

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: _____

Location / Address: _____

City / Town: _____

Project Proponent

Name: _____

Address: _____

City/Town/Zip/Telephone: _____

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Type of License or funding (specify)

Project Description (narrative):

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

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APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland _____	acres	Productive Resources:	
Wetland _____	acres	Agriculture _____	acres
Floodplain _____	acres	Forestry _____	acres
Open space _____	acres	Mining/Extraction _____	acres
Developed _____	acres	Total Project Acreage _____	acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: _____

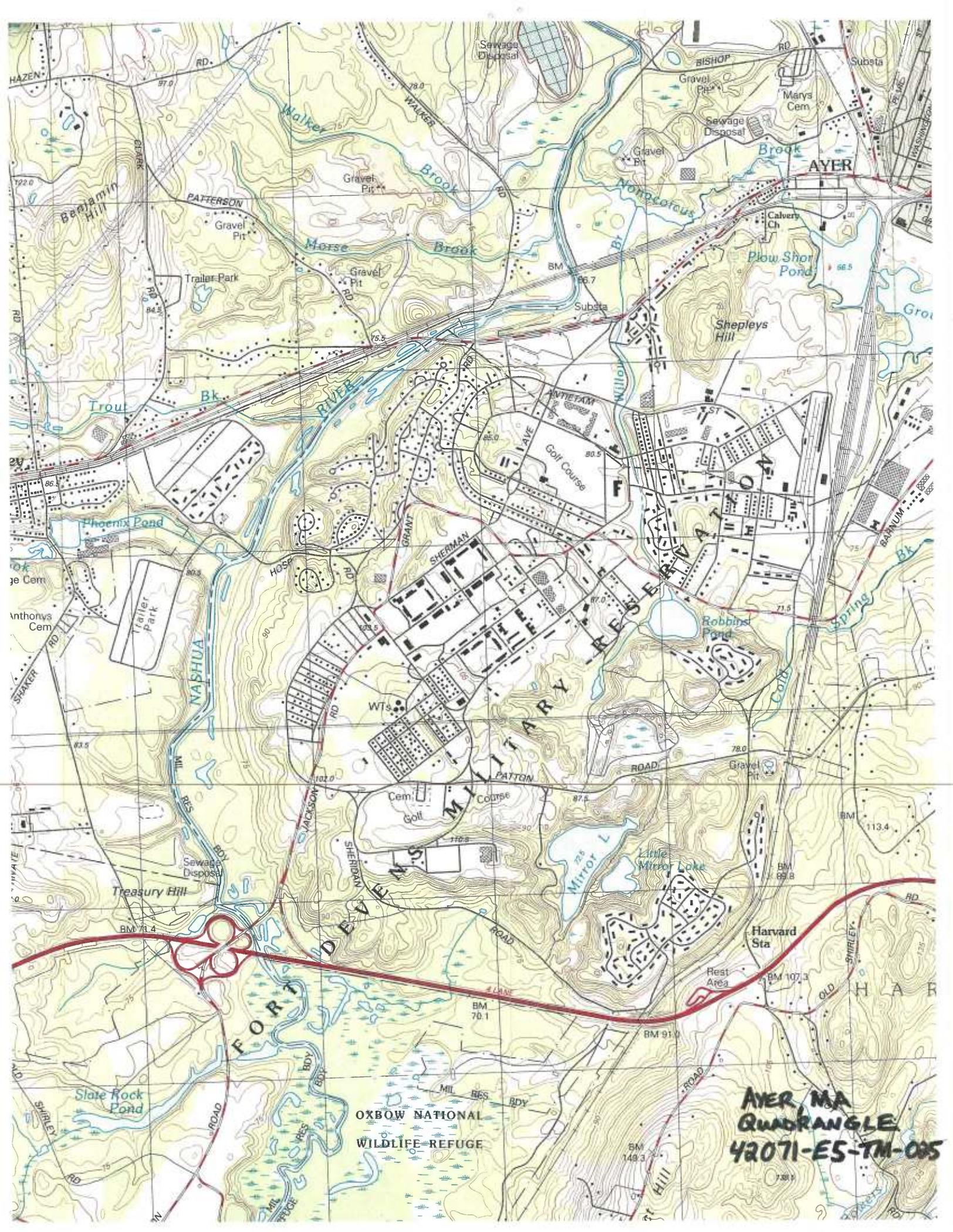
Address: _____

City/Town/Zip: _____

Telephone: _____

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.



AYER, MA
QUADRANGLE
42071-ES-TM-005

**MASSACHUSETTS HISTORICAL COMMISSION,
REQUIREMENTS UNDER SECTION 106, AND PROGRAMMATIC AGREEMENT**

Overview

The term "Section 106" refers to a portion of the National Historic Preservation Act of 1966, as revised in 1978, 1986, and 1999. It requires any Federal or Federally-funded agency to assess the impact of any undertaking on a property falling within its jurisdiction which is either currently listed or eligible for listing on the National Register of Historic Places. Similar requirements for undertakings which are funded, licensed, or permitted by Mass. state agencies are set forth in Mass. General Laws, Chapter 9, Sections 26-27c, as amended (950 CMR 71.00). Before any permits are issued or any monies are expended on construction the agency must formally solicit input from the Mass Historical Commission (MHC) and State Historic Preservation Officer (SHPO) and in certain instances the Advisory Council on Historic Preservation (ACHP) in Washington, D.C. Section 106 does not necessarily prevent any action from being taken; rather it compels the project proponent to take into consideration the likely impact on any historic structure and gives the MHC/SHPO a chance to comment.

Section 106 Review Procedures

The following summary of the Section 106 process is designed to assist in a general understanding of the law as recently revised. Please refer to the Advisory Council on Historic Preservation's web site, www.ACHP.gov, for specific terms and conditions.

Initially the SHPO must identify and evaluate historic resources which would be subject to Section 106 review.

For you, the process begins with submission of a Project Notification Form (PNF) (copy included herein). The Project Notification Form sets forth basic but critical information needed by the

SHPO. You, as the project proponent must work through the Devens Enterprise Commission in submitting your materials for review. If available, plans and specifications for the proposed work and complete photographic documentation of those aspects of the building to be modified are valuable to the reviewers and will facilitate review. Please provide the Devens Enterprise Commission (the local Historic District Commission) with a copy of the completed PNF and any accompanying materials as part of any Unified permit submittal.

By law, the SHPO has thirty (30) days after receipt of a completed PNF to make a determination of *No Effect*, *No Adverse Effect* or *Adverse Effect* on historic buildings. If the project proponent disagrees with the finding of the SHPO the matter may be referred to the Advisory Council on Historic Preservation for further review and comment.

In general, ratings are made as follows:

No Effect on Historic Properties - Projects given this category are deemed to have no impact on the surrounding historic resources at Devens.

No Adverse Effect on Historic Properties - A finding of *No Adverse Effect* is issued for projects which have an impact on the historic resource, but not a negative one and in no way would diminish the integrity of the historic resources at Devens.

Adverse Effect on Historic Properties - issued when it is deemed that the proposed project will have a negative effect on the historic resources. If a finding of *Adverse Effect* is forthcoming, then you working through MassDevelopment must prepare a Memorandum of Agreement with the SHPO. In some cases, the ACHP may participate in the development of a Memorandum of Agreement. If the reviewing agencies and you as project proponent agree to conditions which in the opinion of the SHPO will adequately mitigate the potential *Adverse Effect* then you may proceed with your project. If there is no agreement on measures to mitigate adverse effect than the ACHP in Washington, D.C. is given a thirty (30) day period to review, comment and hopefully arbitrate this agreement in a way which resolves this dispute to the satisfaction of all parties. Unlike the Historic Preservation Certification process for Federal investment tax credits, once the project is approved to proceed under Section 106, no further review of work in progress

or completed work is required. This notwithstanding, all work on your project should be carried out in strict conformance with the original Project Notification Form (PNF) documentation.

If you also plan to file a Historic Preservation Certification Application with the SHPO and eventually to the National Park Service in Washington, it is important to note that the MHC/SHPO will generally accept this application in lieu of the attachments to the Project Notification Form. This saves time and effort by combining these two efforts. Your preservation consultant can prepare certification paperwork for you and copies can be reviewed for compliance with the Secretary of the Interior's Standards for Rehabilitation and Section 106 simultaneously.

As a reminder, the Programmatic Agreement of 1996 between the U.S. Army, Massachusetts Land Bank, the Advisory Council on Historic Preservation, and the Massachusetts State Historic Preservation Officer, (SHPO) provides for the development of deeded protective covenants which, when fully in place will provide for sanctions to prevent unauthorized changes to certain Devens buildings. Therefore, this makes it doubly important to obtain full authorization and approval from the SHPO during the Section 106 process.