

**Preservation Planning in Your Community Overview 2016**  
**Suggestions for Chester County's Historical Commissions & Committees**

- I. Government (Have copies on file)
  - A. Federal – National Historic Preservation Act of 1966 as amended
    - i. National Register Bulletins, particularly #15
  - B. PA – History Code, State Constitution; Municipalities Planning Code
  - C. County – Landscapes; Preserving Our Places
  - D. Local: Comprehensive Plan; Zoning Ordinance; Open Space Plan and Historic Commission and Preservation Ordinance
  
- II. Historical Commission/Committee Administration
  - A. Fully staffed commission with officers and formal minutes\*
  - B. Identify and prioritize needs
    - i. Resource Room/Library for Research and Documentation
    - ii. Historic Resource Atlas for designated I, II & III resources & PA Survey forms for I & II resources (III resources are optional)
    - iii. Annual Heritage Program and Public Outreach
    - iv. Codify responsibilities for land use policy with Planning, Zoning and Open Space through a preservation ordinance.\*
  - C. Create a three to five year practical research and management plan
  - D. Develop an annual budget
  - E. Establish a reporting system to Board of Supervisors, if possible have a Supervisor assigned to your commission/committee
  
- III. General Responsibilities
  - A. Identify, document and classify historic sites, structures and landscapes
  - B. Further the knowledge of your municipality's history by conducting research and maintaining files
  - C. Work effectively with your municipality in the implementation of historic preservation plans and ordinances\*
  - D. Identify properties for National Register nomination and/or local distinction
  - E. Document potential demolition by neglect and other endangered properties and register them with your municipality
  - F. Recognize the owners of historic properties for their stewardship and contribution to the quality of life in your municipality.
  - G. Identify educational opportunities for commission members and the general public.
  - H. Advise on land development issues per ordinance responsibilities.\*

IV. Remember

- A. Have fun and share your love of history with each other and the community! Try to remember that it is better to travel hopefully than to arrive -- you are working to encourage good preservation planning in your community and to further the understanding of your municipality's history. The PA Historical and Museum Commission (PHMC), the Chester County Heritage Preservation Coordinator, the Chester County Historical Society, and the Chester County Historic Preservation Network (CCHPN) are among the many resources to help you.

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\*Not necessarily applicable to Historical Committees

# A Self-Assessment Guide for Local Preservation Commissions

**I**f you don't know where you're going, you'll end up somewhere else."

— Peter Principle

There comes a time in the life of every local preservation commission when members and staff alike begin to wonder if the time and energy they invest is really saving buildings and furthering preservation in their community. A quote often used by Independent Sector president Brian O'Connell aptly describes the most frequent response to this speculation: "Any group as bright as we are which has worked as long and hard as we have must have done a lot of good."

A decade ago the National Trust produced a self-assessment guide for nonprofit preservation organizations which has been used by hundreds of statewide and local groups in preparation for strategic planning. The nonprofit preservation group in your community may, in fact, have already undertaken this process, and you can benefit from the community and stakeholder information they've already gathered as a starting point for an assessment of the commission. Or the commission and the nonprofit might join forces to conduct a broad community assessment that would benefit both entities as they appraise themselves.

Taking lessons from the nonprofit assessment, application of its tools by some commissions in recent years, and commission experience using strategic planning processes, the nonprofit self-assessment guide has been

adapted for local preservation commissions. The questionnaires, instructions for analysis and interpretation, and general guidelines have been modified to serve as the basis for future planning by commissions. While there is little doubt that a third-party assessment—conducted by National Trust regional staff or an independent consultant, for example—would produce a more objective picture and be a more expeditious means of carrying out the process, the financial resources to support this investment in your commission's future are often limited and the appropriate human and technical resources not always readily accessible.

## *When Should You Conduct an Assessment?*

In an ideal world, assessment of the past and present takes place annually, at least on a limited scale, to lay the groundwork for future planning and to fine-tune existing operations and programs. It is part of developing the coming year's plans, reviewing accomplishments, identifying areas for improvement, and setting priorities for the future. In the less than ideal world that most of us inhabit, the urge to assess is more likely to arise at times of change or political crisis.

Typical points of change occur when the local landmarks ordinance is under review or amendment, when commission staff changes, or when people who have been in leadership roles since the beginning of time rotate off the commission or leave the community. Taking the

## Common Traits of Effective Local Preservation Commissions

### *Mission*

The mission is a clear and succinct articulation of the purpose of the commission, supported by its programs and services. It is communicated equally to members, constituents, and the community.

### *Leadership*

Leaders have a firm grasp of the commission's mission, the ability to clearly articulate a vision and to effectively marshal human and financial resources to achieve that vision.

### *Political Savvy*

Political savvy encompasses both understanding of the political process—who makes decisions, based on what information, in what time frame,—and a willingness to act upon that knowledge by affirming or interceding in the process.

### *Resources*

Adequate resources are available to support the mission, including a broad and diverse base of community support with access to the necessary human, financial, and technical resources.

### *Property*

Direct involvement with or influence on property-related issues can be achieved in a variety of ways, including ownership, control and planning for the protection and preservation of historic resources. Property-related activities range from ownership and maintenance to designation, design review, demolition delay or denial, easement programs, grant and loan funds, or financial incentives for preservation.

time to step back, assess your progress, and objectively define your current situation can help clarify and strengthen roles and relationships between staff and commission members, citizens and elected officials. It can provide a common perspective on the local government's preserva-

# Commission Profile Worksheet

Purpose of commission at time of creation \_\_\_\_\_

Current statement of purpose (if different) \_\_\_\_\_

Number of commission members    At time of creation: \_\_\_\_\_    Current: \_\_\_\_\_

Number of commission staff    Full time \_\_\_\_\_    Part time \_\_\_\_\_    Volunteer \_\_\_\_\_

What programs and services are provided by your commission:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Award programs            | <input type="checkbox"/> Design assistance             | <input type="checkbox"/> Development review               |
| <input type="checkbox"/> Downtown revitalization   | <input type="checkbox"/> Easement programs             | <input type="checkbox"/> Education for commission members |
| <input type="checkbox"/> Grants                    | <input type="checkbox"/> Historic designation          | <input type="checkbox"/> Legal assistance                 |
| <input type="checkbox"/> Historic resources survey | <input type="checkbox"/> Lectures                      | <input type="checkbox"/> Newsletter(s)                    |
| <input type="checkbox"/> Loan fund(s)              | <input type="checkbox"/> National Register nominations | <input type="checkbox"/> Technical assistance             |
| <input type="checkbox"/> Publications              | <input type="checkbox"/> Special events                |   |
| <input type="checkbox"/> Tours                     | <input type="checkbox"/> Website                       |   |

What administrative activities do you carry out to support your programs?

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Constituent services        | <input type="checkbox"/> Financial management | <input type="checkbox"/> Fund raising          |
| <input type="checkbox"/> Lobbying/advocacy           | <input type="checkbox"/> Public relations     | <input type="checkbox"/> Volunteer development |
| <input type="checkbox"/> Other. Please specify _____ |   |  |

List the major preservation issues that have arisen in your community in the past five years and your commission's response to each issue.

Issues	Responses
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____

## GLOSSARY OF TERMS

- *Adaptive Use*

The process of converting a building to a use other than that for which it was designed, e.g., changing a factory into housing. Such conversions are accomplished with varying alterations to the building.

- *Background Buildings*

Buildings that may lack exemplary character or significance, but that are nonetheless essential to maintain a sense of place.

- *Conservation*

The management of a building, structure, or object to prevent its decay, destruction, misuse, or neglect; may include the recording of its history and conservation measures applied.

- *Cultural Resource*

A building, structure, district, site, object or document that is of significance in American history, architecture, archeology or culture.

- *Dismantling*

Taking apart a structure piece by piece, often with the intention of reconstructing it elsewhere.

- *Facadism*

The retention of only the façade of an historic building during conversion, while the remainder is severely altered or destroyed to accept the new use.

- *Preservation*

Generally, saving for destruction or deterioration old and historic buildings, sites, structures and objects and providing for their continued use by means of restoration, rehabilitation or adaptive use. Specifically, "the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include stabilization work, where necessary, as well as ongoing maintenance of the historic buildings materials." (Secretary of the Interior's Standards).

- *Reconstruction*

“The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object or a part thereof, as it appeared at a specific period of time.” (Secretary of the Interior’s Standards).

- *Rehabilitation*

“The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.” (Secretary of the Interior’s Standards).

- *Renovation*

Modernization of an old or historic building that may produce inappropriate alterations or eliminate important features and details.

- *Restoration*

“The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.” (Secretary of the Interior’s Standards).

- *Style*

A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.

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## Historic Preservation Public Policy: A brief overview

Planning for the protection of your historic and natural resources is a defined process, it is legally & historically sanctioned and is a requirement of the PA Municipal Planning Code. But most importantly, it provides parameters and encouragement for your local community to decide what in its history and its built features defines its character as a special, safe and healthy place and to enhance, interpret and protect that heritage.

### NATIONAL

- 1858: The Mt. Vernon Ladies Association, the first historic organization was formed in this country to protect a national historic resource by Ann Pamela Cunningham.
- 1872: Congress set aside Yellowstone as the nation's and the world's first national public park.
- 1890: Landscape architect Charles Elliott advocated creating a private organization to permanently protect scenic treasure of northeast United States. Two years later the world's first land trust was formed in Massachusetts.
- 1906: Antiquities Act designed to protect archaeological sites. Devils Tower declared a National Monument by Theodore Roosevelt under the Act.
- 1916: National Park Service established.
- 1916: NYC enacts the first true zoning ordinance which is upheld by state's highest court in 1920.
- 1920: Susan Pringle Frost and the Preservation of Society of Charleston founded and prime initiator of the creation of the protection of Charleston's historic resources
- 1931: The City of Charleston passes the first historic preservation ordinance in the United States to "preserve and protect historic places and areas in the Old and Historic Charleston district
- 1935 Historic Sites and Buildings Act: Directs the Secretary of the Interior to secure data, make surveys and research, acquire properties, enter into contracts, restore buildings, erect markers, and develop educational programs
  
- **1966 National Historic Preservation Act:** Signed into law by President Lyndon B. Johnson to *Save Places that Matter*. Note: National Register of Historic Places and Section 106 Review.
  - (1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;
  - (2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;
  - (4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;
  
- Federal laws related to the **National Historic Preservation Act (NHPA):** National Environmental Policy Act of 1969 (NEPA); Archeological and Historic Preservation Act of 1974 (AHPA); Archeological Resources Protection Act of 1979 (ARPA); American Indian Religious Freedom Act of 1978 (AIRFA); Native American Graves Protection and Repatriation Act of 1990 (NAGPRA); and Americans with Disabilities Act of 1990 (ADA).

## **Two Critical Court Cases that Support the Constitutionality of Preservation Regulations**

- Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978): To argue a “taking” the plaintiff must show that “all reasonable economic use” of the property has been denied, not just that there is a diminution in value to a landmark restriction.
- United Artists Theater Circuit, Inc. v. City of Philadelphia, (United Artists II) 635 A2d 612 (Pa. 1993): “Analysis of our case law and related case law from other jurisdictions, the texts of the constitutional provisions and policy concerns of the Commonwealth compels us to conclude that the designation of a privately owned building as historic without the consent of the owner is **not** a taking under the Constitution of this Commonwealth.”

### **STATE**

- 1961 Pennsylvania Historic District Act: Authorizing [municipalities] to create historic districts within their geographic boundaries providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.
- 1971 Pennsylvania Constitution, Article I, Section 27 (1971): The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and esthetic values of the environment.”
- 1988 PA History Code Title 37, P.L.414, No.72: Powers and duties of the PHMC including responsibilities under the Historic Preservation Act
  - 1995 Amendment, Act 70: Section 507 Cooperation by public officials with the commission (a) General Rule. Commonwealth agencies, political subdivisions and municipal authorities shall cooperate fully with the commission in the preservation, protection and investigation of archaeological resources...
- 2000: Reenacted and amended PA Municipalities Planning Code, Act of 1968, P.L. 805, No.247
  - Article III – Comprehensive Plan (iv) Identify a plan for historic preservation
  - Article VI – Zoning Section 603 (b) (5) Protection of preservation of natural and historic resources....
  - Article VI – Zoning Section 603 (g) (1) zoning ordinances shall provide for protection of natural and historic features and resources.
  - Article VI –Zoning Section 604. Zoning Purposes. (1) To promote, protect, and facilitate any or all of the following....as well as the preservation of the natural, scenic, historic values in the environment...

### **COUNTY**

- 2009: Landscapes2, Chester County Comprehensive Policy Plan, Chapter 8, Planning for Historic Resources.

### Goal for Historic Resources

Protect and maintain Chester County's fabric of historic and archaeological resources and cultural landscapes for the benefit of current and future generations while promoting sustainable development.

- Objective 1: Plan cooperatively to preserve and interpret historic and archeological resources and landscapes.
- Objective 2: Preserve historic and cultural resources in their appropriate settings.
- Objective 3: Use historic resources and the cultural landscape as a basis for maintaining quality of life, sense of place, revitalization, and creating strong community character.
- Objective 4: Promote increased historic preservation advocacy and education among the public, government agencies, the private sector, and non-profit organizations.

### **REGION**

- American Battlefield Protection Program, 2012 Documentation of the Battle of the Clouds.
- Chester County Historic Atlas Project updating the 1979-81 Comprehensive Survey of Historic Resources in Chester.
- Regional Comprehensive Plans

### **LOCAL**

- Have a fully staffed Historical Commission which meets on a regular monthly basis, has elected officers, takes minutes, has a budget, and a secure filing system for documents. Part of the budget should include funds for preservation consultants.
- Understand your historic preservation ordinances (include your statement of purpose on your meeting agenda) and comprehensive plan. Develop an effective working relationship with the Board of Supervisors, Township Manager, Zoning Officer and Planning Commission to preserve historic resources. A form for property reviews is preferred.
- Complete your Historic Resource Atlas and a Historic Resource Inventory and Map. Identify historic resources including National Register properties or districts and locally designated properties or districts.
- Visit the PHMC website often and know how to use CRGIS.
- Develop a research and public program schedule which includes the Chester County Town Tours & Village Walks program.
- Join the Chester County Historic Preservation Network and participate in the programs.

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