

NR PROCEDURES FOR CLGs

The National Register of Historic Places is the nation's inventory of properties deemed worthy of preservation. It is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. The National Register is maintained by the National Park Service. In Vermont the National Register is administered by the Division for Historic Preservation.

The National Register

The National Register was developed to recognize historic places and those who contributed to our country's heritage. These properties--whether districts, sites, buildings, structures, or objects --are architecturally or archeologically significant or historically significant for their associations with important persons or events.

The National Register is designed to include properties of importance in every locality, not just great national landmarks. A general store, a community's park, a main street, or the remains of a prehistoric Indian village may be just as eligible for inclusion in the National Register as Independence Hall or Gettysburg Battlefield.

Many of Vermont's properties listed in the National Register are identified through county and statewide surveys performed as part of the ongoing survey program. These properties represent important themes in state and local history and are nominated to the National Register under statewide planning efforts.

National Register Criteria

National Register criteria are designed to guide the officials of the National Register, State Historic Preservation Offices, federal agencies, local governments, preservation organizations, and members of the general public in evaluating properties for entry in the National Register. To be listed in the National Register, properties must generally be at least fifty years old and retain their historic character. Properties must:

- be associated with important events that have contributed significantly to the broad pattern of our history; or
- be associated with the lives of persons significant in our past; or
- embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- have yielded, or may be likely to yield, information important in prehistory or history. Besides meeting one or more of these National Register criteria, a property must also have integrity of location, design, setting, materials, workmanship, feeling, and association. This means that if a property has been dramatically altered, or its setting has been lost, it is probably not eligible for the Register.

Other considerations

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the last fifty years shall not be considered eligible for the National Register. However, properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- a building or structure removed from its original location but which is significant for architectural value, or which is the surviving structure most importantly associated with an historic person or event; or
- a birthplace or grave or an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
- a cemetery that derives its primary significance from graves or persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- a property achieving significance within the past fifty years if it is of exceptional importance.

Preservation Activities

The National Register of Historic Places provides the basis for most preservation activities under federal programs and those of the Division for Historic Preservation. It is important to note what listing a property on the National Register means or, perhaps more importantly, what it does not mean.

Listing a property on the National Register DOES:

- Provide prestigious recognition to significant properties
- Encourage the preservation of historic properties
- Provide information about historic properties for local and statewide planning purposes
- Help promote community development, tourism and economic development
- Provide basic eligibility for financial incentives, when available

The National Register DOES NOT:

- Restrict, in any way, a private property owner's ability to alter, manage or dispose of a property
- Require that properties be maintained, repaired or restored
- Invoke special zoning or local landmark designation
- Allow the listing of individual private property over an owner's objection
- Allow the listing of historic districts over a majority of property owners' objection
- Require public access to private property

Types of Historic Properties

The National Register uses the following definitions when categorizing historic properties seeking inclusion in its inventory:

Building - A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse, and jail, or a house and barn. Hotels, libraries, theaters and forts are some examples covered by this definition.

Structure - The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating shelter. Examples include: a bandstand, a bridge, or a railroad grade.

Object - The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by character or design, movable, an object is associated with a specific setting or environment. Some examples would be: a boundary marker, a fountain, or statuary.

Site - A site is a location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. Examples include: battlefields, prehistoric Native American campsites or villages, mill runs, shipwrecks, and abandoned mining complexes.

District - A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. It can contain buildings, structures, sites, objects or open spaces that do not contribute to the significance of the district.

National Register Nomination Procedure

The first step in the process of nominating an **individual property** to the National Register is for the owner to send a letter to the Vermont Division for Historic Preservation requesting his or her property be reviewed for eligibility. The request is presented at the next monthly meeting of the State Advisory Council on Historic Preservation. The Council determines if the property meets the criteria for nomination to the Register. This preliminary approval is necessary for all properties being nominated to the Register. The letter should contain:

- a brief statement on the history of the building, including information on past alterations to the building;
- a street address or map showing the exact location of the property; and
- photographs or, preferably, slides of the exterior of the building, of important interior details, of the general context of the building, and of related outbuildings.

If the VDHP already has a file of historical information and photographs of the building, the owner need only write a short note requesting the preliminary review by the Council. A property owner should check with the VDHP before writing a request letter to see what supplemental information and photographs need to accompany the letter.

Because of the more complex nature of **historic districts**, the VDHP prepares the documentation needed for a preliminary review of the proposed area at the request of a town, regional planning commission, local historical society, business or neighborhood association, or other local group.

A spokesperson for any of the above organizations may propose a historic district by writing to the Division.

A district can include an entire residential neighborhood, village center, urban commercial district, industrial complex, or rural area. Often historic districts include some new (or greatly altered) buildings mixed in with old historic structures. These buildings may be included in a district, but they are designated “non-contributing” structures. In order to qualify for the National Register as a historic district, an area must consist of primarily intact historic structures with only a minority of non-contributing structures. Each “contributing” structure should enhance the historic character of the district, although each need not be of outstanding architectural quality.

If the Advisory Council determines that an individual property or historic district appears eligible for the Register, the owner of local sponsoring organization employs a qualified architectural historian to prepare the National Register nomination form. The form includes an extensive architectural description of the property or properties, an evaluation of the historic and architectural significance of the buildings, maps and photographs. The Vermont State Historic Preservation Office maintains a list of trained architectural historians who have expressed an interest in preparing National Register nominations on a free-lance basis. The list is available upon request. The Division works closely with the architectural historian during the nomination process.

When the nomination form is finished, it is submitted to the SHPO where it is reviewed for completeness and technical accuracy. Federal regulations then require that the SHPO inform all owners of nominated properties that their buildings are being considered for nomination to the National Register. Owners are given 30 days to concur with, or object to, the nomination, if they choose to comment. Any remarks are considered in the Advisory Council’s subsequent final review of the nomination. After receiving final approval from the Council, the nomination form is submitted to Washington, D.C. for Federal review, approval, and official listing in the Register. In the event that the majority of property owners object to the National Register listing and submit notarized statements to that effect to the SHPO, the nomination is reviewed at the Federal level for eligibility for the Register, but is not officially listed.

Role of the CLG in Reviewing National Register Nominations

The National Historic Preservation Act, as amended, gives CLGs a special role in reviewing and commenting on National Register nominations. If a nominated property lies within a Certified Local Government municipality, the local historic preservation commission will evaluate the property prior to the Advisory Council's review, and will make a recommendation to the Council concerning its eligibility for the National Register. It is still the responsibility of the SHPO, however, to coordinate these efforts.

The following outlines in detail exactly how Vermont CLGs contribute to both the preliminary and final view of an eligible property.

**How to Complete
“Certified Local Government
National Register PRELIMINARY Review Report”**

Certified Local Governments (CLGs) play a vital role in the National Register of Historic Places program in Vermont. Part of that involves participation in decisions regarding the eligibility of properties for the National Register. CLGs review all properties in their jurisdiction that are proposed for nomination to the National Register. The review takes place at two points in the process. When a property is first considered for nomination, the CLG conducts a preliminary review of the property’s eligibility, and reports the results to the Division for Historic Preservation on Preliminary Review Sheets. The property is subsequently reviewed by the Vermont Advisory Council, along with the CLG’s comments and recommendations. The Division for Historic Preservation then informs the owner or other requesting party of the results of both reviews. The preliminary review process is not required by law, but has proven to be very helpful to property owners because it provides early feedback on eligibility, before owners invest significant amounts of time or money in having a National Register nomination form prepared

Name of CLG. Enter full name of the CLG Commission

Name of Property - Enter the historic name of the property if known. Common names or the present name may be used if an historic name is not known or does not exist.

Address - Enter the numbered street address and town, or the road name or road number and town.

Owner- Enter the name of the owner of the property. If there are several owners, continue listing them on the reverse of the sheet. In the case of an historic district, you do not need to enter all the property owners in the district. Instead, enter “multiple owners

Review requested by - Enter the name of the person or group who requested the review. The request should be in written request.

Date application received by CLG - Enter the date that National Register preliminary review was requested.

Date of Review - Enter the date of the meeting at which the CLG reviewed the National Register eligibility of the property. If the CLG review a property at several meetings before making a recommendation concerning eligibility, a separate review sheet should be completed for each meeting. Enter dates of prior reviews in the Date of Prior Review blank.

Date sent to Division - Enter the date that National Register preliminary review materials were sent to the division.

Materials Reviewed - Check off all that apply.

How to Complete “Certified Local Government National Register FINAL Review Report”

The CLG’s second and final review of properties being nominated to the National Register is required by law. It takes place after a nomination form for a property has been completed and owners and local officials have had a chance to comment on the nomination. The CLG Commission may choose to arrange a visit to the property being nominated as part of its review, but this is not required. The CLG submits a Final Review Report to the Division for Historic Preservation, after providing for adequate public participation, outlining their comments and recommendations regarding the completed nomination.

The Report is considered by the Vermont Advisory Council on Historic Preservation when they subsequently review the nomination. If the CLG Commission, the Chief Elected Local Official and the Advisory Council all agree that the property appears eligible for the National Register, the State Historic Preservation Officer signs the nomination and submits it to the National Park Service for federal review and approval. If both the CLG Commission and the Chief Elected Local Official conclude that the property is not eligible for the National Register, the State Historic Preservation Officer may not proceed with nominating the property unless an appeal is filed with the Division within 30 days of receipt of the recommendation for denial. Consult with the Division about such cases, and about instances in which either the Commission or the Chief Elected Local Official, but not both, recommend that a property be denied approval.

The following instructions apply to the Final Review Report. All entries should be neatly handwritten or typed. Submit the original of the completed form to the Vermont Division for Historic Preservation. Keep a copy of the form for the CLG’s records. The CLG has 60 days or a shorter mutually agreed upon length of time to complete its review and return the Report to the Division. The time period begins on the date on which the Division mails the completed nomination form and official transmittal letter requesting the review to the CLG. The letter will specify the deadline for returning the Report. Be sure that the Final Report is signed by both the CLG Commission Chairperson and the Chief Elected Local Official.

Name of CLG Commission - Enter full name of the CLG Commission.

Name of Property - Enter the historic name of the property as it appears on the National Register nomination form. If the form notes that another name is preferred, use the preferred name in this space.

Address - Enter the street address, town and state as it appears on the National Register nomination form.

Owner - Enter the name of the owner of the property as it appears on the National Register nomination form. In the case of multiple owners, enter “multiple owners” in this space.

Nomination requested by - Enter the name of the person or group who requested the review.

Site Visit - If the CLG Commission or representatives of the Commission visit a property as part of the CLG's final review of a nomination, check "yes". If not, check "no". A site visit is not required. Site visits made as part of the preliminary review process should be noted on the preliminary Review Sheet and not here.

Date nomination received by CLG- Enter the date on which the CLG received the completed National Register nomination form for the property

Date of Final Review by CLG Commission - Enter the date on which the CLG Commission reviews the completed nomination.

Date sent to Division - Date nomination materials was sent to the Division for Advisory Council Review.

Was Nomination Form Distributed - If the completed nomination form was circulated among the CLG Commission members or copied and distributed to members, check "yes". If not, check "no". Commission members should certainly have access to a complete copy of a nomination, so that they may read the entire document if they wish. They are not required to read it, however, CLG procedures include provisions for member presentations on nominations, or other forms of summaries. Remember that the Commission's job is to evaluate eligibility and not to edit a nomination form. The Division reviews all nomination forms for technical and professional accuracy before scheduling them for final review by CLGs, owners, and local officials. If you discover a factual error in a nomination form, please inform the Division.

Seeking Assistance From the Division - If the CLG Commission does not have a member with training and expertise in an area needed to evaluate a property, the Commission may request that the Division staff provide a technical evaluation of the property. If a property is being nominated for archeological significance, then an archeologist must be involved in the CLG's deliberations. If a property is being nominated for historic architectural significance, then an architectural historian must be involved in the deliberations. If a property is being nominated for historical significance, then an historian must be involved. The Division has staff qualified in all of these areas and will be happy to provide assistance to the CLG at any time.

National Register Criteria Met - In order for a property to be eligible for the National Register, it must meet at least one of the National Register criteria. It may meet more than one criteria. There are 4 National Register criteria. Under the appropriate criteria, list the historic context that applies to the resource. More than one historic context may be listed. If you have trouble choosing a context, contact the Division for assistance. Remember to list only areas in which the resource is significant, and not simply areas with which the resource is associated, e.g. all churches are not significant in the context of religion.

Exceptions to Criteria Apply - The categories of resources listed in this section generally are not eligible for the National Register unless special circumstances call “Criteria Consideration” apply. Use this section to identify resources that fall in the listed categories. For multi-building properties like complexes or historic districts, several items may be checked off. If any of the Exceptions apply to a resource, you must note the Criteria Considerations that apply in the space below. If the Criteria Considerations do not apply, the property cannot be eligible for the National Register. Refer to the written materials listed in the National Register Criteria section of the Criteria Considerations. Under Criteria Considerations, paraphrase the applicable Consideration(s).

Level of Significance: This item applies to the geographic scale at which properties are evaluated and found to be significant. Properties that are important in a statewide context are significant at the state level. Check the highest level of significance that applies to the resource. Most of the Vermont properties listed on the National Register are significant at the state level.

Possesses Sufficient Integrity: If a property does not possess Integrity, it cannot be eligible for the National Register. The requirements for Integrity will vary by resource type and by historic context. As the Historic Preservation Plan is developed, it will offer specific guidance on Integrity requirements for Vermont resources. In the interim, you should be guided by the following questions. For Criteria A, does the property retain the physical features that it had during the period of its historic significance so that it can still convey that historic association? For Criteria B, would the famous person recognize the property today? For Criteria C, are the important, character-defining historic features of the resource still present so that it is a good example of its type? And for Criteria D, are there deposits present that retain enough of their original material and spatial relationship that they are capable of yielding important information? The National Park Service recognizes 7 areas in which a property may have Integrity: location, design, setting, materials, workmanship, feeling and association. The importance of each area varies with the criteria being applied.

Additional Comments - This space may be used to note whatever comments the CLG wishes to make. It is not necessary to make comments.

Public Participation Opportunities - Use this space to note what kinds of opportunities the CLG provided for the public to comment on the eligibility of the property.

CLG Recommendation - This section is used to document the CLG’s conclusion regarding the eligibility of the property being reviewed. “Approval” does not need to be annotated. If the CLG chooses to deny approval, the “denial” section must specify the reasons for the denial. It is critical that the reasons must relate directly to the National Register criteria and the property’s failure to meet the criteria. This information will be conveyed to the owner of the property and to the Advisory Council by the Division.

Recommendation of Chief Elected Local Official - After the CLG Commission has reached a conclusion on the eligibility of a property for the National Register, the Chief Elected Local Official in the local government must also offer his or her recommendation on eligibility. Use this section to document that recommendation. If the Official concludes that the property is eligible, it is assumed that he or she is concurring with the CLG Commission's reasons, as outlined on page 2 of the Final Report. If the Official concludes that the property is not eligible for the Register, the reasons must be indicated in the space provided. The Official must sign and date the recommendation and transmit the Final Report to the Division. The local government may feel that it is appropriate and desirable to have a nomination formally considered by a full Board of Selectmen or Board of Aldermen before the Chief Elected Official makes his or her recommendation. This is not required and is left up to the town's discretion