

TECHNICAL ASSISTANCE BULLETINS

Archaeological Resources

A technical assistance
series prepared by:

Maine State Planning Office

Maine Department
of Environmental Protection

Oxford County
Soil and Water
Conservation District

Androscoggin Valley
Council of Governments

with input from a number of
professional and citizen planners.

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TA Bulletin #3

This TA Bulletin is one in a series of documents intended to provide guidance to volunteer board and committee members on specific planning topics. Emphasis is placed on the development review process.

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May 2000

Maine's historic resources present us with a sense of our place in the Nation's history. These important resources are subdivided into three classes of properties:

- Prehistoric or Native American archaeological sites.
- Historic archaeological sites.
- Above-ground buildings, structures, and objects.

These resources are diverse and date from 8,000 B.C. to the 1930's. Historic resources, as a whole, present us with a better understanding of our history. **Prehistoric resources** preserve the unwritten history of our Native American inhabitants providing us with information about their development as people or tribes. Plant or animal remains offer information about the natural world and how it has changed over the eleven thousand (11,000) years since the last ice age. Archaeological resources also provide a sense of value for the community and may be used as information sources for public education.



Historic archaeological resources represent tangible evidence of the history of individuals or places significant to the history of our state or the United States including our colonial past. **Historic buildings** are the most visible daily reminder of our history. When preserved in groups, such as in a Historic District, they preserve a portion of the historic character of a town or city that is often a major attraction to visitors. They also provide a sense of value and identity for the inhabitants of the town or city.

Our archaeological and historic resources are a significant part of Maine's heritage and landscape. They are an important link to our history and provide cultural experiences for many of our citizens and visitors to the state.

Background Information

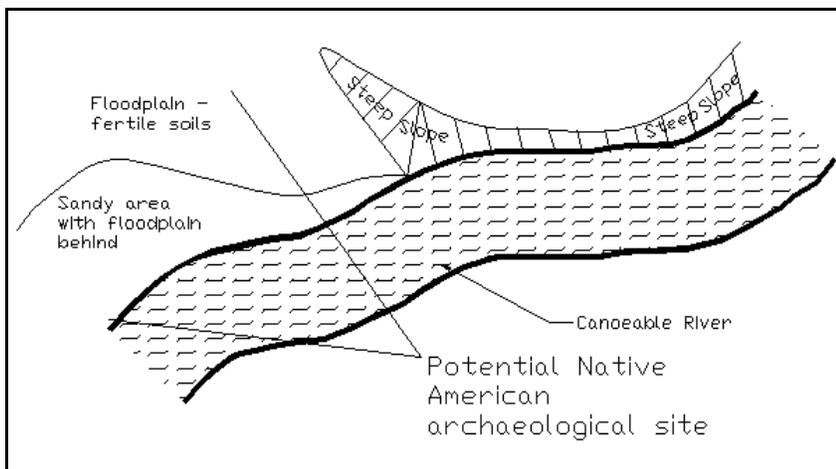
Principles of Archaeological and Historic Resources

Prehistoric Archaeological Resources range from the earliest Paleo-Indian campsites in the north to coastal shellheaps only a few hundred years old. Native Americans left no written records, so these archaeological resources are all that remain of the history of Maine's earliest inhabitants. The first written record dates to the 16th century European explorers. Archaeologists must study material remains for information on the early Native American cultures.

For most of prehistory, Maine's Native American population supported itself by hunting, fishing, and gathering in societies without complex political organization or monumental construction. In Southwestern Maine, corn, bean, and squash horticulture was added to an existing hunting and gathering economic base after about 1000 A.D. Maine's prehistoric Native Americans were relatively mobile in lifestyle and lived in fairly small groups. Their largest and most prominent settlements were multi-seasonal villages of several hundred individuals from which most of the population would depart and disperse over the landscape at certain seasons. Economic activities included food processing, tool maintenance, and production of objects such as canoes, snowshoes, clothing, and, for the last three thousand (3,000) years, pottery. Manufacturing of these goods occurred at a wide range of locations. These locations are among the archaeological sites of interest.

There are four recognized types of prehistoric resources:

1. **Habitation/workshop sites** combine evidence of a range of activities from food procurement and processing to tool maintenance and material culture manufacture. These sites comprise more than ninety-five percent (95%) of the known archaeological record and **are located adjacent to canoe-navigable waters including the coast, lakes, rivers, streams, swamps, or former waterways**. These sites exist in a wide range of size and density.



2. **Lithic quarries** are places where stone raw materials were gathered. They occur at **localized quartz, rhyolite and chert sources**, which are predictable from bedrock geology maps of Maine.
3. **Cemeteries** are always **located on well-drained sandy or gravely sand soils usually near a river or lake shore**.
4. **Rock art sites** include petroglyphs and pictographs. **All of these sites found in Maine have been located immediately adjacent to canoe-navigable water on bedrock outcrops**.

Historic Archaeological Resources are mostly European-American. They include English and French fishing stations, trading posts, forts and farmsteads of the 1600s and 1700s, and nineteenth-century logging camps. Archaeological resources of these areas help define and provide context for the written records of the times. Specific examples include Pemaquid, Fort Western, and sites as humble as some farms or mills dating before the Civil War.

The State's bountiful water resources provided the major transportation routes for early explorers, traders, and trappers. Harbors, lakes and rivers continued to be important to the development of the region as settlers required them for transportation of goods from interior lands and power production. Water resources continued to be important through the 20th century for drinking water supplies, industrial process waters, hydropower generation, and sewage disposal. Therefore, **many of Maine's historic archaeological sites are located near our lakes, rivers and large streams, and around the natural harbors along the coast**.

Historic Structures include surviving buildings and other structures that help define and provide context for the written records of European settlers, early American culture, and the development patterns of the State. Structures include colonial garrison houses, Italianate mansions, rural villages, downtown commercial districts, railroad stations, lighthouses, bridges, factories, and mills. They also include constructed objects such as railroad trains, boats, and ships. These icons of the past allow residents and visitors alike to visualize the history and culture of Maine.

Maine's historic buildings and sites combine with the state's natural beauty to make the state appealing to visitors and residents. Many of these important historic resources are taken for granted as part of the landscape. Just as Maine's scenic splendor requires protection, so do these buildings and sites.

As with the historic archaeological resources, **many of our historic buildings and other structures are located near lakes, rivers, and harbors.** Many of the areas, where development started centuries ago, are also the center of development today. As transportation improved throughout the 19th century, development patterns diversified, and some development began to move further from the water resources which had sustained the economy until the late 18th century. Historic structures may be important because of their architecture, events which occurred there, people who built them or lived there, or as a part of a larger historic area.



were formerly on dry land. Little can be done to prevent the damage done to historic resources by acts of nature such as floods, fires, and storms. However, it is possible to minimize erosion from constructed projects and human activities.

Development is a close second to natural erosion as a threat to archaeological resources. However, damage from development can be minimized with proper review and professional survey work. Threats imposed by development can be handled by a combination of laws and active review of proposals related to these laws. Such laws include shoreland zoning, other local regulation including zoning and site plan review, Site Location of Development, and conservation easements.

Protection of archaeological resources for the future is a complex problem. The threat of purposeful vandalism may necessitate site anonymity and/or a combination of physical and legal protection with periodic monitoring. Legally, site location information does not have to be released. This is done to protect sites from vandalism and unsupervised exploration.

A key concept in managing archaeological sites is determining which sites require our attention and which are unlikely to contain adequate resources to justify the effort and costs. The legal term used to designate sites worthy of protection or excavation with public funds is “significant.” A “significant” site is eligible for listing in the National Register of Historic Places and vice versa. Criteria of eligibility depend upon site age, content, and condition. Sites may also have local significance or importance. However, local significance is not a legally binding term and has no bearing on state or federal safeguards.

▶ Potential Threats to Archaeological and Historic Sites

Actions that can destroy an archaeological resource’s significance include:

- erosion
- vandalism
- development

Threats to historic buildings and properties include

- development
- demolition
- fire
- inappropriate changes or remodeling to a structure or its surroundings

Because most prehistoric resources in Maine are located along the shore of a body of water, erosion is perhaps the greatest threat. **Erosion** is a natural process that is **often accelerated by human actions.** Activities that create water level fluctuations or a change in water flow patterns may cause waves and ice to chew away at archaeological deposits that



Planning Considerations

The preservation of archaeological and historic resources involves three activities: planning, regulation, and education. The first step involves actively identifying known resources and potential resources in the community's comprehensive plan. The Comprehensive Planning and Land Use Regulation Act (CPLURA) (30A MRSA 4312 et seq.) requires comprehensive planning if municipalities choose to regulate land use development after January 1, 2003. It includes a goal "to preserve the State's historic and archaeological resources." Communities that have a rich historic past or are interested in finding out more about their past should conduct a historic survey. The Maine Historic Preservation Commission (MHPC) can provide guidance on preparing a survey and has considerable data available as a base. If the inventory is done within the comprehensive planning process, with little funding, the Commission's data can provide a sound basis for planning activity. The Commission's data identifies sites and buildings of State or federal significance.

Once the comprehensive plan is complete, the town should adopt regulations which protect both potential and identified resources to the greatest extent possible. Regulations can take the form of an archaeological resource potential overlay district and review standards. The standards should be included in the town's subdivision and site plan ordinances for excavation, construction, rehabilitation, and reconstruction that occurs in the district.

Maine's subdivisions statute (30-A MRSA 4401-4407) requires review of impact on "historic sites" (Section 4404(8) which includes both National Register listed and eligible buildings and archaeological sites. One of the purposes of Maine's Shoreland Zoning statute (38 MRSA 435-449) is "to protect archaeological and historic resources" (Section 435).

Another part of the preservation process involves education of the public about the importance of the resources and the need to protect them. The education process may include encouragement of a local non-profit, such as a historic preservation society or land trust, to inventory and/or preserve sites, acquire sites, and develop and implement an educational program.

Maine Historic Preservation Commission Perspective

It is important to establish a mechanism for review of all construction or other ground-disturbing activity within archaeologically sensitive areas. This mechanism might include contacting MHPC for an opinion and/or review of the construction area by an MHPC-approved archaeologist. It is also important to establish a plan for reviewing potential impacts to National Register listed or eligible structures. Areas of historic archaeological sensitivity (such as the area of first settlement in the town) should be assessed. Surveys may be necessary to identify these resources if they are not already known.

All proposals for ground-disturbing construction should be compared with known and suspected locations of significant archaeological resources. Should any such proposal pose a risk to archaeological resources, MHPC will work with appropriate parties to minimize the impact of the development. In the case of archaeological sites, such action often means an archaeological excavation to recover scientifically important data. Early communication and close coordination with local historic societies and state and federal agencies is critical to ensure that tomorrow's landscape will continue to contain significant elements of Maine's past.

Comprehensive Planning Considerations

Since development is a significant threat to archaeological resources, it is important for the comprehensive plan to identify the resources which may be affected and create a foundation to protect the resources.

- The first step in the process is to inventory the resources. As previously noted, the inventory may consist of information available from the Maine Historic Preservation Commission (MHPC). For historic resources it can be supplemented with local inventory work such as may be done by a local historical society. Local records and documents should also be reviewed. MHPC's Predictive Model for Archaeological Resources (attached) and Surficial Geology maps should be used to identify potential prehistoric resources. Criteria in the model focus on the availability of canoe navigable and flowing waters. In using the criteria, it must be remembered that many of the dams on rivers, streams, and lakes have inundated land which fell within the criteria when Native Americans were Maine's sole inhabitants.
- Once the inventory is accomplished, the information must be analyzed. The importance of historic resources on a federal, state, and local level should be determined. Also, the potential for undiscovered historic and prehistoric resources should be considered. Again, MHPC may provide guidance in evaluating the potential.
- Upon completion of the analysis, it is important to establish firm policies and strategies to protect archaeological and historic resources including Archaeological Resource Potential Areas identified by the Predictive Model. These policies and strategies will form the basis of support for regulation, education, and acquisition. The Predictive Model and other inventory work may form the basis for designating Archaeological Potential Areas which may be mapped as part of the Comprehensive Plan. Some model policies and strategies are provided for consideration in developing or amending local comprehensive plans.

Sample Policies

- ⇒ To preserve known archaeological resources, sites, and/or information.
- ⇒ To preserve archaeological and historic resources of federal, state, and local value.
- ⇒ To protect sites listed or eligible to be listed in the Federal Register of Historic Places, the Maine Historic Resource Inventory, or the Town's Comprehensive Plan.
- ⇒ To maintain the values of structures and sites which exhibit documented historic architectural styles and historic value.
- ⇒ To maintain historic values of the _____ Historic District.

Sample Strategies

- ⇒ The Town's land use and zoning ordinances should create an Archaeological Resource Potential Overlay District.
- ⇒ Require the planning board to minimize the impacts of development proposals on archaeological resources.
- ⇒ Require proposed development within Archaeological Resource Potential Overlay Areas be submitted to the MHPC for review and comment.
- ⇒ Subdivision and site plan review standards should protect archaeological resources.
- ⇒ Site plan review provisions should include design criteria for the _____ Historic District to ensure that rehabilitation, renovation, and new construction are compatible with the district and maintain its values.

Review Process

The Review Process starts with the submittal of the required information by the developer. Reviewers will need to determine if preservation of archaeological or historic resources are a concern in the area where the development is located.

The next section of the bulletin provides model "standards" that the development must meet to obtain approval. The Review Standards section presents several levels of standards. A Basic Standard is presented first, followed by additional standards or more detailed standards. This Review Process section is divided into subsections which correspond to the alternative standards presented in the Review Standards section. This section provides a guide to the information which should be submitted such that the reviewer can determine if the Review Standards will be met.

The left column provides a listing of documents (submittals) which municipalities should require in order to adequately review proposals. Each submittal helps the reviewing authority determine whether the standard contained in the ordinance will be met. The reviewing authority has to review and understand the submittals. The background information provided in this bulletin and the discussions of the submittals and the standards will help the authority interpret the submittals. Submittal requirements should be included in local ordinances. The town may also develop a submittal checklist so that it can easily determine if an application is complete.

The right column provides a discussion of the submittal requirements – why they are needed and how they are used in determining compliance with the standard. The Planning Board must review each submittal and be confident that the information adequately addresses the Review Standard prior to approving the application.

During the review process, the reviewing authority must determine whether a ground-disturbing project of any size or type will occur in an area that is archaeologically or historically sensitive. If the project is in an archaeologically sensitive area, it should be preceded with an archaeological field check or survey. If the area is an archaeological site of significance, it may require further consideration or archaeological work. Maps of archaeologically sensitive areas for prehistoric archaeological sites are prepared by MHPC. Maps of sensitive areas for historic archaeological sites can often be prepared with local historical information.

Submittals

Discussion

I. Submittals for the Basic Standard

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| <p>A. A statement indicating that there are no historic or archaeological resources within the proposed development and that the development is not in an archaeological sensitive area or an Archaeological Resource Potential Area. Include a reference to appropriate sources, if necessary.</p> <p>B. A map and description of any historic or archaeological site(s) on the property or within one thousand (1,000) feet of the proposed development, or a statement that the property is not within an archaeological sensitive area or an Archaeological Resource Potential Area.</p> | <p>A. A statement indicating whether there are any resources on the site, including site references consulted, or that no resources exist on or near the site.</p> <p>B. A description of the historic or archaeological resources should include the source of information.</p> |
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Submittals

- C. A description of the methods proposed to be used, if any, to mitigate the impacts of the development on the resources.

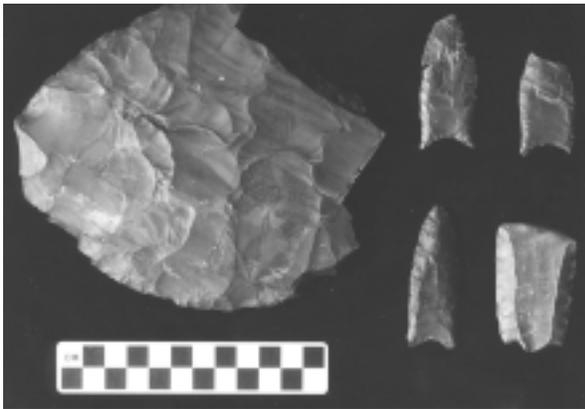
Discussion

- C. A detailed description of how the resources will be protected should be provided and made a part of the approval process by reference in the Findings of Fact.

II. Submittals for More Detailed Standard

The more detailed standard is best used by towns which have a rich prehistoric or historic past and wish to take a significant effort to protect the sites and structures. This standard provides for a lay persons' application of the MHPC Predictive Model as a first step. If the application of the model indicates a site needs evaluation or the location may be a location with significant potential, then a professional evaluation should be required.

- A. A statement indicating that there are no historic or archaeological resources on the proposed site including a reference to appropriate sources, if necessary.



- B. A map and description of any historic or archaeological site(s) on the property or within one thousand (1,000) feet of the proposed development, if any, or a statement that the property is not within an Archaeological Resource Potential Area or an archaeological sensitive area.

- C. A report on:
- the significance of the historic or archaeological resources, including the above map and description, and
 - the methods proposed to mitigate the impacts of the development on the resources, and
 - if the site is to be preserved, appropriate deed covenants to ensure that the site is protected in the future.

- A. A statement indicating whether there are any resources on the site. The statement should note references consulted in determining the resources or that no resources exist on or near the site.

The applicant must also determine if the site is in a location which would be expected to be a potential site of prehistoric value. The town may have designated Archaeological Resource Potential Areas in the Comprehensive Plan and created an overlay district in their zoning ordinance. If not, then the applicant should use the MHPC Predictive Model or the applicant can have a recognized professional provide a statement on the potential of the site as an archaeological resource. In many cases, the applicant can make a simple application of the model without consulting an archaeologist. The reviewing authority can acquaint themselves with the model and check such self applications by the applicant. In reading the Predictive Model, be careful to watch the connective words "or" and "and" throughout the text. When the proposed development is within two hundred (200) meters (approximately six hundred [600] yards) of a canoe navigable water and the reviewing authority questions the application of the other criteria in the model, then consultation with the MHPC or a consulting archaeologist is necessary.

- B. A description of the historic or archaeological resources including the source of information. The site plan should show the location of the resource on the site or a map of the area (USGS or tax map) should be used to indicate the location of nearby resources.
- C. A detailed description of the significance of the resources and how the resources will be protected or preserved should be provided. The report must be provided in sufficient time to allow it to be forwarded to the MHPC twenty (20) days prior to the expected review date. The description of the resource and the methods to be used to preserve or mitigate the impacts from the development should be made a part of the approval process by reference in the Findings of Fact. Additionally, deed covenants should be included in the deed and made part of the final approval. This will ensure that future owners realize the location of the site and are aware of the need to preserve the site.

Review Standards

This section presents review standards which should be included in subdivision and site plan provisions or ordinances. Several alternatives having varying amounts of detail are presented. The standards should be applicable to new development, expansions, and any earth moving activities. Standards are presented in the left column, and a discussion of the standard appears in the right column.

Two alternative standards are presented: a basic standard which accounts for development around identified sites and a more detailed standard which considers areas which may have undiscovered archaeological resources.

The more detailed standard is most relevant to towns which have a rich historic or prehistoric past or are located in areas which have such a past. The prehistoric past would be documented by the existence of listed prehistoric sites in the area. The historic past would be documented by written records of historic events in the area.

Standard

Discussion

I. Basic Standard

This standard is a minimal standard which only considers sites which have been identified as having historic significance. It does not require the developer to use the MHPC predictive model or other method to determine if there may be a archaeological site in the area to be developed.

A. If any portion of the development has been identified as containing historic or archaeological resources or if nearby properties contain such resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the development, timing of construction, and limiting the extent of excavation. (Site Plan Review Handbook, SPO, 1997.)

A. This standard provides for the protection of historic or archaeological resources that are known to exist on or near a development. Protection may consist of:

- modifying the design to avoid and thus preserve the resource (if a site),
- modifying the design to enhance the original architectural design (if a building),
- delaying construction to provide for excavation and cataloguing by qualified professionals,
- limiting the extent of the excavation during development/construction to avoid the site, and
- minimizing erosion by limiting the time of year for construction and using appropriate erosion control practices.

An example of resources which may be near a development and which could be impacted includes a historic structure which would deteriorate from vibration caused by certain types of industrial uses, blasting, or mining.

II. Addition to Basic Standard

The addition provides a listing of the resources which should be used to identify significant areas where archaeological or historic resources are found in the community.

B. Known resources are those resources that are:

- identified in the Comprehensive Plan,
- listed in the National Register of Historic Places,
- identified as significant by the Maine Historic Preservation Commission or on the Maine Historic Resource Inventory, or
- identified by the local Historical Society in a published report.

B. This addition to the basic standard provides guidance on how a site is identified as having archaeological or historic significance. It includes sites of significance at the federal, state and local level. By requiring that the sites be identified in the comprehensive plan or by the local historical society, it eliminates controversy during the development review process about whether the site is of local historical importance which can cause significant delays and problems.

Standard

Discussion

III. More Detailed Standard

This standard combines the Basic Standard with the more far reaching requirement for locations with Archaeological Resource Potential Areas or for sites which meet the criteria of the MHPC Predictive Model.

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| <p>A. The proposal shall include a determination of the archaeological and historic significance of the site based upon known records, its designation as an Archaeological Resource Potential Area, and/or a determination of the potential of the site to be of archaeological significance based on the Predictive Model for Maine Prehistoric Sites, latest version, or equivalent archaeological process.</p> <p>B. If a development is proposed in an archaeologically sensitive area where there are no known archaeological sites, then a Phase I or Reconnaissance Archaeological survey is necessary.</p> <p>C. If the property to be developed contains a historic or prehistoric archaeological site or sites which would be impacted by the development, a plan containing appropriate documentation of their significance and appropriate mitigation measures shall be provided for review and comment by the Maine Historic Preservation Commission at least twenty (20) days prior to review by the Planning Board.</p> <p>D. If the property to be developed contains a historic or prehistoric archaeological site or sites which could be impacted by the development, the developer shall inform the local Historical Society at least twenty (20) days prior to review by the Planning Board.</p> <p>E. If any portion of the site contains historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.</p> <p>F. Known resources are those resources that are:</p> <ul style="list-style-type: none">• identified in the Comprehensive Plan,• listed in the National Register of Historic Places,• identified as significant by the Maine Historic Preservation Commission or on the Maine Historic Resource Inventory, or• identified by the local Historical Society in a published report. | <p>A. The standard includes a determination of the archaeological significance of all proposed developments based upon records or the potential of a site to have archaeological significance. The potential for archaeological significance is based on the use of the MHPC Predictive Model (Attachment) or other evaluation by a qualified professional. The wording of the standard may be simplified if the municipality has designated Archaeological Resource Potential Areas.</p> <p>B. It is very possible that the development does not have an archaeological site, but a survey is needed to ensure that a significant site is not damaged.</p> <p>C. This section of the standard provides for the development of a report documenting the significance, how it was determined, and how impacts will be mitigated. It also provides for a review of the report by the Maine Historic Preservation Commission.</p> <p>D. This provides for local review by people who are familiar with the resources in the community.</p> <p>E. This section of the standard requires that known sites and those that are discovered as a result of the preceding actions be protected. (See Basic Standard I.)</p> <p>F. See addition to Basic Standard.</p> |
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ATTACHMENT

PREDICTIVE MODEL FOR MAINE PREHISTORIC SITES

Developed by
MAINE HISTORIC PRESERVATION COMMISSION
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Augusta, Maine 04333-0065
Arthur Spiess, September 1996

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FOR HABITATION/WORKSHOP SITES (>95% of all Maine Prehistoric sites)

Identify:

I. Any soil type including till and Presumpscot silt-based soils:

- 1a. abutting⁽¹⁾ coastal (salt water) shoreline⁽²⁾, river, lake or natural pond, potentially canoe-navigable stream, or
- 1b. abutting⁽¹⁾ any fossil, former or abandoned lake shoreline, river or stream channel including lakes which are now in filled as bogs; and
2. on a landform exhibiting a low slope (<10%) over a horizontal distance of 10 meters or more⁽³⁾, and
3. on any soil type except till with protruding or common boulders or exposed bedrock;

OR

II. River alluvium:

On or within river alluvium, no matter what the current landform shape and size;

OR

III. On sandy, well drained soils:

1. within 150 feet (or 50 meters) of any kind of extant or fossil, flowing (not seasonal or ephemeral), fresh water, including first order streams or springs; and
2. on soils derived from surficial deposits composed of sand with <10% gravel or larger and <10% silt or clay content; and
3. on a landform exhibiting a low slope (<10%) over a horizontal distance of 10 meters or more⁽³⁾.

FOR QUARRY WORKSHOP SITES

Associated with an outcrop of a rock source known to have been used by Maine's prehistoric inhabitants.

FOR CEMETERY SITES

On low slope portions of gravelly or sandy kames, eskers or drumlin landforms near (within 200 meters) of canoe-navigable water.

FOR ROCK ART SITES

On suitably smooth bedrock surfaces abutting canoe-navigable water.

Footnotes:

¹ "Abutting" is defined as adjacent to or including the break-in-slope which defines the edge of the landform which borders the body of water,

² but not adjacent to an extensive mudflat which excludes easy canoe-borne access to the shore for four hours or longer each tide,

³ except that the landform could be less than 10m in size/width if erosion or human activity, e.g., borrow pit excavation, has reduced the size of the landform.

Definitions

Pre-historic archaeological sites – are sites of material remains of Native American inhabitants.

Historic archaeological sites – are sites of material remains usually buried or otherwise hidden from normal observation of post European settlement.

Historic buildings, structures, and objects – buildings, structures, and objects listed in the National Register of Historic Places (Maine Historic Resource Inventory), or identified as a locally important resource in a document published by the municipality or local historic society. Communities must identify the entities that determine if a resource is of local significance in their Comprehensive Plan and local ordinances.

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Spiess, Dr. Arthur E., Archaeologist, Maine Historic Preservation Commission.

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