

Dogtown Q & A
Gloucester Historical Commission – February 14, 2019

Questions and Concerns	Answers
<p>What is the National Register? What does it mean to be listed there?</p>	<p>The National Register of Historic Places was established as part of the National Historic Preservation Act of 1966 and is overseen by the US National Park Service.¹ The National Register is a list of properties that meet national criteria for historical significance and are worth preserving.² Dogtown is historically significant because it is the site of the remains of a colonial village and contains other cultural resources, such as the site of Gloucester’s first mill, built in 1642, and the Babson Boulder Trail.³ National Register listing is regarded as an honor, something to be proud of.⁴ Listing in the National Register helps to increase awareness and protection of a community’s cultural heritage for future generations.⁵</p>
<p>How is Dogtown defined?</p>	<p>Dogtown is about 3,000 acres of mostly undeveloped land in the center of Cape Ann, divided between Gloucester and Rockport, the principal owners. A few small parcels are owned by conservation groups and private individuals.⁶ An archaeological survey report, completed in 2018 by the Public Archaeology Laboratory Inc. (PAL), and a map of the portion of Dogtown being proposed as a National Register District are on the Gloucester Historical Commission web site.⁷ Dogtown is Cape Ann’s watershed and is designated as conservation land and public open space for recreational purposes.⁸</p>
<p>Why is the Historical Commission doing this? Why not just leave things as they are?</p>	<p>In addition to recognizing and protecting Dogtown’s historical significance, the Historical Commission also expects that National Register status will provide more sources of grant funding for approved projects other groups may wish to undertake.⁹ Such projects could include habitat restoration, invasive species mitigation, fire safety measures, wetland protection, public education, protection of the water supply, and maintenance other than that provided by our wonderful corps of volunteers.¹⁰ Like any “wilderness” area, Dogtown would also benefit from management to help prevent illegal, inappropriate, dangerous, and destructive uses of public open space and recreation watershed conservation land along with the historical and cultural resources it contains.¹¹</p>
<p>We don’t want the state or federal government telling us what we can and cannot do in Dogtown.</p>	<p>National Register status carries no restrictions, requirements, or demands for any change of use, nor does it change any zoning laws.¹² Any changes in Dogtown would have to be undertaken by the municipalities and their citizens through established political processes, independently of National Register status. The state and federal governments have laws</p>

	<p>regulating land use and water supply, but these laws are applied independently of whether or not the land or water is in a National Register district.¹³ For example, the US and Mass. Fish and Wildlife Depts. regulate hunting, but the Sportsmen’s Club’s hunting activities in Dogtown would not be affected by virtue of Dogtown’s listing in the National Register.¹⁴ Property owned by the Sportsmen’s Club is not in the proposed district.¹⁵ The National Register of Historic Places is not a regulatory agency.¹⁶</p>
<p>Private property owners in Dogtown won’t be able to do whatever they want with their property.</p>	<p>A National Register District is not the same as a Local Historic District such as exists in Gloucester’s downtown.¹⁷ Property owners in Local Historic Districts must have certain changes they wish to make approved by the Historic District Commission. This is not the case with National Register districts. Private property owners in National Register districts can always do whatever they want with their property.¹⁸ The only exception is if the private property owner takes preservation tax credits or a federal license for a project, in which case the government may want to review the proposed work to determine if it will be detrimental to preservation.¹⁹</p>
<p>What are the benefits and drawbacks of being listed in the National Register?</p>	<p>Municipalities, businesses, non-profit organizations, and income-producing properties within the bounds of National Register Districts are eligible for Federal preservation tax credits of up to 20% of the cost of restoring existing historic structures.²⁰ Massachusetts has a related program, the Massachusetts Historic Rehabilitation Tax Credit, where rehabilitation projects on an income-producing property are eligible to receive up to 20% of the cost of certified rehabilitation expenditures in state tax credits.²¹ National Register status also increases access to grant funding. Whenever a state or federal grant is being used to fund a project in a National Register district, the project is subject to review (Section 106 Review) by the state or local historical commission to determine if the project will harm the district’s historical integrity and cultural value. If so, efforts may be made to find alternatives or negotiate mitigations. This cultural impact assessment is not binding, however, and cannot stop a project.²² National Register status alone cannot protect a community’s cultural assets.</p>
<p>How will National Register listing affect the buying, selling, and insuring of property in the district?</p>	<p>Private properties within a National Register District can be sold, leased, rented, or disposed of just like any other private property.²³ Having a home that is listed individually in the National Register can increase its market value and therefore its valuation. However, owning property that is in a National Register District should not in itself have this effect. Insurance companies are supposed to base insurance rates and policies on</p>

	the nature and condition of the property, not on intangibles such National Register location status. ²⁴
Will National Register status draw too much attention to Dogtown? We will get unwanted busloads of people, traffic congestion, parking problems, and a lot of public nuisance like we have at the quarries.	The National Register does not require properties or districts to post, identify, or announce their status. The amount of attention drawn to Dogtown would depend on the amount of publicity given to it by the owners of the property--the municipalities involved. ²⁵ Research on traffic patterns and the number of visitors to similar districts in other cities and towns throughout Essex County indicates that in every case National Register listing alone has no impact at all on traffic. These data are available to everyone upon request through the Historical Commission. ²⁶ Increasing local attention to Dogtown is a good way to raise everyone's awareness of the need to take good care of this wonderful shared resource that is the heart of Cape Ann. ²⁷
Dogtown would become a tourist destination on the National Park Service web site. We will be inundated with too many visitors from all over the world. Dogtown will become a state park, or a national park, or a theme park.	Being listed in the National Register will not make Dogtown a park of any kind. The National Park Service does not announce or advertise National Register listings on its tourism web page unless petitioned to do so and the listing passes muster for that purpose. ²⁸ Dogtown lacks the facilities to be a tourist destination. Owners of National Register districts are not required to erect signage or publish announcements. Research shows that very few individuals consult the National Register listings to plan their vacations. ²⁹ Increasing heritage tourism is a recommendation of Gloucester's current Community Development Plan should it decide to do so. ³⁰ Gloucester and Rockport could promote Dogtown as a tourist destination at any time independently of whether or not it is listed in the National Register.
What's this about moving the compost facility and having a visitor's center? What if we don't want that?	These ideas were not put forth by the Historical Commission and are not relevant to National Register listing. Any group is free to brainstorm ideas for what they think they would like to see happen in Dogtown, including the Friends of Dogtown, the Dogtown Advisory Committee, Essex County Greenbelt, Cape Ann Trail Stewards, and others. However, nothing can happen in Dogtown without the approval of the relevant boards and commissions of the municipal governments involved. ³¹ The Gloucester DPW, Conservation Commission, Community Development Committee, Planning Division, Planning Board, City Council, and the public would all have a say in whether or not to move the compost or have a visitor's center. Our governments operate through the will of the people.
Where can we find more information about this and verification of the answers that have been given here?	Powerpoint programs and documents relating to the National Register Program and the Dogtown nomination are on the Historical Commission web page of the City of Gloucester's web site. A keyword search on "National Register" will also

	bring you to more information online, including the technical documents that verify the answers that have been presented here. ³²
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Notes and References

1. The National Register of Historic Places is defined at <https://www.sec.state.ma.us/mhc/mhcnat/natidx.htm>. According to the National Park Service, which administers the National Register program, Senate Bill 3035, the National Historic Preservation Act, was signed into law on October 15, 1966, and is the most far-reaching preservation legislation ever enacted in the United States. Several amendments have been made since and may be found in 54 U.S.C. § 300101 through § 320303 by Public Law 113–287 of December 19, 2014. The National Historic Preservation Act of 1966 was passed primarily to acknowledge the importance of protecting our nation’s heritage from rampant federal development. It was the triumph of more than a century of struggle by a grassroots movement of committed preservationists.

Some key elements from the Act:

- Sets the federal policy for preserving our nation’s heritage
- Establishes a federal-state and federal-tribal partnership
- Establishes the National Register of Historic Places and National Historic Landmarks Programs
- Mandates the selection of qualified State Historic Preservation Officers
- Establishes the Advisory Council on Historic Preservation
- Charges Federal Agencies with responsible stewardship
- Establishes the role of Certified Local Governments within the States

Download a full copy of the [National Historic Preservation Act of 1966](#) (52 pages, .pdf).

In 2014, the codified law for the National Historic Preservation Act was moved from Title 16 to Title 54.

In the process, some text was changed and various provisions were re-ordered. The preservation community and industry continues to use the original Section names when referring to key provisions of the original Act.

- Section 2: (54 U.S.C. 300101)
Sets the federal policy for historic preservation
- Section 106: (54 U.S.C. 306108)
Requires federal agencies to take into account the effects of its actions on historic properties by identifying historic properties, assessing adverse effects and resolving those adverse effects. The process is initiated by the federal agency, and includes comment and input from stakeholders at the local and State levels, as well as the Advisory Council on Historic Preservation. For more about Section 106, [click here](#).
- Section 108:
Authorizes the Historic Preservation Fund
- Section 110: (54 U.S.C. 306101)
Requires federal agencies to create historic preservation programs, designate a historic preservation officer and provide a process for nominating properties to the National Register.

Additionally, while the National Historic Preservation Act sets federal policy for historic preservation, the actual regulations can be found in [36 CFR \(Code of Federal Regulations\) Part 800 “Protection of Historic Properties](#). This provides guidelines on how to follow the policy set forth in the National Historic Preservation Act.

2. The criteria for National Register listing are explained at <https://www.nps.gov/subjects/nationalregister/frequently-asked-questions.htm> and are also summarized at <https://www.sec.state.ma.us/mhc/mhcpdf/knowhow3.pdf>. Explanations of the criteria are posted on the Gloucester Historical Commission web page at <http://gloucester-ma.gov/DocumentCenter/View/5377>. Basically, a property is eligible if it is historically significant because of its age, association with historically significant persons or events, because of its architectural style or construction, or because of its potential for providing information about the history or prehistory of a place.

3. The Public Archaeology Laboratory's (PAL) report and National Register nomination form explaining Dogtown's historical significance are posted on the Historical Commission web page at <http://gloucester-ma.gov/DocumentCenter/View/5374>.

4. Personal Communications with Betsy Friedberg, Director of the National Program for Massachusetts and Michael Steinitz, Deputy State Historic Preservation Officer and Director of the Preservation Planning Program of the Massachusetts Historical Commission, (617-727-5128), October 2017.

5. "The National Register of Historic Places: Effects and Benefits of Listing": <https://www.sec.state.ma.us/mhc/mhcpdf/Effects-of-Listing-6-12.pdf>.

6. A provisional list (to be checked for accuracy and completeness) of owners of private property in Dogtown other than the municipalities of Gloucester and Rockport was distributed to the Planning Board and City Council previously. They include:

Thomas Kerr, c/o Assessors Office, Gloucester City Hall, Gloucester, MA 01930
Estate of Jesse Gilpatrick, 5 Wesley Street, Hiram, ME 04041
Estate of Margaret Kerr, c/o Assessors Office, Gloucester City Hall, Gloucester, MA 01930
Eleanor Murray L ET ALI, c/o Earl Murray 27 Kimball Street, Sanford, ME 04073
Sarah Lurvey, c/o Linn Parisi, 8 Dogtown Rd, Gloucester, MA 01930
Jeffrey and Robert F. Parks, PO Box 1182, Meredith, NH 03253
Essex County Greenbelt, 82 Eastern Avenue, Essex, MA 01929
New England Forestry Foundation, PO Box 1346, Littleton, MA 01460
Laura Ritchie, 67 Revere Street, Gloucester, MA 01930
Sarka Jones, 41 Gee Avenue, Gloucester, MA 01930
Eric Hutchins, 45 Pooles Lane, Rockport, MA 01966
Charles E. Anderson, 5 Drumlin Road, Rockport, MA 01966
Doris Adams, 22 Munroe Avenue, Woburn, MA, 01801
Clifford T. Mayberry Estate, 6921 SW 84th Street, Ocala, FL 32676
MBTA, 10 Park Plaza, Boston, MA 02116

7. The map of proposed boundaries of the Dogtown National Register District is on pages 121 and 122 of the PAL Nomination Form at <http://gloucester-ma.gov/DocumentCenter/View/5374>.

8. City of Gloucester web page, "People and Government Interaction with Dogtown": <http://www.gloucester-ma.gov/index.aspx?NID=711>. See also the Conservation Commission's wetlands maps at <http://www.gloucester-ma.gov/index.aspx?nid=385> defining protected wetlands areas in Dogtown.

9. Greater access to grants is described in "The National Register of Historic Places: Effects and Benefits of Listing": <https://www.sec.state.ma.us/mhc/mhcpdf/Effects-of-Listing-6-12.pdf>. Information about the Massachusetts Preservation Projects Fund (MPPF), for example, is at <https://www.sec.state.ma.us/mhc/mhcmppf/mppfidx.htm>.

10. Examples of projects include the Cemeteries Advisory Committee's gravesite and headstone restoration projects in the First Parish Cemetery, which is on the National Register of Historic Places; a proposal of Essex County Greenbelt to restore high-bush blueberry and rare species habitats in Dogtown through wetland repair and the removal of invasive plants; and volunteer Dogtown clean-ups, such as are conducted by the Cape Ann Trail Stewards (www.capeanntrailstewards.org) recreational volunteer groups, and the Ward Councilor.

11. The desire to incentivize active management of Dogtown is a value of the Gloucester Historical Commission that is supported by the city's Community Development Plan, the Open Space and Recreation Plan, and the Conservation Commission mission. This value of providing management is also supported in statements on the City of Gloucester web page, "People and Government Interaction with Dogtown" at <http://www.gloucester-ma.gov/index.aspx?NID=711>.

12. "The National Register of Historic Places: Effects and Benefits of Listing": <https://www.sec.state.ma.us/mhc/mhcpdf/Effects-of-Listing-6-12.pdf>.

13. The Gloucester Conservation Commission administers the [Massachusetts Wetlands Protection Act](#), Rivers Protection Act, and the local [Gloucester Wetlands Ordinance](#). Those acts and any other local, state, or federal laws relating to environmental protection are applied independently of and without reference to the designation of a place as historically significant. The state's requirements for environmental impact assessments include a provision for reviewing impacts of projects on historically significant environments as part of the Massachusetts Environmental Policy Act (MEPA), explained at <https://www.mass.gov/orgs/massachusetts-environmental-policy-act-office>.

14. Hunting is not regulated locally. Laws regulating hunting and fishing are at <https://www.fws.gov/> and <https://www.mass.gov/orgs/department-of-fish-and-game>. A National Register District is not the same thing as a National Wildlife Refuge and does not carry any restrictions regarding hunting and fishing.

15. A map of the proposed boundaries of the Dogtown National Register district are on pages 121 and 122 of Section 9 in the PAL report at <http://gloucester-ma.gov/DocumentCenter/View/5374>.

16. That the National Register is not a regulatory agency is stated in "The National Register of Historic Places: Effects and Benefits of Listing": <https://www.sec.state.ma.us/mhc/mhcpdf/Effects-of-Listing-6-12.pdf>.

17. The Downtown Historic District was established and is maintained by the Historic District Commission through the directives set forth in "Establishing Local Historic Districts" at <https://www.sec.state.ma.us/mhc/mhcpdf/establishinglocalhistoricdistricts.pdf>. A map of the Gloucester Downtown Historic District is provided at <http://gloucester-ma.gov/DocumentCenter/View/4435>. A National Register district is not the same thing as a Local Historic District, especially in that no restrictions apply. The distinction between local historic districts and National Register districts is explained in the Massachusetts Historical Commission publication "There's a Difference" at <https://www.sec.state.ma.us/mhc/mhcpdf/difference.pdf>.

18. "The National Register of Historic Places: Effects and Benefits of Listing": <https://www.sec.state.ma.us/mhc/mhcpdf/Effects-of-Listing-6-12.pdf>.

19. When owners of income-producing properties take a Preservation Tax Credit, a review process is triggered in which the federal government may investigate to determine that the preservation took place and that tax fraud therefore has not been committed. Tax credit programs are intended as incentives for owners to preserve their historic properties and are fully explained at <https://www.nps.gov/tps/tax->

[incentives.htm](#). There are also tax credits for land preservation through the creation of preservation easements. See <https://www.landtrustalliance.org/topics/taxes/income-tax-incentives-land-conservation>.

20. The federal Historic Tax Credit (HTC) program encourages private sector investment in the rehabilitation and re-use of historic buildings. The federal tax credit allows program participants to claim 20 percent of eligible improvement expenses against their federal tax liability. This is explained in the “Historic Tax Credit Program Fact Sheet” at <https://www.occ.gov/topics/community.../pub-fact-sheet-historic-tax-credits-jul-2017.pdf>.

21. The state historic tax credit is explained in “Massachusetts Historic Preservation Tax Credit” at <https://www.sec.state.ma.us/mhc/mhctax/taxidx.htm>.

22. The Section 106 review and other reviews are explained in “Review and Compliance” at <https://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>. That web page explains Federal Review, State Review, and MEPA Review criteria and processes when federal and state grants are being used for projects in historically significant properties.

23. “The National Register of Historic Places: Effects and Benefits of Listing”: <https://www.sec.state.ma.us/mhc/mhcpdf/Effects-of-Listing-6-12.pdf>.

24. Personal Communications with Betsy Friedberg, Director of the National Program for Massachusetts (betsy.friedberg@sec.state.ma.us) and Michael Steinitz, Deputy State Historic Preservation Officer and Director of the Preservation Planning Program of the Massachusetts Historical Commission (michael.steinitz@sec.state.ma.us), June 2018 (617-727-8470).

25. Personal communication with Julie Ernstein, National Register Program Manager (Julie_ernstein@nps.gov) in Washington DC, September 2018 (202-354-2217).

26. Copies of this traffic research have already been distributed to the Planning Board, Planning and Development Committee, and Planning Department, but to receive it again as an email attachment, please contact Mary Ellen Lepionka at melepionka@comcast.net.

27. This is the opinion of the Gloucester Historical Commission. This view was also expressed by the former president of the Essex County Greenbelt Association, Ed Becker, who reported that their preservation initiatives have measurably increased awareness of, respect for, and appropriate use of the properties under their stewardship.

28. The 2001 Community Development Plan (<http://www.gloucester-ma.gov/DocumentCenter/Home/View/827>) recommends that Dogtown be better managed but not that it be made into a park. The view that Dogtown should not be “manicured as a park” is also expressed in the 2011-2017 Open Space and Recreation Plan posted at <http://www.gloucester-ma.gov/DocumentCenter/View/428>. Dogtown is not designated as a local park on the city’s web site. The complex provisions for creating a state or national park, should one wish to do so, are explained online.

29. Personal communication with Julie Ernstein, National Register Program Manager (Julie_ernstein@nps.gov) in Washington DC, September 2018 (202-354-2217). The National Park Service has a web site where owners can publicize their National Register districts, Local Historic districts, or National Landmarks as vacation destinations, if they wish and if their properties qualify, at https://www.nationalparks.org/explore-parks/travel-ideas?gclid=EAIaIQobChMIkciEv8674AIVhZ-fCh2kcQ4REAYASAAEgLrgvD_BwE.

30. Dogtown is not part of any tourism development plan at this time. The Tourism Commission (<http://gloucester-ma.gov/index.aspx?nid=133>) was created “to encourage and promote tourism throughout the year and throughout the City”, to recommend “an overall coordinated tourism program that is related to the City's community and economic development activities, historical resources, recreational opportunities, and natural and scenic attractions” and to recommend the “organization, creation, and maintenance of tourist attractions.” The value of increasing heritage tourism generally is described in the 2001 Community Development Plan at <http://www.gloucester-ma.gov/DocumentCenter/Home/View/827> and in the 2014 City of Gloucester Five-Year Tourism Marketing Plan at <http://gloucester-ma.gov/DocumentCenter/View/3131>. See also “Economic Impacts of Historic Preservation in Massachusetts” at https://www.sec.state.ma.us/mhc/mhcpdf/Economic_Impacts_2002.pdf.

31. It is the understanding of the Gloucester Historical Commission that “nothing can happen in Dogtown without the approval of the relevant boards and commissions of the municipal governments involved”. If this is incorrect, or if the examples of a compost facility and a visitor’s center do not apply in this context, please let us know.

32. An additional useful URL in which National Register and National Landmark programs are explained is the Massachusetts State Historic Preservation Plan 2018-2022: <https://www.sec.state.ma.us/mhc/mhcpdf/statepresplan20182022webversion.pdf>. Also, the North Gloucester Woods Study documents at <http://www.gloucester-ma.gov/index.aspx?nid=592> include the 1984 Dogtown Report and the 2010 North Gloucester Woods Study including Dogtown.