

PRESERVATION TRUST OF VERMONT

Historic Preservation Façade Easement Program

DEFINITION

An easement is a legal agreement between a property owner (the grantor) and the holder of the easement (the grantee), which governs the current and future owners' treatment of the property.

INTENT

The intent of the Preservation Trust of Vermont's Easement Program is to preserve in perpetuity Vermont buildings with outstanding historic significance. By having the Preservation Trust hold an easement on a building, the property owner agrees that their property is worthy of protection and agrees to work in partnership with the Preservation Trust of Vermont over time to maintain the exceptional integrity of their building.

PURPOSE

The purpose of the Preservation Trust of Vermont's historic preservation easements is twofold:

- 1) To assure that the significant exterior features, finishes and structural soundness of significant historic buildings will be retained and maintained substantially in their current condition so that their historic and architectural integrity is not lost; and
- (2) To prevent any use or change of the building that will significantly compromise their integrity.

Most of our easements cover entire exterior facades of buildings, some cover interior elements, some include landscapes, and some include archaeological sites. Elements covered under a particular easement will be determined by the property owner and Preservation Trust before the easement is written.

GENERAL TERMS OF THE EASEMENT

Property owners agree to maintain significant features of the façade in a reasonably good and sound state of repair and to maintain the structural soundness and safety of the building.

Property owners shall follow the *Secretary of the Interior Standards for Rehabilitation* (attached) in conducting repairs and maintenance to the significant features, in planning additions to the building and in planning physical or structural alterations to significant features of the building.

Property owners agree to consult with the Preservation Trust before making any alterations to the building outside of ordinary maintenance or constructing new buildings or structures on the property.

STEWARDSHIP

The Preservation Trust of Vermont will meet with the property owner on an annual basis to assure compliance with the terms of the easement. During the visit, PTV will inspect and take photographs of the building, discuss any maintenance or preservation concerns with the owner, and discuss and future plans for the building.

To the greatest extent possible, PTV will act as a preservation resource for the property owner, offering technical support, referrals, and recommendations for potential funding sources, and general historic preservation guidance to insure that the significant building will remain in good condition into the future.

If it is found that the property owner has violated the terms of the easement, the easement document lays out the necessary steps for corrective action.

REQUESTS for CHANGE

Over time, some property owners need to make changes to their buildings that are outside of ordinary maintenance. To handle such changes, the Preservation Trust has established an Easement Review Committee. Property owners wishing to make a change must submit their request in writing with photographs and drawings (if applicable). The Easement Review Committee will discuss the proposal and work with the property owner to be certain that the change complies with the Secretary of the Interior Standards.

OPERATIONS

Activities of the Preservation Trust of Vermont Easement Program are funded through our Stewardship Endowment Fund. A minimum contribution of \$6000 is required for PTV to hold an easement; interest generated from the fund pays for the monitoring over time of the easement. Additional costs of placing an easement on a property include baseline documentation costs and legal and staff fees.

LEGAL DEFENSE

The Preservation Trust of Vermont also maintains a small Legal Defense Fund. Assets in this fund are held (with the option of quick liquidation) in the event that legal action for easement violations becomes necessary.

FOR MORE INFORMATION

Please contact Meg Campbell at (802) 442-8951, meg@ptvermont.org or Paul Bruhn at (802) 658-6647, paul@ptvermont.org.

The Secretary of the Interior's Standards for Rehabilitation
Department of Interior regulations, 36 CFR 67

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.