



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

The Commonwealth of Massachusetts
Executive Office for Administration and Finance
Division of Capital Asset Management and Maintenance
One Ashburton Place

Boston, Massachusetts 02108

Tel: (617) 727-4050

Fax: (617) 727-5363

MICHAEL J. HEFFERNAN
SECRETARY
ADMINISTRATION & FINANCE

CAROL W. GLADSTONE
COMMISSIONER

November 14, 2019

Elizabeth Sherva
Preservation Planner
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

Re: Newburyport Armory Garage Conveyance, 57 Low Street, Newburyport, MA; MHC# RC.66955

Dear Ms. Sherva:

Pursuant to MHC's letter dated October 4, 2019 in response to a Project Notification Form submitted by DCAMM for the above-referenced conveyance, enclosed is a draft Memorandum of Agreement developed to resolve the adverse effects of the proposed transfer. By copy of this letter, comment on the MOA is also sought from the City of Newburyport.

Please do not hesitate to call me at 857-204-1518 if you have any questions regarding the enclosed.

Sincerely,

Carol C. Meeker
Deputy General Counsel

Enclosure

Cc: Warren Madden, DCAMM
Mayor Donna D. Holaday, City of Newburyport
Newburyport Historical Commission

Draft – 11/14/19

**MEMORANDUM OF AGREEMENT
AMONG
THE MASSACHUSETTS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE,
THE CITY OF NEWBURYPORT, AND
THE MASSACHUSETTS HISTORICAL COMMISSION
REGARDING
57 LOW STREET, NEWBURYPORT**

WHEREAS, the Commonwealth of Massachusetts, acting by and through its Division of Capital Asset Management and Maintenance (DCAMM), is authorized to convey a parcel of land and the building thereon located at 57 Low Street in Newburyport, Massachusetts (Disposition Parcel) to the City of Newburyport (City); and

WHEREAS, the building located on the Disposition Parcel is listed in the Inventory of Historical and Archaeological Assets of the Commonwealth as the Newburyport Armory Garage, NWB.2995 (Garage); and

WHEREAS, the Massachusetts Historical Commission (MHC) previously concurred with the Massachusetts National Guard's opinion that the Garage meets the criteria of eligibility for listing in the National Register of Historic Places; and

WHEREAS, MHC has determined that the proposed transfer of the Garage out of Commonwealth ownership to the City without adequate conditions or restrictions regarding preservation, maintenance, or use of all or part of a historic property constitutes an adverse effect on a State Register property (950 CMR 71.05(e) and 950 CMR 71.07(2)(b)(3)); and

WHEREAS, MHC has determined to accept the adverse effect of the transfer, in consideration of the mitigation described herein; and

NOW, THEREFORE, DCAMM, the City and MHC agree that the transfer of the Disposition Parcel shall be undertaken and implemented in accordance with the following stipulation to mitigate the adverse effect on State Register Property in accordance with M.G.L. Chapter 9, Section 26-27C and 950 CMR 71.00 et seq.

STIPULATION

DCAMM and the City shall ensure that the following mitigation measures are carried out in coordination with MHC.

1. Future Consultation

The City shall submit any proposed Garage exterior alterations and/or building additions to MHC for review and comment.

Effect of Agreement

Execution of this Memorandum of Agreement by the signatories listed below and the implementation of its terms by DCAMM and the City shall be full and sufficient evidence that DCAMM and the City have consulted with MHC and satisfied the requirements of M.G.L. Chapter 9, Section 26-27C, as amended by Chapter 254 of the Acts of 1988 and implementing regulations at 950 CMR 71.00.

Counterpart Execution

This Agreement may be executed in any number of counterparts, each of which will be deemed an original for all purposes.

**Commonwealth of Massachusetts
DIVISION OF CAPITAL ASSET MANAGEMENT AND
MAINTENANCE**

Dated: _____

By: _____
Carol Gladstone, Commissioner

City of Newburyport

Dated: _____

By: _____
Donna D. Holaday, Mayor

MASSACHUSETTS HISTORICAL COMMISSION

Dated: _____

By: _____
Brona Simon, Executive Director