

HOW THE CAPE COD COMMISSION ACT AFFECTS NATIONAL REGISTER PROPERTIES

As of August 12, 2002

Background:

Under the Cape Cod Commission Act, an act of the State Legislature in 1990, the Commission has authority to review demolition or substantial alteration of properties listed on the National Register of Historic Places when they are outside of Local Historic Districts. The review provides some protection for National Register properties where no other historic resource protection exists. It protects against demolitions and major alterations that would unnecessarily destroy the Cape's architectural heritage. This review was designed to protect the most important characteristics of historic properties significant to the region, while respecting the need for buildings to evolve over time.

Many Changes are Not Subject to Review:

There are approximately 3,800 buildings on Cape Cod listed in the National Register and outside of local historic districts that could be subject to Cape Cod Commission review for demolition or substantial alteration. With all these properties, only fourteen cases have been reviewed by the Cape Cod Commission since 1990. The Cape Cod Commission reviews only full demolition projects and projects which propose to alter key character-defining features such that the building loses its historic character and no longer meets the criteria for listing in the National Register. Single family homes are exempt from Cape Cod Commission review unless the project involves at least a 25% change in gross floor area and also alters the building's key character-defining features such that it no longer meets National Register criteria. Most residential projects do not exceed the 25% change in floor area and, of those that do, many do not require review because they do not threaten the building's historic character.

Houses in a National Register District:

If a house is within the boundaries of a National Register area but is not an historic property, it is considered "noncontributing." Demolition or substantial alteration to "noncontributing" properties is not subject to review by the Cape Cod Commission. If a house is within the boundaries of a National Register area and is an historic property, or a "contributing" property,

improvements or alterations involving less than a 25% change in gross floor area do not require review by the Cape Cod Commission, as noted above. This would include such changes as new doors, windows, shingling, siding, small additions, and dormers.

Procedures for Review:

The Cape Cod Commission coordinates with the town's Building Commissioner and Local Historical Commission in the review of National Register properties. If a proposed project involves full demolition, the Building Commissioner refers the project to the Cape Cod Commission for review. If a proposed project involves alterations (including more than a 25% change in the gross floor area of a single family home), the Building Commissioner seeks an opinion from the Local Historical Commission as to whether the project should be reviewed by the Cape Cod Commission. The Cape Cod Commission prefers to have the Local Historical Commission work with property owners planning major alterations to explore options that would not trigger review. When major alterations are proposed, there is an opportunity for the property owner to discuss the building's significant exterior features with the Local Historical Commission members and Cape Cod Commission staff and to consider alternative designs which would preserve key character-defining features prior to beginning the review process. Many property owners choose to alter their plans once they become aware of the building's historically significant features.

Questions:

For more information about the Cape Cod Commission's review of historic properties, please contact Sarah Korjeff, Preservation Planner, or Jon Idman, Chief Regulatory Officer, at 508-362-3828.