

MEMORANDUM OF AGREEMENT
BETWEEN SOUTHERN NEW HAMPSHIRE SERVICES MANAGEMENT CORP.
AND
THE NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER FOR
OUR LADY OF PERPETUAL HELP, MANCHESTER, NEW HAMPSHIRE

WHEREAS, Southern New Hampshire Services Management Corp. (hereinafter referred to as "SNHS") plans to carry out the redevelopment of the former Our Lady of Perpetual Help (hereinafter referred to as "OLPH") property at Cypress and Hayward Streets in Manchester, New Hampshire for elderly housing; and

WHEREAS, SNHS has received a recommendation from the New Hampshire State Historic Preservation Office/Division of Historical Resources (SHPO) that the OLPH property is eligible to be listed in the National Register of Historic Places, and

WHEREAS, the SHPO has recommended that there are no known properties of archaeological significance within the Area of Potential Effects for the Undertaking; and

WHEREAS, SNHS has consulted with the SHPO pursuant to 36 CFR Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and has determined that the Undertaking will have an adverse effect on historic properties; and

WHEREAS, SNHS has consulted with the Manchester Historic Association and the City of Manchester regarding the effects of the undertaking on historic properties and has solicited public comment through the public meeting process pursuant to applicable regulations found in 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), SNHS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW THEREFORE, SNHS and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

1. Documentation of the Parish Complex Prior to Removal

Prior to any demolition at the OLPH property, SNHS shall retain a 36 CFR 61 qualified historic preservation consultant to document the entire OLPH complex. Based on Historic American Buildings Survey (HABS) guidelines, a narrative report will be prepared to discuss the complex as a whole. Said report is to include a discussion of the physical context of the site, the historical context of the site, the specific history of the site and a physical description of the site according to the original plan, noting how it has changed over time and its present appearance. In addition, outline format reports based on HABS guidelines will be prepared for each of the buildings – church, rectory, school and garage.

Accompanying the written reports, the New Hampshire Historic Property documentation packet will include large-format black-and-white photos (4" x 5" contact prints), a photograph location map and site plan, as well as historic maps and images if available.

SNHS shall ensure that all photography is completed and approved by the SHPO prior to any disturbance of the property. SNHS will submit this documentation to the SHPO (draft review copy followed by one archival copy of the original report, with original contact prints and negatives). SNHS will also provide final copies of the documentation to the Manchester Public Library, the Manchester Historic Association and the Manchester Heritage Commission.

2. Reuse of elements from the Church and School

SNHS shall reuse various architectural elements from the Church and School within the new development. Reused elements may include pilasters and stained glass windows from the church into hallways and community rooms and utilizing cast stone sculptures from the exterior of the school into the landscaping (see below). Where the elements cannot be used in the new structures, every effort will be made to make them available to other churches, historic organizations or museums.

3. Development of a Commemorative Park

SNHS shall create a small park at the southeastern corner of the property (corner of Hayward and Cypress Streets) to incorporate sculptural elements from the school and commemorate the history of Our Lady of Perpetual Help parish. The park shall feature interpretive signage highlighting the history of the parish including its roots in the Irish community and its evolution over the years. The development of the signage is to be overseen by a 36 CFR 61 qualified historic preservation consultant. The SHPO will review and approve the content and layout of said interpretative signage.

4. Development of an Oral History Memories Book

In conjunction with and in preparation for the development of interpretive signage for the park (see #3 above), SNHS shall develop an Oral History Memories Book to commemorate the history of the Our Lady of Perpetual Help parish. Development of the oral history project will be overseen by a 36 CFR 61 qualified historic preservation consultant. Reaching out to former members of the parish and school alumnae, the project will bring together images, old photos, quotes and other items which help to tell the story of the OLPH community. The book will be housed at the Manchester Public Library.

ADMINISTRATIVE PROVISIONS

1. Duration

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, SNHS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation 6 below.

2. Post-Review Discoveries

If any other resources are discovered or affected as a result of project planning or implementation, the SHPO is to be consulted on the need for appropriate evaluative studies, determinations of National Register eligibility, and mitigative measures (redesign, resource protection or data recovery) as required by federal law and regulations.

3. Monitoring and Reporting

Each year following the execution of this MOA until it expires or is terminated, SNHS shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in SNHS's efforts to carry out the terms of this MOA.

4. Dispute Resolution

Should any party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, SNHS shall consult with such party to resolve the objection. If SNHS determines that such objection cannot be resolved, SNHS will:

- A. Forward all documentation relevant to the dispute, including the SNHS's proposed resolution, to the Advisory Council on Historic Preservation (ACHP). The ACHP shall provide SNHS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, SNHS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. SNHS will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, SNHS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, SNHS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. SNHS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

5. **Amendments**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

6. **Termination**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 6, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, SNHS must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. SNHS shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by SNHS and SHPO and implementation of its terms evidence that SNHS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Southern New Hampshire Services Management Corporation

William H. Hart Date 09-29-08
William H. Hart
President

New Hampshire Division of Historic Resources/State Historic Preservation Office

Elizabeth H. Muzzey Date 9/16/08
Elizabeth Muzzey
NH State Historic Preservation Officer

CONCURRING PARTY:

Manchester Historic Association

Audre Eaton Date Oct 10, 2008
Audre Eaton
Interim Director