

6.0 HISTORIC RESOURCES AND PRESERVATION

The DEIR summarized the status of the rehabilitation of the historic resources in the project area, provided an update on the new building designs, described historic regulatory review requirements, and outlined mitigation measures proposed for the project. This chapter provides an update on the status of the state and federal historic tax credits, historic regulatory review requirements, and the Memorandum of Agreement for the project.

6.1 APPLETON AND SACO-LOWELL – HISTORIC TAX CREDITS

A significant aspect of the Hamilton Canal District project is the substantial rehabilitation of a portion of the former Appleton Manufacturing Company mill complex (Building Nos. 1 and 4 and the Office Building) and the Saco-Lowell Shops Building No. 14 (known as the “Freudenberg Building,” referring to its most recent occupant, Freudenberg Nonwovens).

The project will rehabilitate the four buildings in accordance with the Secretary of the Interior’s Standards for Rehabilitation and seek state and federal historic tax credits for the rehabilitation work. The National Park Service (NPS) approved the Saco-Lowell Shops Building No. 14 as a certified historic structure in their approval, dated October 10, 2008. The NPS approved the Appleton Manufacturing Company mill complex (Building Nos. 1 and 4 and the Office Building) as certified historic structures in their approval, dated November 25, 2008.

The Part 2 federal Historic Preservation Certification Applications (HPCAs) describing the existing conditions and proposed work for Building Nos. 1 and 4 and the Office Building of the Appleton Manufacturing Company mill complex were prepared and submitted to the Massachusetts Historical Commission (MHC) in January 2009. Concurrently, Massachusetts Historic Rehabilitation Tax Credit (MHRTC) applications for the Appleton Manufacturing Company buildings were filed for the MHC’s January 15 funding round. The proponent is awaiting the MHC’s review of each of the applications.

The NPS HPCA Part 2 application and MHRTC application for the Saco-Lowell Shops Building #14 are anticipated to be filed in mid-2009.

6.2 HISTORIC REGULATORY REVIEW

Section 106 of the National Historic Preservation Act, as amended (36 CFR 800) requires that Federal agencies consider what effects their actions and actions they may assist, permit, or license may have on historic properties. The Hamilton Canal District project will require the use of Lowell National Historical Park (LNHP) land via a ground lease, easement, or acquisition to enable the development of the project, and therefore the review of the project is required under Section 106. The LNHP is the lead federal agency for the purposes of Section 106 review. The project is also subject to review by the MHC under their "Protection of Properties included in the State Register of Historic Places" review regulations (M.G.L. Chapter 9, sections 26-27c, as amended by Chapter 254 of the Acts of 1988, (950 CMR 71)) (referred to as "Chapter 254"). Under MHC's state regulations, a Section 106 review automatically substitutes for a state level MHC review (See 950 CMR 71.04(2)).

The LNHP, as the lead federal agency, determined that certain elements of the proposed Hamilton Canal District project will have an adverse effect upon the historic properties. The LNHP identified the adverse project impacts to historic resources to include:

- Installation of a roadway bridge through the Dye House wall remnant of the Appleton Mill;
- Replacement of the historic railroad and street bridges into the Saco-Lowell (Freudenberg) site over the Hamilton Canal;
- Possible visual and contextual impacts on the Swamp Locks complex from the proposed high-rise building; and
- Impacts on the Pawtucket Canal and related canal walls as a result of the creation of an extended Jackson Street roadway.

The LNHP determined that there are no feasible and prudent alternatives to avoid the adverse project impacts and that the adverse impacts can be mitigated.

In consultation with the proponent and the MHC, the LNHP drafted a Memorandum of Agreement (MOA) outlining measures to eliminate, minimize, or mitigate adverse project impacts. The draft MOA was provided to the MHC, Lowell Historic Board, and the City of Lowell for review and comment. In addition, the LNHP invited the Advisory Council on Historic Preservation (ACHP) to participate in the consultation and be a signatory to the MOA. In a letter dated February 13, 2009, the ACHP declined, noting that they did not believe their participation was needed in the consultation to resolve adverse effects.

The final MOA was executed in March 2009 by the participating parties, consisting of the LNHP, City of Lowell, proponent, and MHC, with the Lowell Historic Board as a consulting party. The mitigation measures are summarized in Section 6.2.1 below. The document is

awaiting a signature from MHC. A copy of the fully executed MOA is included in Appendix H.

6.2.1 MEMORANDUM OF AGREEMENT

The MOA includes measures to mitigate the project's adverse impacts on historic resources. Stipulations include:

- **Rehabilitation of Historic Resources:** The MOA acknowledges the project includes the proposed rehabilitation of a portion of the former Appleton Manufacturing Company mill complex (Building Nos. 1 and 4 and the Office Building) and a portion of the Saco-Lowell Shops Building #14 (Freudenberg Building), as well as three bridges (loading dock bridge, vehicular bridge, and overhead stucco-clad pedestrian bridge) spanning the Hamilton Canal. The MOA directs the LNHP and proponent to ensure that the buildings and bridges will be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation and outlines a process for review of the rehabilitation of historic resources.
- **Open Space and Public Realm Improvements:** The MOA identifies proposed open space and public realm aspects of the project, including landscaping, parks, and infrastructure improvements to enhance the setting of historic districts, including: re-creation of a mill yard framed by residential housing, retention and repair of the remnant north elevations of the Appleton Manufacturing Company Mill No. 3 and the Dye House (to be stabilized and maintained in place along the southern wall of the Pawtucket Canal), creation of a right-of-way for a future trolley track connection to the Gallagher Terminal, and setting aside of land for three new district parks. The MOA outlines a review process for review of the proposed open space and public realm improvements.
- **Design Review of New Construction:** The MOA identifies new construction aspects of the project including construction of multiple new mixed use buildings and parking structures. It also outlines a process for review of proposed new construction.
- **Other Mitigation Measures:** The MOA identifies other specific mitigation that will be implemented by the proponent and the City, including:
 - Attention to the design character of the replacement bridges over the Pawtucket and Hamilton Canals.
 - Rehabilitation of the Appleton Manufacturing Company overhead pedestrian bridge and the two pedestrian bridges from the Appleton Mills to Jackson Street.
 - The commitment that Phase One of the project will have no adverse effect on the waterwheel and raceway in the eastern end/rear ell of Mill

No. 1 of the Appleton Mills. Phase One activities will not result in the demolition of the raceway and waterwheel in the eastern end/rear ell of Mill No. 1 of the Appleton Mills and will not preclude the future reuse of these structures for hydroelectric power generation.