project applications to other state and/or federal agencies and environmental statements may be submitted if applicable.
- ✘ Location Map** - Include a map locating the project in the community. The map must clearly show street and road names surrounding the project area as well as the location of all portions of the project. Appropriate maps to include are USGS quadrangle map or google map.
- ✘ Site Plan** – The site plan should include the project boundaries and areas of proposed excavation and construction, as applicable.
- ✘ Project Plans** – Architectural and/or engineering plans drawings, etc.
- ✘ Photographs** - Photographs may be scanned black-and-white prints, digital images, color prints or color photo copies; save them as either JPEGS or in a PDF format. Standard (black & white) photocopies are not accepted.



## Architecture

Are there any resource(s) (buildings, structures such as bridges, walls, culverts, and objects), districts or landscapes within the project area?  Yes  No If no, please skip to the Archaeology section.

If yes, please submit the following information: To research a building click on the link to access our [Online Research Center](#)

- The resource is 50 years old or older - Approximate age(s):
- The resource(s) are listed in the State or National Register of Historic Places
  - Individually  part of a historic district  Unknown
- Photographs of **each** resource or streetscape within the project area, with captions, along with a photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)



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## Archaeology

Does the proposed undertaking involve ground-disturbing activity?  Yes  No

If yes, please submit the following information:

- Description of current and previous land use and disturbance.
- Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

**Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the review process.**



*Division for Historic Preservation*

**CONTACT PERSON FOR PROJECT**

**Name & Title**

**Firm/Agency**

**Address**

**City**  **State**  **Zip**

**Phone**  **Fax**

**email**



*Division for Historic Preservation*

# Historic Preservation Project Review

## Project Submittals

- All materials need to be sent to the Project Review eMailbox:

[ACCD.projectreview@vermont.gov](mailto:ACCD.projectreview@vermont.gov)

- This applies to original submittal of information AND subsequent information, reports and updated plans.
- Materials sent to a staff email address will be returned and directed to send to Team eMailbox.
- Correspondence directly with staff is fine, but all submittal materials need to go to eMailbox.
- Please “Cc” appropriate staff on eMailbox submittals



*Division for Historic Preservation*

# Historic Preservation Project Review

## Project Review Team

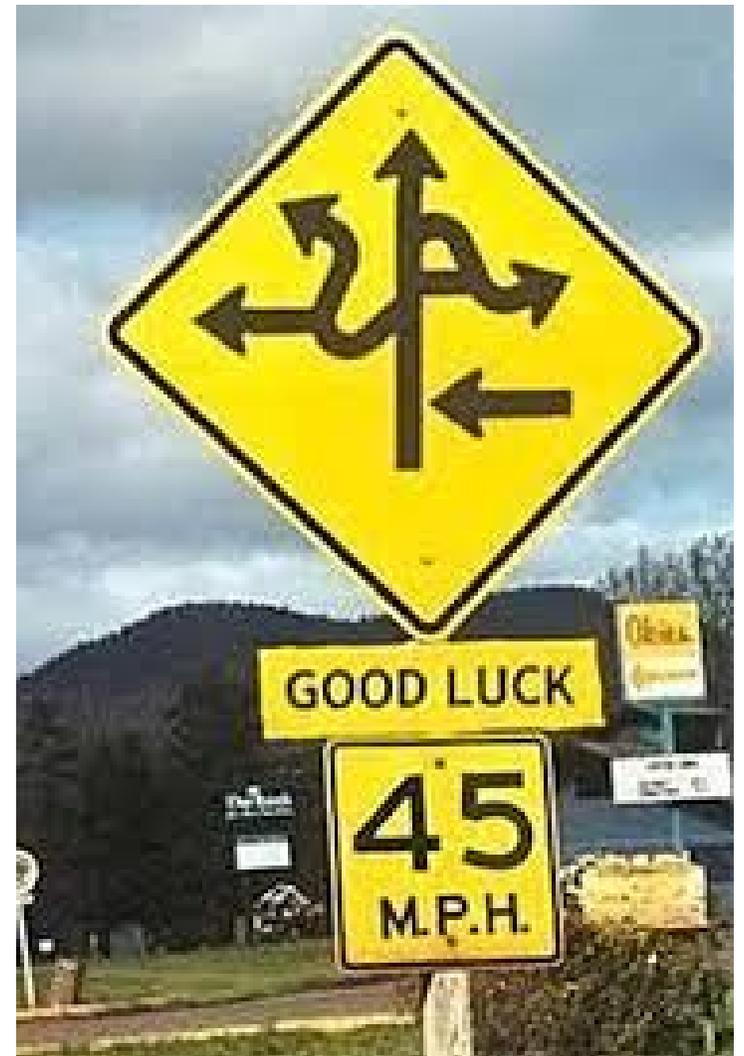
- Jamie Duggan                      Coordinator / Architectural Historian
- Scott Dillon                      Survey Archaeologist
- Yvonne Benney Basque        Historic Resources Specialist – Archaeologist
- Elizabeth Peebles              Historic Resources Specialist – Architectural Historian
- Debra Sayers                      Administrative Services Coordinator
- Jenni Lavoie                      Administrative Assistant



# Historic Preservation Project Review

## COORDINATION

- Between Architectural Historians and Archaeologists
- When multiple regulatory paths exist
- When dealing with multiple VDHP staff and programs



# Questions?



*Division for Historic Preservation*