CITY OF SAINT PETER
HERITAGE PRESERVATION COMMISSION
AGENDA AND NOTICE OF REGULAR MEETING
Tuesday, May 31, 2022 @ 5:30 pm
Governors Room – St. Peter Community Center

I. CALL TO ORDER

II. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES
   A. March 29, 2022

V. UNFINISHED BUSINESS
   A. Hotel 221 (221 Park Row) John Mayer/Tim Bartelt – Relocate/Replace Door

VI. NEW BUSINESS
   A. Wild Roots Acupuncture (220 Broadway) Dr. Cami Gillette – Sign Relocation

VII. REPORTS
   A. Preservation Façade Easements

VIII. ADJOURNMENT

Russ Wille
Director of Community Development
CITY OF SAINT PETER
HERITAGE & PRESERVATION COMMISSION
Regular Meeting Minutes – Tuesday, March 29, 2022
Community Center – St. Peter Room

The meeting was called to order by Chairperson Larry Potts at 5:30 pm. Commissioners Potts, Remo Alexandri, Dustin Sharstrom, Brian Oviatt, Joe Metzen (5:33), and Sharon Litynski (5:38) were in attendance. City staff present were Russ Wille, City Administrator Todd Prafke, and Administrative Secretary Cindy Moulton. Visitors present included Cheryl Klages owner of Atelier and Tim Bartels co-owner of Hotel 221.

Approval of Agenda

A motion was made by Oviatt, seconded by Sharstrom to approve the agenda as presented. All voting in favor, the agenda was approved.

Approval of Minutes

A motion was made by Oviatt, seconded by Sharstrom to approve the minutes of the January 25, 2022 regular meeting. All members voting aye, the minutes were approved as presented.

International Property Maintenance Code

Wille stated that upon the Heritage Preservation Commissions request, the City Council discussed the merits of adopting the International Property Maintenance Code (IPMC) as well as the faux neon sign displayed in the interior of the building front window.

He indicated that the Council asked him to obtain further information from the City of Faribault as well consult with our Building Official. They were also interested in the approximate cost of administering the IPMC inspections and enforcement.

Wille stated that the Building Official's interpretation of the current building code suggests that the code may be able to address the south wall of 208 South Minnesota as a maintenance issue.

Sharstrom indicated that the City Council wants additional information but that they are not interested in regulating interior neon lighted signs.

Hotel 221 (221 Park Row) – Deck/Stairway

John Mayer and Tim Bartelt, owners of Hotel 221, would like to install a second-floor deck on the rear of the building looking over the patio of Patrick's On Third. They would also like to install a stairway from the deck to the ground which would be located on the east side of the building.

Wille stated that 221 Park Row is not a contributing building to the Heritage Preservation District (HPC).

Bartel explained the plans include green treated wood for the frame, brown composite decking, and white aluminum for the railing and spindles. He also indicated that their plan is to move the
exterior door on the second floor from the east to west side and change out the window on the east side from a crank out to a double hung.

Wille reminded the Commission they would only be approving the deck and stairway and indicated that the relocation of the door and window change out must be brought back to the HPC for approval.

A motion was made by Oviatt, seconded by Sharstrom to approve the deck and stairway as presented. All members voting aye the motion carried.

**Eric Harriman (101 South Minnesota Avenue) – Structural Evaluation**

Wille reported that Eric Harriman, owner of 101 South Minnesota Avenue, has contracted with GP Engineering to undertake analysis of the structural integrity of the building.

He indicated that the evaluation suggests the building can be repaired and is salvageable. Harriman is soliciting price quotes from licensed contractors to undertake the restoration project.

Should the structure be rebuilt as it was, Harriman would not need HPC approval. If there are any alterations to the outside of the building HPC approval needed.

Oviatt expressed his concern that the building isn’t sheltered from the elements. He said that with the freeze-thaw cycle and the spring rains, there will be additional damage.

**Atelier (202 South Minnesota) – Signage Review**

Cheryl Klages and her daughter have moved their alteration shop from Inspire Boutique to 220 South Minnesota Avenue.

In order to denote their new location and expansion of services, Klages has proposed the installation of a sign above the Minnesota Avenue doorway. The backing of the sign would be a flat black color. Klages would like to re-use the Govenairs lettering that was previously used on the store front.

Klages also added she would like to apply a 10” vinyl applique on the inside of the window.

A motion was made by Litynski, seconded by Sharstrom to approve the sign as submitted. All members voting aye, the motion was approved.

**Reports**

**Historic Preservation Easements**

Community Development Director Wille reported that he had met with Tom Hagen of North Mankato. Mr. Hagen in a proponent of historic preservation and provided a summary of a proposal to establish a Historic Preservation Easement program.

Mr. Hagen reported that both the Blue Earth Historical Society and Nicollet County Historical Society have expressed preliminary interest in exploring more regarding preservation easements.
Director Wille indicated that he would be interested in inviting Mr. Hagen and Jessica Becker the Executive Director of the Nicollet County Historical Society to the next meeting of the HPC. The members encouraged extending an invitation to the two individuals to join them at the April 28, 2022 meeting of the HPC.

213 Nassau – Marc Bachman – Marc Bachman is interested in constructing a commercial building on the vacant lot in the fall. The Commission will need to review the external portion of the building prior to construction.

Adjourn

A motion was made Litynski, seconded by Alexandri to adjourn. With all members voting aye, the meeting adjourned at 6:07 pm.
To: HPC Members

From: Russ Wille, Community Development Director

RE: Hotel 221 (John Mayer / Tim Bartelt)- Rear Door Relocation / Front Doors Replacement

At the last meeting of the HPC, the Commission approved the rear decking to be placed on the 221 Park Row property that John Mayer and Tim Bartelt are repurposing as a boutique hotel.

At that meeting it was also disclosed that the owners would like to relocate the rear door. The enclosed photo shows the current location of the doorway. There is then a sketch of the rear that shows where the door is intended to be relocated.

Subsequent to the last meeting, it was also determined that the two front doors on the Park Row façade are in need of replacement as the doorways are rotting.

I have included the literature from Lloyd Lumber regarding the specification for the proposed doorway for your review and consideration.

I have asked that either John or Tim attend the meeting to answer any questions which may be posed by the Committee members.
Customer Information

Name: 
Address: 
Phone 1: 
Phone 2: 
Fax: 
Contact: 

Job Name: 

Specifications

U.D. = 37-1/2" x 81-3/4"; R.O. = 38-1/2" x 82-1/4"
O.M. of Brick Mould = 40-1/16" x 83"

Lead Time: 1 Working Day (Call to verify)

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<th>Item Description</th>
<th>Qty</th>
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<tr>
<td>3' 0&quot; x 6' 8&quot; HDK-106-010 Select Steel Door w/Clear Glass - Right Hand Inswing</td>
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<tr>
<td>2-3/4&quot; Backset - Double Bore (2-1/8&quot; Dia. Bore w/Standard 5-1/2&quot; Spacing) w/160 (1&quot; x 2-1/4&quot;) Mortise Latch</td>
<td>1</td>
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<tr>
<td>Preps w/Full Lip (Standard) Strike Prep w/Deadbolt ANSI 9206 (1&quot; x 2-1/4&quot; - Standard) Strike Prep</td>
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<tr>
<td>Set of Ball Bearing - 2D Satin Brass Hinges</td>
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<tr>
<td>Primed Frame Saver Frame w/Unfinished Rabbet Interior - 5-9/16&quot; Jamb w/Brick Mould Exterior Trim (Applied)</td>
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<tr>
<td>Compression - Bronze Weatherstrip</td>
<td>1</td>
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<tr>
<td>Z Stil Walnut - Mill Finish</td>
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Image is viewed from Exterior!
Memorandum

To: HPC Members
From: Russ Wille, Community Development Director
Date: April 20, 2022
RE: Wild Roots Acupuncture (220 West Broadway) – Dr. Cami Gillette – Sign Approval

Dr. Cami Gillette is relocating Wild Roots Acupuncture from the 429 Mulberry Street building to the 220 West Broadway (Cornerstone Wellness) building owned by Dr. Steve Moore.

While moving, Dr. Gillette would like to relocate her sign on the north façade of the 220 West Broadway building. She has provided a photo which depicts the proposed location and scale of the signage. Dr. Gillette has been asked to attend the HPC meeting to answer any questions that the Commission may have.

Additionally, as the Cornerstone Wellness building begins transforming into a multi-tenant facility, I have asked Dr. Moore to develop a comprehensive signage plan for the north and west facades of the property.
Wild Roots Awakening
More Feel Good Days and Sleep Deep Nights
Memorandum

To: HPC Members  Date: April 20, 2022

From: Russ Wille, Community Development Director

RE: Historic Preservation Easements (Tom Hagen / Jessica Becker, NCHS)

At the last HPC meeting, I recapped a conversation that I had with Tom Hagen of North Mankato regarding Historic Preservation Easements. Following the dialogue, the HPC asked that I invite Mr. Hagen to the next HPC meeting to have further discussions regarding such easements.

Mr. Hagen has agreed to attend the April 26th meeting to discuss the merits of an easement program. He will be joined by Jessica Becker of the Nicollet County Historical Society.

For your review I have enclosed the original correspondence that I had with Mr. Hagen as well as some background information that I pulled from the website of the National Trust for Historic Preservation.
PRESERVATION EASEMENT PROPOSAL

Both local designation and national registry status provide only limited protection for historic properties. The best solution is preservation easements which deed the façade of a structure to a 501C-3 entity that "owns" the façade appearance, and must approve any changes requiring a building permit.

The logical owner of historic facades is a local historical society because it is their mission to preserve and protect an area's historic resources. Unfortunately, most societies are not large enough and do not have the staff or time to make accepting easements possible. This proposal is unique in that it divides the easement among three entities while fostering collaboration among participating organizations.

1. Historical societies: This is the easy part as the historical society merely holds the easement and has no hand in the financial aspects or the maintenance of the easement agreement. Their holding the easement gives gravitas to the concept and the value of architectural preservation.

2. Mankato Area Foundation: The Mankato Area Foundation (MAF) controls and invests the funds. Easements come with an up-front payment in the thousands of dollars which are held for the purpose of enforcing the easement and potential litigation that enforcement might entail. The MAF does not become directly involved in any actions but merely holds the fiduciary responsibility of paying bills out of the funds it holds.

3. Historic Preservation Commissions: This is where all the work gets accomplished. When an owner comes forward to request an historic easement, the first responsibility of the HPC is to evaluate the property to determine if the property qualifies and to determine an easement payment amount, approved by simple majority vote. The other two partners may weigh in on the decision of the HPC and approve the recommendation or deal with an appeal by the owner of a potential denial of easement, again by simple majority vote of the three partner organizations.

Once the easement is in place, the HPC approves or denies any requests for permits on the property that affect the façade. Again, approval is by simple majority vote. Denials may be appealed to a vote of the three cooperating organizations.

Lastly, at a specified interval, a cursory inspection each property for which an easement is held is made to be sure the easement is being maintained by whoever the current owner is. Issues, if any, that need to be addressed will be provided to the owner with a 3-5 year timeline to bring the property to easement compliance. Failure to comply would be referred to a lawyer to enforce compliance, the cost of which would be paid out of the fund held by the MAF

Because a county entity holds the easements, this opens up the whole county to requesting preservation easements. An easement request outside of Mankato city limits would still be conducted by the city HPC members on a contractual basis as the organization best equipped to make such evaluation. Because the MAF covers the whole area, they, like the county historical society, would have no difficulty working outside of the local HPC area.

Justification for this partnership on the HPC’s part can be found on p 20 of the HPC training manual, Role of the Commission: “Commissions also build partnerships with other allied groups and individuals...to promote appreciation of historic resources and to encourage their use.”

Justification for the local Historical societies participating can be found in their mission to preserve and protect historic resources.
Mankato Area Foundation justification is found in their mission to enhance the arts in the area, architecture, being one of the arts.

In discussion of this proposal, SHPO expressed no concerns with the collaboration, indicating that it would prove newsworthy if we can make it happen. MFA is on board, and NCHS has expressed initial interest. At this point it is time for further hard questioning and a consideration of whether to move forward with additional discussion with the other potential partners.
Preservation Easements

The National Trust supports protecting historic properties perpetually through the use of a legal mechanism known as preservation easements (also known as covenants or restrictions). Preservation easements are conservation easements that protect properties that have historic, architectural, or archaeological significance and, in addition, can be used to preserve important natural land values that comprise the setting of historic buildings.

Disclaimer: Please note that the information offered by the National Trust is intended to provide general guidance only. Easements are legal tools defined by state laws (and, in some cases—if federal tax incentives are sought—by federal law) and the advice and assistance of a knowledgeable attorney, tax advisor, appraiser, and/or other professionals should be sought prior to using this tool.

Introduction to Preservation Easements

Preservation easements currently preserve thousands of historic properties across the United States—from single-family dwellings, complexes of buildings and nationally-significant historic landmarks to rural villages, cultural landscapes, farms and farmland—and a wide variety of resource types—from New England Cape Cod cottages to Southwestern archaeological sites, from Kentucky horse farms to mid twentieth-century Modernist houses in California. If conservation values such as open space, designed landscapes, or other natural, scenic, agricultural, or archaeological values are present on a historic site, the preservation of these important features of properties should be evaluated and considered for protection under a preservation easement as well.

Preservation easements are flexible tools; they can be crafted to address the specific characteristics of a property, the property owner’s interests, and the mission, goals, and interests of the easement-holding organization. In many instances, preservation easements protect historic properties that are not under the purview of local historic preservation laws, and in these instances, the preservation easement may well be the only protection against demolition or alteration of a property’s significant historic resources.
Protecting a historic property through the use of a preservation easement can have numerous benefits, including peace of mind that a cherished property is perpetually protected and in some cases, for properties listed on the National Register of Historic Places (individually or certified as a contributing property to a National Register historic district), a federal income tax deduction.

**Basic Information About Easements**

An easement is a private, legal interest conveyed by a property owner to a qualified preservation organization or government agency. The donation of an easement is usually voluntary; once in place, however, most easements are perpetual (that is they are permanent) and bind both current and future owners to protect the historic character and values of the property. On occasion, an easement may last for a defined period of time (for examples, twenty or thirty years); this type of easement is referred to as a "term" easement and is often a condition of grant-funded projects on historic properties.

Legally, preservation easements are a "partial interest" in real property: owners retain numerous rights to the property (for example, the right to live in, use, maintain, sell, or give away) but transfer other specific rights to the easement-holding organization. These transferred rights protect a historic property from activities that would be inconsistent with the preservation of the property, such as the demolition or inappropriate alteration of historic buildings, or the subdivision of surrounding land. Preservation easements also typically protect against the deterioration of protected features by imposing maintenance obligations on the property owner.

The use of preservation easements is supported by state and federal preservation policies and laws that encourage public participation in the preservation of America’s historic resources by providing an important economic incentive: property owners who donate qualified preservation easements to qualified easement-holding organizations may be eligible for a federal charitable tax deduction based on the value of the preservation easement, as provided for in the standards set forth by the Internal Revenue Service (IRS).

**Frequently Asked Questions About Preservation Easements**

For more specific information on the following easement topics, please select one of the following links:

- What is a preservation easement?
- What can a preservation easement protect?
- Are preservation easements the same as facade easements?
- Who accepts or "holds" preservation easements? What is a "qualified" easement holder?
- Are fees charged by easement-holding organizations? What is a "stewardship" fee? Are there other costs to the easement donor?
- What constitutes the "baseline documentation" of a preservation easement?
- If a historic property is already protected by a local preservation law (or is a contributing property within a local historic district), would preserving the property with an easement be redundant?
What Is a Preservation Easement?

The term "preservation easement" is commonly used to describe a type of conservation easement—that is, a private, legal arrangement between a property owner and a qualified nonprofit organization or governmental agency for the purpose of protecting a historic property's conservation and preservation values. Preservation easements may also be referred to as "preservation covenants" or "preservation restrictions" and the terms are often used interchangeably. Conservation easements have long been used to protect land that has open space (including farmland, forest land, and land with scenic value), natural environmental value (including natural habitat), outdoor recreational value, or land that has historic, architectural, or archaeological significance.

Some easements last for a certain number of years (often referred to as "term" easements), with the interests of the easement-holding organization expiring at the end of the term. This type of easement is commonly required to receive grant funding or financial assistance from state or local governments or nonprofit organizations. Most preservation easements, however, are perpetual (that is, permanent), including any easements for which a donor plans to seek a federal income tax deduction.

The specific terms and requirements of an easement may vary depending upon a particular state's laws, which are often referred to as a state's easement "enabling law." Property owners and easement-holding organizations are advised to work with professionals (attorneys, tax advisors, and others) who are familiar with the state laws in which the property is located.

What can preservation easements protect?

Preservation easements typically identify: (1) the physical features of the property that will be preserved; (2) activities that could damage or destroy significant historic or architectural features and thus are prohibited; (3) activities that are permitted subject to the approval of the easement-holding organization; (4) activities that are permitted by the owner as a matter-of-right (with no oversight or involvement of the easement holder); and (5) maintenance obligations that a property owner must undertake. Preservation easements also address other issues, including requirements for maintaining property insurance, providing limited public access to the property, and steps the easement holder can take to enforce the easement.

Preservation easements are as varied as the properties they protect. At a minimum, most preservation easements protect the exterior character-defining features of historic buildings; many also preserve the historic setting of the protected buildings, sometimes including natural as well as designed landscape features. Preservation easements can...
also protect interior features of historic buildings. Finally, preservation easements can also control (or, in some instances, prohibit) additions to existing buildings or the construction of new buildings and structures on the property.

**Are preservation easements the same as façade easements?**

The term “façade easement” is often used to describe a type of preservation easement that only protects the exterior elevations (the “façade”) of a historic building (and often, only those elevations that are visible from public ways). Typically, a “façade easement” refers to an easement placed on a property, such as a row house, in a more densely built urban environment. Exterior easements on properties in more rural settings often cover not only the exterior "façades" (that is, all elevations) of a historic building but also cover the land surrounding the building, sometimes referred to as the building’s “context.”

**Who accepts or “holds” preservation easements? What is a “qualified” easement holder?**

Preservation easements are generally donated to (and then subsequently referred to as “held by”) either governmental agencies (such as the State Historic Preservation Office or a city or town through its local historic preservation commission) or by a nonprofit organization with a mission focused on historic preservation and/or land conservation. In order for an easement donor to qualify for federal tax benefits, the organization to which they donate a preservation easement must have (1) the preservation of historic places as a primary part of its mission and (2) the resources to monitor and enforce its easements. Many easement-holding organizations set aside easement endowments or stewardship funds to ensure that the organization has a long-term designated funding source for its easement obligations.

There are hundreds of organizations and governmental agencies across the country that accept and administer preservation easements. Most easement holders are based at the local level; however, state, regional and national organizations hold preservation easements as well.

The National Trust strongly encourages donating easements to an organization that has a well-established track record in historic preservation and which is well-positioned to responsibly exercise a long-term stewardship role in its easement holdings. To find qualified easement holding organizations or agencies in your area, contact your State Historic Preservation Office.

**Are fees charged by easement-holding organizations? What is a “stewardship” fee? Are there other costs to the easement donor?**

Most easement-holding organizations request – or may require – that the donation of a preservation easement be accompanied by a one-time financial donation to the easement-holding organization. Sometimes referred to as a "stewardship fee" or "endowment contribution," this financial donation helps ensure that the easement-holding organization will have the necessary resources to administer its preservation easements, including routinely monitoring properties as well as legally enforcing a preservation easement, if necessary. Whether described as a fee or a
contribution, this financial donation is considered by most easement-holding organizations to be an integral part of the preservation easement donation transaction. Donors wishing to seek a charitable tax deduction for the financial portion of an easement donation should seek the advice of a qualified attorney or tax advisor.

Easement-holding organizations use a variety of methods to calculate the amount of money required to responsibly administer each preservation easement they accept. There are a variety of ways that organizations calculate easement stewardship fees, including (i) a "flat" fee; (ii) a sliding scale with a cap; (iii) a percentage of the appraised value of the preservation easement; (iv) a percentage of the property’s value prior to the easement donation; or (v) a capitalization model that estimates the annual expenses needed to responsibly administer the preservation easement.

Easement donors are likely to incur some additional costs beyond the stewardship fee or endowment contribution paid to the easement-holding organization. These additional costs include fees charged by attorneys, appraisers, and perhaps tax advisors; banks will occasionally charge fees for executing mortgage subordination agreements (for properties on which there is a mortgage). In all cases, donors are encouraged to seek the advice of qualified legal counsel and tax advisors if they are contemplating donating preservation easements.

What constitutes the "baseline documentation" referred to in a preservation easement?

"Baseline documentation" refers to the photographs, site plans, floor plans, and any other material that is incorporated into the preservation easement to document the scope of the preservation easement’s protection and the existing conditions of the property and protected features at the time of the easement donation.

If a historic property is already protected by a local preservation law (or is a contributing property within a locally regulated historic district), would preserving the property with an easement be redundant?

Preservation easements and local historic preservation laws are two distinct legal tools. Easements use private legal rights of property owners to protect historic properties; local laws (or ordinances) use governmental regulatory powers.

Preservation easements can be granted on properties already subject to local historic preservation laws; if the local preservation law is weak and the preservation easement is strong, the easement may provide more protection than the local law. A local law may, for example, authorize a municipality to delay but not prohibit demolition of a historic property, while a preservation easement protecting that same historic property may absolutely prohibit demolition of buildings on the property. And even in the case of a strong local preservation law, an easement may include terms that go beyond those protections offered by the local law. For example, preservation easements can protect interior architectural features or, in some cases, may require public access or visitation to the protected property, provisions that are rarely included in local preservation laws. Further, a preservation easement may prohibit the property’s subdivision (or limit some other development right) into what might otherwise be buildable lots under a community’s local zoning laws.
Where a preservation easement imposes conditions that are substantially similar to the local preservation laws, the
 easement may still provide substantial public benefit. Although local preservation laws have rarely been repealed or
 overturned in their entirety, the historic designation of individual properties – or even entire historic districts – could be
 (and in rare instances, has been) withdrawn by a municipality facing a threat or court challenge by a property owner or
developer, or through being unduly persuaded by less preservation-minded or politically powerful forces. Even strong
 local preservation laws often include variance provisions, exceptions for cases of economic hardship or “special merit”
 – regulatory loopholes that are occasionally utilized by the owners of historic properties to allow development that
 would not otherwise be permitted under the local preservation law. In cases like this, preservation easements serve as
 an important supplement to the local preservation laws.

Are there federal tax benefits for an easement donation?

Property owners donating “qualified” conservation or preservation easements to a “qualified” easement-holding
organization, under the regulations set forth in 170(h) of the Internal Revenue Code, may be eligible for a federal
income tax deduction. The complexities of the federal tax code and the applicable IRS regulations are beyond the
scope of this summary; however, this document contains some of the key provisions applicable to easement
donations. Prospective donors are strongly advised to seek the advice of an attorney, tax advisor, and other
professionals with experience in these areas.

Does the National Trust hold easements?

The National Trust strongly encourages regional, state, and local easement-holding groups to hold the preservation
easements in their area. Under certain circumstances, the National Trust will accept easements on National Historic
Landmark properties or other highly significant historic sites.

Does the National Trust have a sample preservation easement available?

A sample preservation easement is available by request via email. Contact us at law@savingplaces.org.

I’ve heard that easements are under scrutiny by the IRS. Should I be concerned?

The IRS continues to actively audit, and in some cases litigate, in Tax Court and Federal Court, a number of easement
donations. For more information, go to: www.irs.gov/Charities-Non-Profits/Conservation-Easements.
following sources address issues related to preservation easements:

**Establishing an Easement Program to Protect Historic, Scenic, and Natural Resources** is an information booklet that provides practical advice on legal and administrative issues for organizations interested in establishing an easement program.

**Appraising Conservation and Historic Preservation Easements** is an up-to-date guide on appraising land conservation and historic preservation easements.

The Land Trust Alliance has extensive resources on conservation easements, and while the Alliance serves as a source of information and assistance to land trust organizations, much of that information is also relevant to preservation easements. The Alliance has a range of excellent publications on conservation and preservation topics including the **Conservation Easement Handbook** (with contributions by the National Trust for Historic Preservation) as well as a comprehensive set of "Standards and Practices" for land trusts, which the National Trust strongly recommends to organizations that currently hold (or intend to hold) preservation easements.

The National Park Service also produces information and materials on the subject of preservation easements, readily accessible on the internet here.
Easements - Preservation Leadership Forum - A Program of the National Trust for Historic Preservation

The Preservation Leadership Forum of the National Trust for Historic Preservation is a network of preservation leaders — professionals, students, volunteers, activists, experts — who share the latest ideas, information, and advice, and have access to in-depth preservation resources and training.

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