

**Final-Amended
Shutesbury Historical Commission
Minutes – December 15, 2020**

Meeting start: 7:02 pm

Commissioners Present: Henry Geddes, Mary Lou Conca, Miriam DeFant, John Walter, Greg Caulton

Commissioners Absent: Janice Stone, Karen Czerwonka

Visitors Present: Joan Hanson, Susan Millinger, Lisa McLoughlin

Preliminary discussion about notifications to Commissioners about agendas and minutes. It was discovered that some documents did not get sent to Walter by DeFant's group email list in Gmail. The issue has now been corrected.

Interview with Lisa McLoughlin, Ph.D., Consultant: Lisa McLoughlin described her experience as a Ceremonial Stone Landscapes researcher and historical preservationist. She is a member of the Northfield Historical Commission. Has worked consulting for Tribes for six years and has done fieldwork on CSL identification. She has skills in report-preparation and public education materials. Geddes: it is challenging to have an Archaeology Policy when some sites' locations need be kept private. McLoughlin: depends on who does the work; some Tribes believe sites should be kept hidden; tide is shifting in approaches; some Tribes want to protect CSLs by having them more visible to the public where everyone has a stake in preservation; depends on who is doing mapping and what their goals are; depends on the kind of property (i.e., public versus private.) Doug Harris leading effort to make stones public; he feels old approach has been tried for 100 years and hasn't worked; making them known to public helps to spark public interest; they are spectacular and seeing them makes you want to protect them. McLoughlin has worked with Doug Harris for a long time; he is not working for federal tribe anymore but is available to consult if we are interested.

Discussion:

DeFant noted that she and McLoughlin had discussed possibility of the SHC contracting with Doug Harris and McLoughlin together. McLoughlin stated she feels strongly that Indigenous people must lead in some capacity; she is more comfortable working with at least one Indigenous advisor; notes we need someone from a federal Tribe to do identification work for any federal projects. There was general agreement that McLoughlin's skills would be helpful to the SHC. Proposed Scope:

1. Helping the SHC with preparing response to PB solar projects; McLoughlin has experience looking at development projects and has an engineering degree;
2. Help SHC to develop an inventory of stone sites targeted for preservation on public property and possibly private property if landowners consent. An inventory would help the SHC advocate for preservation. In addition to consulting with Doug Harris, SHC would need to consult with at least one THPO to see what should be preserved.
3. Develop a public education campaign to help inform residents about cultural resources in town and increase enthusiasm for preservation; could include zoom trainings, web content, handouts/mailings, could have Doug Harris participate in presentations.
4. Assist the SHC in developing specific policies such as an Archaeology Policy and a policy for handling sensitive data.

Conca asked McLoughlin to offer an opinion about how to interpret MGL 114 section 7¹, the statute which deals with preservation of Native American burial sites. Conca wonders if this statute applies to both private and public land. Regarding the MGL statute, McLoughlin notes she is not a lawyer; the statute is of interest to many because unmarked graves are everywhere. Conca expressed concern that this statute did not have an effect on the Pratt Corner Road solar project. Walter asked which Native Tribe considers Shutesbury to be in their ancestral territory. Is it the Nipmuc? McLoughlin notes that the Nipmuc are still here and do claim Shutesbury as part of their territory. She notes that she has worked with the Nipmuc Nation on a project in Petersham. DeFant informed the SHC she has been in communication with the THPO and Chief of the Hassanamisco band of the Nipmuc Nation. They will be discussing at the January meeting of their Elder Council whether they wish to be involved. The SHC had a general discussion about the relationship of archaeology to CSLs and Native self-determination. DeFant clarified that some towns have Archaeology Policies to regulate archaeology, not to necessarily promote or endorse it. McLoughlin briefly explained to the SHC how technology can be used to document suspected CSLs. She is able to train volunteers in these methods. McLoughlin expressed an interest in helping the SHC but made it clear she only wants to work with organizations that have a sincere interest in CSL preservation and are not using it for a different agenda. She notes that she has done some walking in Shutesbury and is aware of incredible stones here.

(McLoughlin is excused at 8:07 pm)

General discussion about what the goals of a consultant are and what kind of consultant is needed. There was general agreement that the SHC needs to develop relationships with Tribal authorities in order to evaluate any data about CSLs in town. The SHC needs a project consultant to assist with paperwork, data management, and policies as well. Discussion included questions about how the SHC can work with THPOs and other Native consultants. SHC had general discussion about the proposed cost of a consultant. Conca expressed reservations about spending the proposed amount, especially on a non-Native consultant.

DeFant: Move that SHC hire McLoughlin and authorize Geddes and DeFant to negotiate a consulting agreement, with the understanding that the funds would be drawn from the SHC donation account. The final terms of the agreement to be approved by the SHC.

Walter: seconds the Motion; **Roll Call:** **Geddes:** aye; **DeFant:** aye; **Caulton:** aye, **Walter:** aye, **Conca:** abstains

DeFant will reach out to McLoughlin and discuss how Doug Harris might wish to be involved.

DeFant: Move that the SHC approve the consulting scope for McLoughlin that includes 100 hours at an hourly rate \$40/hour, to be paid from the SHC donation account.

Second: Walter; Roll Call: Geddes: aye; DeFant: aye; Caulton: aye; Walter: aye; Conca: abstains

Update on CPC Applications: Geddes notes that both projects were found to be ineligible per CPA criteria. Historical projects need to deal with very tangible items. The CPA criteria are relatively narrow and don't fit well with the SHC's efforts. General discussion regarding how to

apply the existing criteria for future projects. Walter thinks Shutesbury might withdraw from the CPA because there are so few things we can spend money on. DeFant noted that the Old Town Hall (OTH) is in sad shape and need of renovation. Perhaps a project related to OTH could be approved next year. Caulton offered to design historic district signs in hope that funds can be acquired and proposed to continue working with Conca on project. Walter raised question of stone walls and the horse paddock behind the Fire Department; would they qualify for restoration? Could SHC make the town more attractive by restoring stone walls along roads? DeFant pointed out that many stone walls in Shutesbury are actually pre-Colonial stone rows that are part of CSLs; notes that may be culturally inappropriate for town to attempt to alter CSLs as they are considered living things. Caulton: Our CSL consultation project would help identify what is Native and what is colonial; likes the idea of a project related to stone walls in town.

Update on Planning Board: DeFant confirmed that SHC has 35-day window to respond. Further commentary can be submitted during the Public Hearing process. An application may come through in the next month. Walter wonders if the SHC will be able to conduct site visits. DeFant says SHC can ask to accompany Planning Board, but she is unable to participate in any site visits because Cows issued a no-trespass order on her in 2016. DeFant suggests a working group be formed to start a report.

DeFant: Move that the SHC establish a working group to work on the draft report to the Planning Board with herself, Geddes, and Stone. ; Second: Walter; Geddes: aye; DeFant: aye; Caulton: aye; Walter: aye; Conca: aye

Approval of minutes:

Conca asked to have November 17 minutes altered to show she was excused from the meeting. Revisions accepted. ;Caulton moves to approve November 17 minutes.; Second: Geddes; Geddes: aye; DeFant: aye; Caulton: aye; Walter: aye; Conca: aye

Conca raised questions about comments attributed to her in the December 1 minutes. She expressed concerns about how her comments were represented and asked to have some content removed from the minutes. DeFant agreed to elimination of redundant language but does not feel comfortable editing out individual comments. DeFant explained that she is listening to the recordings of meetings to prepare the minutes and attempts to paraphrase. State OML requires that minutes should be detailed enough that someone should be able to understand what was discussed in the event they were not present at the meeting. General discussion about how much detail to include in minutes. Walter would like to see the Commission stick to the agenda when discussing topics.

Conca was excused from the meeting at 9:07 p.m.

Geddes moves to approve December 1 minutes. ; Second: Caulton; Geddes: aye; DeFant: aye; Caulton: aye; Walter: aye

Walter raised proposal to preserve historic trees per recommendation of Tree Warden, Don Wakoluk. DeFant suggested this may be interest to the Conservation Commission. She will raise it with the ConCom. Geddes notes that the SHC can support the effort.

Motion to Adjourn: Walter; Second: DeFant; Geddes: aye; DeFant: aye; Caulton: aye; Walter: aye

Adjourn at 9:20 p.m.

Next Meeting: Tuesday, January 5, 2021

Items for Next Agenda

Consulting Agreement
Review of Signs Proposal

Documents Used:

CV of Lisa McLoughlin

¹ *2006 Massachusetts Code - Chapter 114 — Section 17. Preservation of ancient burial places. Section 17. A town shall not alienate or appropriate to any other use than that of a burial ground, any tract of land which has been for more than one hundred years used as a burial place; and no portion of such burial ground shall be taken for public use without special authority from the general court. "Burial place", as referred to in this section, shall include unmarked burial grounds known or suspected to contain the remains of one or more American Indian.*

Approved 12/28/20

Respectfully submitted by Miriam DeFant, HC Secretary, 1/15/21