



Preservation Easements

Protecting Maine's
Special Places

Presenter

Ali Barrionuevo

Programs & Real Estate Director

Housekeeping

- Feel free to have your video camera on or off – if your connection is unstable, turning it off may help
- Please be on mute when not speaking
- You can ask questions using the chat feature during the presentation or wait until Q&A pauses and then unmute and ask it!

Today's session was made possible with the support of

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Maine Preservation promotes and preserves historic places, buildings, downtowns and neighborhoods, strengthening the cultural and economic vitality of Maine communities



About Us

Statewide, nonpartisan, 501(c)(3)

True or False

- Because a structure is “historic” it is automatically protected from destruction

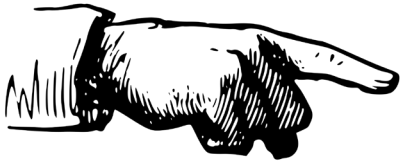
FALSE

- If a building is listed in the National Register of Historic Places an owner cannot demolish it

FALSE

- If I sell my special place and the buyer says they will preserve it, this is enough to protect it

FALSE



Only an easement, a legal, enforceable document, can offer protection in perpetuity from adverse action or demolition in the future

What is an Easement Program?

An easement program enables a qualified, tax-exempt, charitable organization, or public agency to protect buildings or land against potential adverse development or changes by acquiring partial interests in such properties

Maine Preservation is a charitable organization that is qualified to accept easement donations and has an easement program

An Easement...

- Is voluntary
- Is a legal instrument or contract between a property owner and Maine Preservation, granting an interest in his or her property rights to Maine Preservation
- Becomes part of chain of title and “runs with the land,” establishing perpetual protection for the property to prevent inappropriate changes from being made to the structure or its setting
- Is custom-tailored to each property and circumstance
- Allows for contemporary updates and uses
- Provides assurance to owner of historic or cultural property that the property is preserved for future generations



Benefits to Property Owners

Benefits

- Peace of mind in knowing that the property is protected
- Technical assistance from Maine Preservation staff
- Tax relief
 - Charitable deduction for easement stewardship contribution
 - Potential income tax deduction for value of easement
 - Issues
 - IRS abuse concerns arising out of DC program - Audit risk
 - Obtaining appraisal problematic
 - Consult your tax professional to evaluate



So, How Does this Affect the Owner's Rights?

- Owner retains all of his or her property rights *except* the right to damage or destroy the subject of the easement, typically the historic structure, and surrounding grounds
- **Owner's duties**
 - Maintain property
 - Cooperate with monitoring
 - Consult with Maine Preservation on proposed changes to the covered structure
 - alterations, improvements, and additions to the structure are permissible **where:**
 - the historic features of the structure are not adversely affected, **AND**
 - the planned changes are reviewed and approved in advance by Maine Preservation
 - Perform approved work in compliance with terms of easement
 - Public access
 - Visual access from road for exterior easements
 - Interior easements - access by the public to the interior at least 2x per year



Maine Preservation's Duties

- Annual monitoring of compliance with easement terms
- Consulting with owner on proposed projects and provide guidance
- Ensure compliance with terms – taking action as required



Cosmopolitan Club, Bath

Eligibility for Program

- Properties eligible for easement donation include residential, agricultural, industrial, or commercial structures that meet one of the following criteria:
 - Listed or deemed eligible for inclusion in the National Register of Historic Places
 - Identified as a contributing property to a National Register Historic District
 - Identified as an important historic or cultural resource at the local, state, or national level



Scribner Mills, Harrison



Harriett Beecher Stowe House, Brunswick



William Robinson House, Bath

Preservation Easement Process

1. Preliminary conversation, “I’m interested!”
2. Complete application
 - Provides essential information for research
 - \$300 application fee
 - Benefits
 - Charitable contribution, and is applied to final stewardship contribution
 - 1 year membership with Maine Preservation
3. MP team researches eligibility / discusses scope of easement with owner
4. Presentation of potential easement to Board of Maine Preservation for approval to proceed
5. On-site consultation, baseline documentation & drafting of easement (fee in form of charitable contribution may apply)
6. Charitable easement stewardship contribution (remaining balance) made before or at time of execution by owner (grantor)
7. Recording of easement (varies by jurisdiction, fees paid by owner)

Protect & Sell – Preservation-Minded Sales Management

Goal

- To protect and sell historically significant properties by matching preservation-minded buyers with sellers
- Since 2014, 7 transactions facilitated

What we do

- Match preservation-minded buyers with sellers
- Facilitate marketing, sale, and protection of the property
- Guarantee seller's peace of mind that special place is protected



Protect & Sell – Preservation-Minded Sales Management

How we do it

- We usually secure an option to purchase the property to enable us to work on your behalf
- We act as your liaison to the real estate marketplace
- Typically we'll engage a real estate agent and work with the professional to market and sell the property
- We connect with all interested buyers to explain the history of the property, the rehabilitation requirements (if any), and the protective preservation easement
- We're your partner throughout the entire transaction, including closing
- At closing, preservation easement is recorded along with rehabilitation agreement (if needed)

Potential partners

- Homeowners, commercial property owners, historical societies, land trusts, municipalities, institutions, estates, and families



Protection



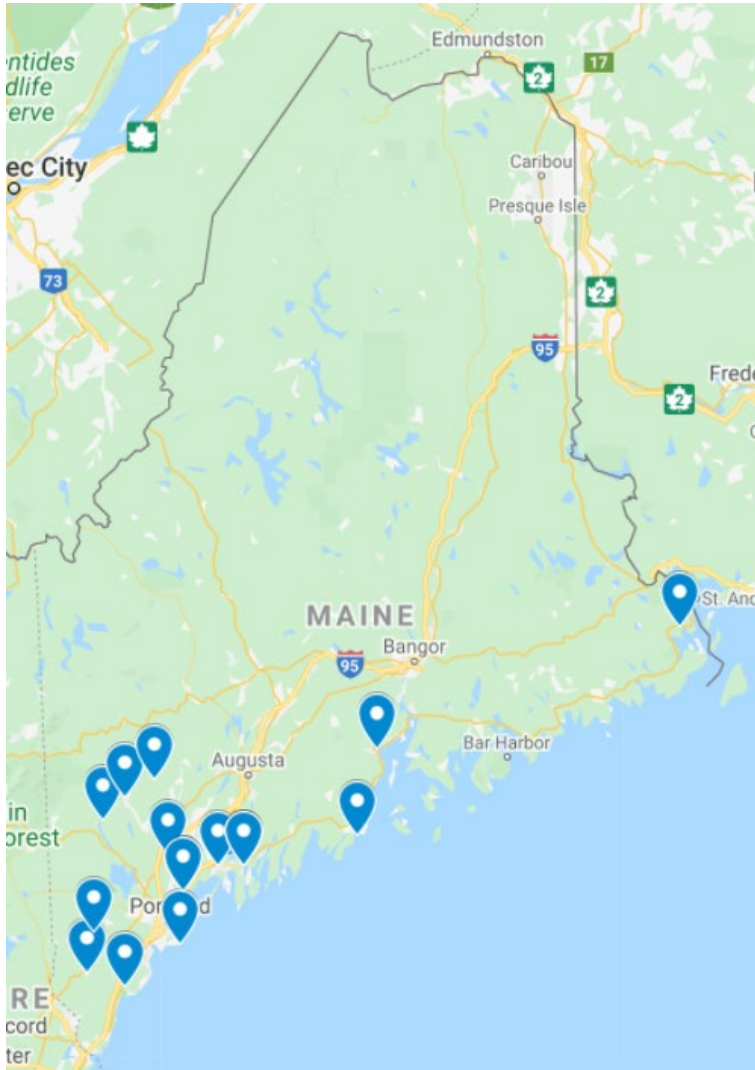
Real Estate Sales
Management



Peace of Mind

Maine Preservation's Preservation Easement Portfolio

- 16 properties across state



Property	Town	Year Built	Style
808 Main Street	Sanford	1900	Vernacular Queen Anne
Abijah Buck House	Buckfield	1777	Georgian
Captain Wording House	Belfast	1855	Greek Revival
Chadbourne Homestead	North Waterboro	1800	Greek Revival Cape
Cosmopolitan Club	Bath	1841	Greek Revival
Cushing Prince House	Yarmouth	1785	Federal
Dyer-Hutchinson House & Box Mill	Cape Elizabeth	1793	Federal
George Washington Lodge	Pembroke	1890	Italianate
Grand Trunk RR Station	Yarmouth	1906	Railroad
Harriet Beecher Stowe House	Brunswick	1855	Federal with Italianate remodel
James O. Crooker House	Norway	1865	Greek Revival
Kennebunk River Club	Kennebunk	1890	Shingle Style
Robbins-Anderson House	South Thomaston	1795	Georgian (Greek Revival reno. in 1870)
Sabbathday Lake Shaker Village	New Gloucester	1794 (& later)	Shaker Style (19 buildings/objects)
Scribners Mill Homestead	Harrison	1849	Greek Revival
William Robinson House	Bath	1897	Shingle/Arts & Crafts influenced

Case Studies – Easements in Action



Sabbathday Lake
Shaker Village

Exterior & Interior



Grand Trunk
Railroad Depot

Exterior & Interior



Harriet Beecher
Stowe House

Exterior

- Exterior & interior easement on property, landscape contemplated
- Exteriors: all facades of bldg., including doors, door frames, windows, sashes, frames & casings, shutters, hardware, foundation, roof and chimney profiles and materials, etc.
- Interiors **of high significance** (of some structures): structural members, beams, posts, studs (and more), space configuration, door locations, floorboards, plaster walls & ceilings, woodwork, (including cornices, mantelpieces, paneling, cupboards, stairs, balusters, , windows, chimneys, fireboxes, hearths, etc.
- Landscape:
 - Certain activities prohibited, e.g. paving any area covered by easement, installation of new parking lots, buildings, tennis courts, pools, mobile homes, fences, signs, and more, moving buildings, using building for uses other than those defined in easement, subdivision
 - Duty to maintain plantings, vegetation, and natural screening, either substantially similar to current situation or in keeping with historical record



Sabbathday Lake Shaker Village

Exterior & Interior Easement Highlights

- Exterior & interior easement on property
- Contemplates potential additions - any addition must be compatible and in scale, and be preapproved by Grantee
- Permitted with approval of Grantee
 - Removing features covered by easement
 - Applying signs
 - Making topographical changes to the land, e.g. new roads



Grand Trunk RR Depot

Exterior & Interior Easement Highlights

- Exterior easement on property, landscape contemplated
- Exteriors:
 - Express prohibition of dormers or skylights
- Permitted with approval of Grantee:
 - New additions
 - Making topographical changes to the land, e.g. new roads
 - Planting trees within a defined area, change of use
- Exceptions: Grantor can, without approval of Grantee
 - replace signs with signs of similar size without approval
 - Change or replace HVAC equipment



Harriet Beecher Stowe House

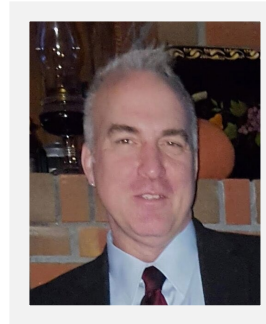
Exterior Easement Highlights

Team



**Greg
Paxton**

Executive Director



**Jonathan
Hall**

Field Services Manager



**Ali
Barrionuevo**

Real Estate Manager



**Gina
Lamarche**

Development Manager



**Ana
Azenaro-Moore**

Operations & Communications Administrator

Get Started

- Contact Ali Barrionuevo, ali@mainepreservation.org to get started

Q & A

Upcoming Event



Introduction to the National Register of Historic Places & Maine Historic Preservation Commission

Wednesday, February 10, 2021

4:00 PM 5:00 PM

In this session, you'll learn about the National Register of Historic Places, including its purpose, the benefits to and restrictions on listed properties, eligibility criteria, and the process for listing a property, from identification through listing, with a typical timeline. You will gain insight into the state's current listing priorities and how those priorities are derived from the State Historic Preservation Plan. A survey of Maine's listed properties, their areas of significance, and their geographic distribution will be used to illustrate what is well represented and what is underrepresented, and a focus, of the MHPC's efforts. The Maine Historic Preservation Commission is a co-sponsor of this program.

Speaker: Michael W. Goebel-Bain, National Register and Survey Coordinator, Maine Historic Preservation Commission

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THANK YOU

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