

Tax Benefits

The 'Sconset Trust strongly believes that a Legacy Gift of your home's architectural value for future generations should be your primary motivation. However, the federal government has recognized the benefit to all Americans of preserving historically valuable properties. Therefore, a correctly constructed Preservation Restriction should qualify as a charitable gift which may be deductible for federal income tax purposes.

The difference between your "pre-restriction" appraisal and your "post-restriction" appraisal is the amount of the gift you are making to the 'Sconset Trust. This gift may be treated as a charitable deduction.

In addition, the Town's assessor should recognize the Preservation Restriction by reducing your house's assessment. Similarly, the house should have lowered value in your estate, potentially reducing estate taxes.

Please consult your tax professional on potential tax benefits—the 'Sconset Trust does not provide legal or tax advice!

...and Some Myths

- **You don't lose control of your property**—you retain all rights not granted to the 'Sconset Trust
- **You can mortgage, sell or pass on the property** after the Preservation Restriction is recorded
- **There is no public access granted**, although you will be required to preserve the view of the property from the street

Pros & Cons

Pros

- Preserves your legacy
- Permanent (unlike zoning)
- Customized
- Protects the appearance and ambiance of 'Sconset for generations to come
- Community recognition
- Possible tax benefits

Cons

- You will give up some rights to add on, change interior, exterior, subdivide, etc.
- Potential reduction in market value
- Some work is involved
- Legal and other fees
- Maintenance and insurance requirements

Next steps

Tell our Executive Director that you would like to learn more. She may put you in touch with our Preservation Committee and with other community members who have made a Legacy Gift of a Preservation Easement.



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Saving 'Sconset

The Legacy Gift of
Preservation Restrictions



Our Work

An Architectural Legacy Threatened

'Sconset is blessed with an extraordinary collection of antique homes and buildings. Many have survived intact due to our remote location, as well as a preservation aesthetic that has developed and attracted summer residents over the last one hundred years. However, due to a shift in current tastes favoring more living space, modern conveniences, and subdivisions of land, great pressure is now being exerted on our 17th and 18th century cottages and our 19th century Victorian and shingle style summer homes and surrounding spaces. During some renovations, historic fabric has been lost forever.

You Can Help, One House at a Time

You can preserve certain architectural elements of your antique house, and the 'Sconset Trust stands ready to help! The most reliable means available is the use of a Preservation Restriction. This is a legal contract, or easement, you would execute and record, making a Legacy Gift to the 'Sconset Trust of the future rights to alter the exterior and/or interior of your house, to build additions, or to subdivide your property. The 'Sconset Trust agrees to safeguard those rights in perpetuity. This contract is customized to fit your family's goals and lifestyle.

The 'Sconset Trust has already received three gifts of Preservation Restrictions: on Atlantic House (see case study panel); on Hedged About, owned by Walter Beinecke (an important, early preservationist on Nantucket); and on the Siasconset Union Chapel. As a result, certain elements of these properties will be protected forever for the enjoyment of future generations.

Gifting a Preservation Restriction

The 'Sconset Trust will be your partner and guide you through the process of safeguarding your property.

Drafting the Easement

The 'Sconset Trust will help you select an advisor who is experienced in the process. A Preservation Consultant will draft the Preservation Restriction based on a template used by the Massachusetts Historical Commission (MHC). Your attorney will review it. The 'Sconset Trust will approve it.

Appraising the Gift

If you are seeking a federal tax deduction, or wish to reduce your property's tax assessment or value in your estate, you will need to secure an appraisal of the property's value before and after the Preservation Restriction from a Certified Appraiser. The difference in value is the potential amount of the charitable contribution to the 'Sconset Trust.

Securing Approvals

Your Preservation Consultant and attorney will then secure approvals from the MHC and the Nantucket Select Board.

Recording

Your attorney will record the Preservation Restriction at the office of the Recorder of Deeds at Town Hall.



Photography: Rob Benchley

Case Study

Saving Atlantic House

In 1848, Atlantic House opened on Main Street in Siasconset as Nantucket's second fine hotel (the first was the Ocean House on Broad Street in town). Billed as having a fine situation "overlooking the level Atlantic" it was an early attraction for Siasconset's emerging tourist trade. With the islandwide depression of the 1860s, it would take another two decades for tourism fully to blossom on island, but the Atlantic House led the way, as proclaimed in its advertising:

"As a place of summer resort, no spot in the United States offers greater attractions than Siasconset. The fine, cool, bracing air, and the excellent water and sea-bathing, are admirably adapted to refresh and invigorate both mind and body...Persons leaving the cities to escape from the cholera, cannot possibly find a safer retreat than Siasconset."

In 1924, the hotel closed, and the building was reduced in size, turned, and moved to its current location. In July 2001, desiring to prevent any further changes, the owners donated an easement to the 'Sconset Trust to preserve the exterior, prevent subdivision, and limit future uses, thus ensuring the building's contribution to the look and feel of Main Street would endure.