

# MVC POLICY FOR DRI REVIEW DEMOLITIONS

**DRAFT Update to Incorporate Changes to DRI Checklist Versions 14 and 14A**



This policy gives guidance to applicants seeking approval by the Martha’s Vineyard Commission of proposed demolitions of historic structures. The policy references the DRI Checklist definition of ‘Demolition of Historic Structures’. It also sets out the procedure and criteria for assessing the appropriateness of a proposed demolition. Proposals may come before the Commission either as Mandatory Referrals Requiring MVC Concurrence or Mandatory Referrals Requiring MVC Review.

## 1. Introduction

- 1.1 Chapter 831, the Martha's Vineyard Commission Act ("Act"), seeks to preserve the Island's unique historical and cultural values that may be threatened and irreversibly damaged by inappropriate uses of the land. As well, the Island Plan notes that the character of the Island is threatened as development pressures increase. The Island's historic structures are increasingly threatened by demolition, alteration and inappropriate new construction that undermine the character of the Island's streetscapes, scenic roads, neighborhoods, traditional villages and other historic areas. Historical structures built before 1900 may provide witness to the aesthetic and cultural history of an area and maintain a sense of character and heritage.

## 2. Relationship to DRI Checklist

- 2.1 Demolitions are provided for in Sections 8.1A and 8.1B of the Martha's Vineyard Commission DRI Checklist.

### 8.1A Demolition or Alteration of Historic Structures

Any **Demolition** or relocation of a structure that either:

- a. has been identified as having historic significance by a local historic commission or architectural commission, by a general plan of the Town, by the Massachusetts Historical Commission, or is listed with the National or Massachusetts Registers of Historic Places

**–Mandatory Referral and MVC Review**

- b. is more than 100 years old.

**–Mandatory Referral Requiring MVC Concurrence**

### 8.1B Alteration of a Significant Exterior Feature of Historic Structures

Any alteration of an historic or architecturally significant exterior feature of a structure identified in section 8.1A above, as determined by the local Historic Commission or, in the absence of such a Commission, by a comparable entity in the Town.

**–Mandatory Referral Requiring MVC Concurrence**

Note: Sections 8.1A and 8.1B do not apply to structures located within:

- established historic districts and which are already protected by local historical or architectural review that has the legal authority to condition and permanently deny an application; or
- the Martha's Vineyard Camp Meeting Association's Wesleyan Grove National Historic Landmark District.

2.2 The DRI Checklist defines “**Demolition**” as follows:

“Any act of pulling down, destroying, removing, or razing more than 50% of the floor area of the historic portion or more than 25% of any façade of the historic portion of a building, with or without the intent to replace the structure so affected.”

2.3 It should be noted that any proposed demolition, regardless of the age of the structure, may be referred as a Discretionary Referral. Such referrals would be treated as a normal referral with MVC Concurrence. The metrics and procedure outlined in this policy apply as well to Discretionary Referrals.

### **3. Contents of a DRI Application**

3.1 The DRI application must contain sufficient information to enable the Commission to determine the regional impacts of a demolition with regard to the unique “natural, historical, scientific, cultural and other values” protected by the Act. The following information should be included in the DRI application:

- a. Site plan, drawn and printed to scale, showing the location of the structure proposed to be demolished in relationship to other structures on the property, and to the property lines;
- b. Site plan, drawn and printed to scale, which accurately describes the proposed use and appearance of the site after demolition;
- c. Photographs of the property showing the existing location/context (ie relationship to adjacent and surrounding structures) and condition of the structure, and including elevations, and close-ups of detail (together with any explanatory narrative);
- d. Architectural and historical data, as available (eg date of construction, architectural style, historic photographs, name of original owner/builder/architect/developer, structure timeline – ie, dates and location of additions, demolition and alterations), description of structure materials that are original to the structure, historic information regarding the resource (ie, notable residents, recognized landmark, important site, etc)
- e. Discussion of the feasibility of alternative uses/solutions for the property that would allow retention of the structure (on site or otherwise);
- f. A Massachusetts Historical Commission Form B Inventory Form prepared by a professional architectural historian selected by the MVC who meets the Secretary of Interior Standards for Architectural Services. These forms already exist for many Island structures, inventoried from 1998 to 2000;
- g. If the structure constitutes a hazard to public safety, a written report to that effect from the local Building Inspector;

- h. Information as to whether the structure is within a historic district and/or will be subject to review by a Town that has the authority to prohibit or otherwise limit the demolition.

Note that in the case of a concurrence referral, not all of the above information may be required to enable the Commission to determine if the proposed demolition presents a significant regional impact. If the Commission concurs in the referral, additional information may be sought by the Commission.

- 3.2 The applicant may engage outside consultants to present information pertaining to the structure’s historic or cultural significance or to other matters relevant to the Commission’s decision. The MVC may also engage outside consultants on any issue(s) relevant to its decision, and the cost of any such consultant will be borne by the applicant.

**4. Concurrence DRIs**

**4.1 Preliminary Assessment**

For concurrence reviews, the Commission must make a determination as to whether the proposed demolition will have a regional impact and therefore merit a public hearing and deliberation/decision by the Commission. For example, the Commission could determine that a structure is not very old, that it has no historic or cultural value because it has little or no intrinsic significance, or that it has been so significantly altered as to have lost its significance, in which case the Commission may consider *not* concurring with the referral.

Unlike other concurrence reviews where regional impact is assessed but the substantive particulars of the project for the most part are not, a concurrence review for a proposed demolition must, of necessity, have regard to the particulars of the structure proposed for demolition. The assessment as to a proposed demolition’s regional impact will be limited in the initial concurrence determination. The Commission review will be sufficiently substantive to enable the Commission to make a determination as to whether the structure merits a fuller review but also brief enough so that proposals (particularly those which are deemed not to have a regional impact) can be dealt with quickly and without great expense.

**4.2 Criteria for Assessment**

To assist the Commission in its review, staff will prepare a preliminary assessment using the following table and based on these criteria:

- a. **Age** – When was the structure originally built? [based on a 3-point scale]:

- less than 100 years ago: 0 points
  - 100 to 124 years old: 1 point
  - 125 to 149 years old: 2 points
  - over 150 years old: 3 points
- b. History/Culture** – Is the structure associated with a historically significant individual, group, organization, event, activity, etc? [based on a 3-point scale depending on significance of structure, with 0 for the least significant and 3 for the most significant]
- c. Design/Construction** – Is the structure architecturally unique (eg distinctive physical and/or spatial architectural elements)? Does it have a characteristic style design construction [based on a 3-point scale depending on uniqueness, scarcity and architectural importance, with 0 for the least significant and 3 for the most significant]
- d. Location/Visibility** – Is the structure in a location that is visible or accessible to the public? [based on a 2-point scale, with 0 for out of public view and 2 for the most publicly visible]
- e. Town Review** – Is the structure subject to review by a Town that has the authority to mandate the preservation of the structure? [based on a 1-point scale, with 0 for review by a Town authority and 1 point for no review]

Informational Screening for Regional Impact Review of Proposed Demolition		
Factor - Significance	Score	Comments/Data in Support
Age (0-3 points)		
Historical/Cultural (0-3 points)		
Design/Construction (0-3 points)		
Location/Visibility (0-3 points)		
Town Review (0-1 points)		
<b>TOTAL</b> (maximum = 13)		

Using the above scoring system, a structure (when taken as a whole as to all of its characteristics) proposed for demolition would be preliminarily assessed as follows:

- 0-5 points: no/minimal significance, such that further review is generally not warranted and the Commission will ordinarily determine to not concur with the referral
- 6-8 points: limited significance, such that the Commission may determine to concur or not concur
- 9-13 points: significant, such that the Commission will ordinarily concur with the referral

*Note: These scores are indicative of regional impact and are relative. The Commission will use this scale as a tool to assist it in making its assessment of the regional impact of the application. Final decision by Commissioners may be made based on other considerations, such as the condition of the structure, or its contribution to context for, example.*

The LUPC will review the preliminary staff assessment, any associated materials, and any additional materials or information provided by the applicant or others. The LUPC will then make a recommendation to the full Commission as to whether or not to concur with the referral. The Commission's decision on concurrence should be able to be made within 30 days of receipt of application and all requested relevant information (although meeting this suggested timeframe is subject to the scheduling of other Commission matters). If the Commission concurs with the referral, the proposed demolition will be reviewed in accordance with the same procedure that applies to mandatory DRIs.

## **5. Mandatory DRIs and DRIs with which the Commission has Concurred**

### **5.1 Issues to be Taken into Consideration**

The decision to not approve, approve or approve with conditions any proposed demolition will be based on consideration of the following considerations.

#### **a. Historic/Cultural Significance**

1. **Age:** How old is the structure? What is the age of additions or other modifications?
2. **History/Culture:** Is the structure associated with events that have made a significant contribution to the Island or other history? Is it associated with the lives of notable persons in our past (eg owners, inhabitants, or a builder, developer, or architect)? How significant are the historical factors and how closely associated are they to the structure? Are these factors unique to the neighborhood, Town or Island?

3. **Design/Construction:** Does the structure embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values? How representative, rare, or otherwise important are these characteristics? (Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials.)
  4. **Contribution to Context:** Is the structure in an historically notable area such as a Historic Area or Traditional Neighborhood identified in the Island Plan (ie areas with a high concentration of pre-1900 and pre-World War II structures, respectively), on a scenic road, or in any other significant area? To what extent does the structure contribute to the character of the area? (Note that a structure that lacks individual distinction on its own may be significant if it contributes to the character of a significant and distinguishable area.)
  5. **Integrity:** How intact/historically accurate is the structure with respect to its original construction or period of significance? If the structure has been altered, are the changes of an age or quality to have acquired significance in their own right? How easy would it be to reverse deterioration or alterations?
  6. **Historic Designation:** Is the structure in a local historic district (which affords it a degree of legal protection)? Is the structure individually listed on the National Register of Historic Places? Is it located in a district listed on the National Register? Is the structure listed in the town master plan, a town list of historic structures, or any other listing or designation? Was the structure identified as Preferably Preserved by the town Historic Commission triggering the town's Demolition Delay Bylaw?
- b. Other Factors**
1. **Location/Visibility:** How visible is the structure from a public way, a public space, or the coast? (While prominent visibility increases importance, it should not be construed that less visibility decreases importance.)
  2. **Condition:** Does the structure have such serious structural or other problems that it could not reasonably be rehabilitated? What renovations would be needed so the structure could be occupied or used in a useful way?

3. **Safety Considerations:** Has the local building inspector reviewed the structure and determined whether it is dangerous and not secure?
  - i. Where possible, has the structure been made safe and secure per the head of the Fire Department and the local building inspector? What were the remedies? Does the structure have such serious structural or other problems that it could not be rehabilitated? Have all remedies have been exhausted to protect public safety? What is the recommendation, if any, of the local Building Inspector?
  - ii. What options are available other than demolition to protect public safety? Can the structure be removed off-site?
4. **Replacement Program:** What is the permanent replacement program, if any? If the existing structure contributes to the character of a historic area or streetscape, does the replacement program reflect and respect the historic integrity of the original structure? Does it harmonize with the defining characteristics of the neighborhood in terms of massing and architectural style, and would it have any other impacts greater than those of the existing structure? Has the replacement program been designed?
5. **Alternative Solutions:** Are there practical alternatives to demolition such as rehabilitation or renovation, sale, adaptive re-use, moving the structure to another location, and/or having the structure remain in place temporarily (mothballed) or permanently in its current condition? If sale is an option, has the property been offered for sale? If the structure is to be demolished, is there a proposal to preserve and reuse existing significant features (doors, windows, shutters, etc) on- or off-site? Is there a proposal to commemorate any historic significance in another way? Is there a proposal to document the structure with drawings and/or photographs?
6. **Other Review:** Will another town or other entity that has the authority to condition or deny a proposed demolition be reviewing it?
7. **Comments from Other Entities:** What comments were received from the town historic commission, the Massachusetts Historical Commission, the Town Planning Board, or any other official entity?
8. **Additional Issues:** Are there other factors relevant to a decision as to whether the structure should be demolished or preserved?



## 5.2 Preliminary Assessment by LUPC

Once the record from the applicant is complete, the staff will complete the following chart, supplemented with additional relevant information depending on the circumstances. This information will be provided to the LUPC which will make its own assessment based on all of the information provided by staff and any further materials or information provided by the applicant. It will then make a recommendation to the full Commission as to whether the proposed demolition should be approved, approved with conditions or not approved.

A higher ranking indicates that the property has meaningful historic significance and caution should be exercised before approving of the demolition. A lower score indicates that although there is value in the property, the decision to demolish is not so clear-cut. These rankings are relative and are offered as an informational resource to be used by the Commission. Note that certain factors might be judged to carry more weight depending on the circumstances. For example, a property with certain historic value that is not significant in any other substantive area and is not to be reviewed by a Town might still be deemed worthy of saving regardless of a relative score.

Informational Screening for DRI Review of Proposed Demolition					
<b>Historic/Cultural Significance</b>					
<b>Age:</b>	Built before 1800	Built between 1800 and 1850	Built between 1850 and 1875	Built between 1875 and 1900	Built after 1900
	4	3	2	1	0
<b>History/Culture:</b> Associated with individuals, organizations, events, activities, patterns, or developments					
	4	3	2	1	0
<b>Design/Construction:</b> Distinctive physical and spatial characteristics, style, designer, construction					
	4	3	2	1	0
<b>Contribution to Context:</b> Contributing or integral part of historic streetscape, grouping, or area					
	4	3	2	1	0
<b>Integrity:</b> Retains essential character-defining features or has later alterations with acquired significance or which are reversible					
	4	3	2	1	0
<b>Historical Designation:</b> Federal, State, Local					
		3	2	1	0
					<b>Total Historic Significance</b>
<b>Other Factors</b>					
<b>Location/Visibility:</b> Visible from a public way, public space or coast/shore (where a higher score indicates relatively greater visibility) (where a higher number indicates greater visibility)					
		3	2	1	0
<b>Condition:</b> Estimated order of magnitude of structure condition (where a higher score indicates relatively better physical condition of the structure)					
		3	2	1	0
<b>Safety Considerations:</b> Has the building been determined to be not safe and not secure? (where a higher number indicates greater safety and security)					
		3	2	1	0
<b>Replacement Program:</b> A permanent replacement program has been proposed (where a lower number indicates that a replacement program has been proposed and is reasonably assured of proceeding)					
		3	2	1	0
<b>Other Review:</b> The proposed demolition is subject to a special permit or other town review process able to require preservation (where a higher number indicates no other review).					
		3	2	1	0
					<b>Total Other Factors</b>
					<b>Total</b>

**Note: the maximum score a structure may have under this assessment is 38.**

**6. Review of a Structure after a Decision on a Proposed Demolition**

- 6.1 There are a number of possible scenarios that the Commission might encounter following a decision on a proposed demolition.
- a. If a concurrence or discretionary referral is not accepted, the property would not be a DRI including with respect to any proposed future demolition.
  - b. If a proposed demolition is reviewed as a DRI and the Commission approves the demolition without conditioning the approval on a replacement program, the Commission's jurisdiction will end with the demolition. For the avoidance of doubt, this should be specified in the DRI decision approving demolition.
  - c. If a proposed demolition is reviewed as a DRI and the Commission approves the demolition subject to a replacement program (ie an approval with conditions), the Commission will have continuing jurisdiction over the replacement structure and a building permit application for any further work would require re-referral to the Commission for a modification.