

# RESPONDING TO A PRESERVATION CRISIS

A tip sheet from the National Trust's Northeast Office

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## Introduction

Those who are actively involved with preservation or planning issues in their communities know that there are two sides to every preservation or development crisis: danger and opportunity.

The most obvious aspect is danger. Unfortunately, new development often poses a threat to the character and quality of our neighborhoods. The other aspect of a preservation crisis is opportunity. What begins as an emergency often results in a valuable chance for people to educate themselves and others.

Once empowered with the necessary knowledge, scores of concerned citizens have mobilized in successful efforts to raise

awareness and effect change.

The purpose of this publication is to assist you in your efforts to fight back against development decisions that threaten your community. Included are tips for organizing support, ideas for addressing some of the legal and political problems you may face, as well as a list of helpful contacts if you need more detailed information as you progress.

Before contacting the organizations listed herein, however, try to follow the suggestions detailed in this publication. Though we could not possibly cover every question that will arise in the course of a preservation effort, it is our hope that the information here will at least get you off to a good start. GOOD LUCK!

## Organizing Support

If your community is facing a preservation or development emergency, you may need to respond quickly to prevent permanent harm.

Although some preservation battles are waged in the courtroom, most are not. The truly successful preservation efforts involve groups of concerned citizens that negotiate and lobby for change. In many of these situations, the real success is long term. Through education, understanding, and compromise, organized groups are often able to raise awareness and sensitivity to preservation issues in their communities.

Organization is the first and most important part of the process. Although individual people have brought about dramatic progress in preservation history, most community change is the product of like-minded people working together.

Organizing concerned citizens is not as easy as it may seem, however. Sometimes it takes an emergency to make people realize that they value a certain building or aspect of their neighborhood enough to fight for it.

It can be difficult to turn general concern into activism, but it may be a critical aspect of a successful strategy. If you have determined that a grassroots campaign is necessary in order to take effective action, the following suggestions may prove useful:

- **Determine the level of organized interest in the preservation or development issue at hand.** The local paper can be an effective tool for spreading the news about an impending development emergency. Take

advantage of any opportunity you can to advertise the formation of a group, such as posting meeting notices in public places.

- **Try to give your group a broad base.** Consider including people who have relationships with key organizations. You may find it helpful to involve a lawyer early in the process.

- **Find out if any groups already exist in your community and whether they could provide support.** You may be able to work with an established group instead of forming a new one.

- **Once established, your group should meet regularly.** Make sure there is an agenda planned for each meeting. Set goals for the group and prioritize. Is the object to raise general awareness about preservation issues in your neighborhood? Is it to save a particular building? Is it to change the routing of a new highway to avoid excessive noise? Groups tend to be more successful when they have a particular focus.

- **Communicate.** A group comprised of individuals with different points of view will often dissolve if the common goals of the group are not communicated effectively. In addition to getting your message across, make sure that you listen to the various concerns of the members.

- **Develop a public position statement.** It will help your cause if you can express exactly what it is you are trying to accomplish

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## Support, continued.

and why. Your statement should be simple and concise. This will be especially useful when you connect with the local media. If you can articulate your goals, you will find it easier to inspire support for your effort.

- **Stress the importance of compromise.** As previously noted, some of the most successful citizen efforts involve some compromise between local government officials and preservation groups. When both sides settle on a solution that is mutually acceptable, the chances for future cooperation and understanding are increased.

## Steps to Success

The following section is intended to get you started in the right direction. Remember, however, that each preservation emergency is unique. The strategies necessary to prevent the construction of an eight-lane elevated highway, for example, may vary significantly from the strategies needed to save a single historic structure. Also, a lot will depend on what, if any, local or state laws are already on the books in your community. Regardless of the specifics of your situation, however, you should benefit from the following information. It will allow you to get started on the critical groundwork that will help you sharpen your focus and improve your chances of success.

- **Learn about your city or town departmental structure.** It is important that you identify key departments in your local government. Often the major decisions that precipitate a preservation crisis are made by a planning or zoning agency. Is there a parks department responsible for historic buildings, sites or cemeteries? Does your municipality have a historic district commission or an architectural review board?

- **Know your local laws!** The more you know about the strength of your local laws, the better you will be able to define your goals. Many communities have a historic preservation ordinance that provides some protection to historic buildings.

A comprehensive plan and existing zoning regulations will also be important to you. These delineate commercial and residential uses and set limits on allowable density. The law in your community may require that public notice of development projects be given

before permits for construction or demolition are issued. If your town's comprehensive plan contains a strong policy statement, you will want to quote from it during public hearings on a proposed development.

- **Know your local officials.** Planning commissions, architectural review boards, and real estate boards often consist of elected and appointed officials. You need to know who these people are and try to get a sense of their feelings about the proposed project.

If local officials must vote on the development project, you will want to identify who favors the project, who opposes it, and who is undecided. You may be able to win over undecided officials by addressing their specific concerns.

- **Know your historic resources.** You should be very familiar with your community's historic and architecturally significant resources. If a comprehensive preservation survey has not been conducted in your community, you should undertake one that identifies buildings and sites that have local, regional, or national importance.

- **Publicize information about your historic resources.** People will often walk by a historic building for years and not know that it is architecturally significant. Your group, as well as other groups in the future, can use a preservation survey to educate citizens about local buildings and generate new support for preservation.

Be certain to inform local officials of the survey and encourage consideration of the information therein by participating in public meetings. It is often easier to guide a public decision than to change one.

- **Get your message out!** An informed public and educated officials are often a preservationist's best friends. Keep your goals in the public eye at all times through press releases, educational programs, and special events. Good press coverage will be more likely if your group provides regular, objective, and complete information throughout the crisis. You should also be sure to publicize practical alternatives to the proposal you oppose.

## Legal Tips

The vast majority of preservation emergencies are resolved through negotiation, and sometimes the expertise

of a lawyer is necessary to aid in that process. The following suggestions are intended to provide you with some ideas about what you need to prepare before you consult an attorney.

The more groundwork you do, the more time (and money!) you will save, and the better chance your attorney will be able to meet your needs quickly and efficiently.

**Before you contact a lawyer...**

- **Make sure that you have followed, to the extent possible, the steps outlined in Part II, Steps to Success.** This includes researching local and state laws and defining your goals. The more prepared you are, the better chance you will have of articulating your concerns. This is especially important if you are working with a lawyer who is not well-acquainted with preservation issues.

- **Obtain copies of your local ordinances and zoning laws from your local or state preservation office.** If relevant, obtain copies of agreements and/or communications between your State Historic Preservation Officer (SHPO) and the agency (Department of Transportation, for example) involved in the development project at issue.

- **Ask personnel in your local or state preservation organizations if they can assist you in building a support network where you might go for legal assistance.** For example, your local or state organizations may have names of lawyers who are willing to help with preservation causes on a pro bono basis.

- **Make sure you keep copies of all correspondence** between you/your group and the following: local or state politicians whom you have contacted, the firm or agency responsible for the development project at issue, your local or state preservation organizations, and any other individuals or organizations that have assisted you or that are in some way connected to the project you are challenging.

In the unlikely event that it becomes necessary to bring suit, a careful and detailed record will prove essential.

- **Remember that although it is unlikely that your situation will end up in court, it is always wise to keep accurate and detailed records in the event that it does.** Keep in mind, it is often easier to get the information that you need from your 'adversaries' BEFORE a conflict becomes a lawsuit.

## Additional Resources

After you have taken steps recommended in this tip sheet, you may find that you need further help or information. What follows is a description of the major types of preservation organizations that exist in most states.

### State Historic Preservation Offices (SHPOs)

As the key state and territorial government preservation officials, the SHPOs conduct cultural resource surveys, prepare statewide preservation plans, nominate properties to the National Register of Historic Places, review federal undertakings for effects on landmarks, administer grants-in-aid, help certify projects for federal tax incentives, provide public education, cooperate with related state agencies, administer historic properties and supervise archeological activities.

Each SHPOs' responsibilities include administration of the Register of Historic Places, the review of state, county, and municipal projects for effects on historic resources, and staff assistance to the state historic sites council.

Contact information for the SHPO in each state is listed below:

**Connecticut Commission on Culture & Tourism, Historic Preservation and Museum Division**, 860-566-3005

**Delaware Division of Historical and Cultural Affairs**, 302-736-7400

**Maine Historic Preservation Commission**, 207-287-2132

**Massachusetts Historical Commission**, 617-727-8470

**New Hampshire Division of Historical Resources**, 603-271-3483

**New Jersey Department of Environmental Protection**, 609-292-2023

**New York State Historic Preservation Office**, 518-237-8643

**Pennsylvania Historical & Museum Commission, Bureau for Historic Preservation**, 717-787-3362

**Rhode Island Historical Preservation & Heritage Commission**, 401-222-2678

**Vermont Division for Historic Preservation**, 802-828-3211

### Statewide Preservation Organizations

Private, nonprofit statewide preservation groups serve as the network centers and representatives of local preservation activities within their states. They work with the SHPOs, assist local groups, intervene in preservation issues, advocate state legislative support, provide membership and educational programs, issue publications, engage in real estate and revolving fund programs and serve as preservation clearinghouses.

Contact information for the Statewide in each state is listed below:

**Connecticut Trust for Historic Preservation**  
203-562-6312  
www.cttrust.org

**Preservation Delaware**  
302-651-9617  
www.preservationde.org

**Maine Preservation**  
207-775-3652  
www.maine Preservation.com

**Preservation Massachusetts**  
617-723-3383  
www.preservationmass.org

**New Hampshire Preservation Alliance** 603-224-2281  
www.nhpreservation.org

**Preservation New Jersey**  
609-392-6409  
www.preservationnj.org

**Preservation League of New York State** 518-462-5658  
www.preservenys.org

**Preservation Pennsylvania**  
717-234-2310  
www.preservationpa.org

**Preserve Rhode Island**  
401-272-5101  
www.preserveri.org

**Preservation Trust of Vermont**  
802-658-6647  
www.ptvermont.org

### National Trust Regional Offices

The eight regional offices of the National Trust represent Trust programs and services by providing assistance to preservationists within their regions. Through work to strengthen local and state preservation organizations, on-site technical assistance, preservation advocacy, administration and assistance on Trust financial aid programs, and the development of conferences and special projects which address key regional preservation issues, the regional offices serve as the eyes and ears of the preservation movement.

### Local Preservation Organizations

Across the country, local nonprofit preservation groups work hard to preserve a wide array of historic sites. These groups are on the frontlines of the preservation movement. Contact your SHPO or Statewide for a list of local organizations in your state.

### Land-Related Organizations—Regional & National

Planning and land-related organizations may be of assistance regarding information on the subject of open space or rural preservation. The following are just a sampling of organizations which also participate in issues related to development and historic buildings:

**American Planning Association**  
www.planning.org

**Land Trust Alliance**  
www.lta.org

**The Nature Conservancy**  
www.tnc.org

**Sierra Club**  
www.sierraclub.org

**The Trust for Public Land**  
www.tpl.org

*This tip sheet was adapted from a 1997 publication compiled by the National Trust's Mid-Atlantic Regional Office Legal Intern Meredith L. Clair. Various Information Series booklets, as well as How Superstore Sprawl Can Harm Communities by Constance E. Beaumont (1994, National Trust for Historic Preservation), were also consulted for this tip sheet.*