

Minutes – November 17, 2020
(APPROVED 12/15/20)

Meeting start: 7:16 p.m.

Commissioners Present: Henry Geddes, Mary Lou Conca (excused from meeting at 8:06 p.m.), Janice Stone, Miriam DeFant, John Walter, Greg Caulton

Commissioners Absent: Karen Czerwonka

Visitors Present: Leslie Bracebridge

At 7:16 pm, Geddes called the meeting to order.

Approved Minutes October 20, 2020: Approved with minor language changes requested by Conca to clarify information provided by Rhonda Anderson of the Massachusetts Council on Indian Affairs. Motion: John Walter. Second: Greg Caulton. Yea votes: Walter, Stone, Conca, Geddes

Accepted: Minutes of 9/10/20 SHC meeting as unofficial minutes because members present at that meeting have left the SHC.

Reorganization of Historical Commission: Geddes posed questions about role of the new Vice-Chair position, wanted to assure that all consultation is coordinated with the whole SHC. Discussion involved the role of a Vice-Chair and meeting facilitator in the absence of the Chair. Geddes affirmed that all outside coordination with other town committees should go through the Chair. Secretary's role: manage the town email account, coordinate with Chair to develop agenda and post meetings, prepare minutes of meetings, manage content on the Town website. Stone: Town website in need of updating, particularly the town history page. Conca agreed to take over task of getting agendas delivered to Commissioner Czerwonka.

Planning Board consultation and use of outside consultants: Geddes and DeFant reviewed the discussion at the last Planning Board (PB) meeting where future consultation around Solar Project Special Permits was discussed. Discussion topics included: what historical/cultural preservation conditions does the new Solar Zoning Bylaw¹ require of applicants; plan to provide the PB with written findings to assist in its tasks; how might the SHC handle concerns about the privacy of sensitive cultural and archaeological sites; how this bylaw creates a different role for the SHC than its usual relationship to private landowners; possible implications of MGL 114, Section 17²; how hiring a consultant might help SHC in fulfilling its obligations. The CV and credentials of Dr. Lisa McLoughlin, a local cultural anthropologist with experience dealing with historic preservation and Ceremonial Stone Landscapes (CSLs), were reviewed. Geddes, DeFant, Stone, and Bracebridge expressed positive opinions about Dr. McLoughlin based upon past experience and her credentials. Discussion included the following topics: how to best involve Tribal Historic Preservation Officers (THPOs), cost and funding methods for a consultant, and purpose of SHC's potential involvement. Walter stated the SHC should only play an educational, and not policing, function in the community. Geddes, DeFant, and Stone disagreed with the use of the word "policing" to describe SHC functions, noting that "consultation" is an educational

process. DeFant clarified to the SHC that a consulting relationship with the PB was not proposed due to lack of confidence in the PB's decision-making power but rather due to the fact that the SHC's role is spelled out in the MGL statute for historical commissions³ and in the new Solar Zoning Bylaw (i.e., any applicant must contact the SHC and ask for comments within a 35-day period of the application submission.) There was a brief discussion of some of the logistical challenges with hiring an official tribal representative such as a THPO. A decision was made to invite Dr. McLoughlin to a SHC meeting to discuss her experience and explore how she might be helpful. DeFant will reach out to Michael DeChiara of the PB to invite him to attend this meeting as well.

Update on painting War Memorial: Stone reported that she is continuing to attempt contact with Steve Shumway, the painter who had agreed to do the work. Shumway had previously assured her that he could do the work in 40 degree weather and would get it done by the end of the year. Stone has left multiple messages and has not heard back from him. Stone noted that the grant requires the work to be completed by end of the year. She will attempt to touch bases with the grantor to see if the SHC can get an extension due to these delays. If we cannot get an extension, the SHC would have to return the money. The work on the veterans' gravestones has been completed. The SHC will be getting a final summary report from the person who was hired for this project.

CPC Updates: Walter discussed his recent attendance at a Community Preservation Committee (CPC) meeting. The deadline for new proposals to the CPC for FY2022 funding is Dec. 4. A *Preliminary Determination of Eligibility* proposals is a brief application with the full proposal due Feb. 1. Discussion included three potential project areas: digitizing and indexing of at-risk historical materials, historic district signage, and cultural resources consultation and policy development. It was agreed that digitization and indexing of fragile records is a worthy project but will require more advance planning for this funding cycle. This potential project has been discussed for a number of years. Former Commissioner Kristen Van Patten, a professional archivist, had put together materials about this proposal back in 2018 for the Records Storage Committee. Bracebridge: the SHC storage closet in the Old Town Hall has antique photos, maps, and other documents that could be digitized. The SHC agreed to look to developing two proposals for this upcoming funding cycle: a historic district signage project and a consultant to assist in developing educational materials and policies regarding CSLs (e.g., an archaeological policy, website content, informational brochures, etc.) and other cultural/historic resources. Stone agreed to ask Conca if she is willing to develop a proposal for the signage project. Geddes and DeFant will work on a proposal for a cultural resources consultant.

Walter and Caulton agreed to set up a meeting with Bracebridge to look at the SHC's storage closet and familiarize themselves with contents.

HC Membership: Stone affirmed her plan to step down as Commissioner and allow Warwick to be appointed as a full Commissioner. Geddes will check in with Warwick to see if he still wants appointment.

Scenic Roads Bylaw and Warrant Article: Stone noted there are good models and templates available for this kind of bylaw. Walter asked for SHC to review the 2017 Warrant Article that

failed to pass Town Meeting. A Warrant Article is non-binding but affirms principles for cultural/historical preservation. Stone noted that she presented materials to the SHC on scenic roads bylaws over the summer; notes that the Town Tree Warden, Don Wakoluk, might be interested in a proposal to preserve old trees. The SHC will continue to keep this item on its agenda and discuss proposals.

FY2020 Annual Report: Final draft of report was approved by the SHC for release to the Town.

Motion to Approve: DeFant

Second: Caulton

Roll Call: unanimous consent

Next Meetings:

Tuesday, December 1, 2020: review of CPC proposals

Tuesday, December 15, 2020: interview with Dr. Lisa McLoughlin

Motion to Adjourn by Geddes. Second by Walter. Roll Call: unanimous consent

Meeting adjourned at 9:20 p.m.

Documents Used:

2017 Warrant Article

Dr. Lisa McLoughlin C.V.

Draft FY20 Annual Report

¹ 2020 Amended Solar Zoning Bylaw Provisions:

8.10-3 General Requirements

F. Mitigation for Disruption of Historic Resources and Properties Historic resources and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the Special Permit. A suitable buffer area shall be established on all sides of each historic resource. The Special Permit may be conditioned to effectuate and make enforceable this requirement.

8.10-4 Required Documents

*3. Locations of all known, mapped or suspected Native American archaeological sites or sites of Native American ceremonial activity. Identification of such sites shall be based on responses, if any, to written inquiries with a requirement to respond within 35 days, to the following parties: all federally or state recognized Tribal Historic Preservation Officers with any cultural or land affiliation to the Shutesbury area; the Massachusetts State Historical Preservation Officer; tribes or associations of tribes not recognized by the federal or state government with any cultural or land affiliation to the Shutesbury area; and the **Shutesbury Historical Commission**. Such inquiries shall serve as a notice to the aforesaid parties and shall contain a plan of the project, specific identification of the location of the project, and a statement that permitting for the project is forthcoming. Accompanying the site plan shall be a report documenting such inquiries, the responses from the parties, a description of the location and characteristics, including photographs, of any Native American sites and the outcomes of any additional inquiries made based on information obtained from or recommendations made by the*

aforesaid parties. A failure of parties to respond within 35 days shall allow the applicant to submit the site plans. (emphasis added)

² *“A town shall not alienate or appropriate to any other use than that of a burial ground, any tract of land which has been for more than one hundred years used as a burial place; and no portion of such burial ground shall be taken for public use without special authority from the general court. “Burial place”, as referred to in this section, shall include unmarked burial grounds known or suspected to contain the remains of one or more American Indian.”*

³ *Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.*

Submitted by Miriam DeFant, Historical Commission Secretary