



CAPE COD
COMMISSION

STAFF MEMORANDUM

To: Cape Cod Commission Members

Project: Limited Discretionary Referral
Proposed Building Demolition
Hyannisport Club, 2 Irving Avenue
(CCC File No. 19023)

Date: September 19, 2019

Recommended Action

Commission Staff recommends that the Cape Cod Commission accept the Barnstable Historical Commission's discretionary referral of the proposed demolition of the "Marchant House" as a Development of Regional Impact (DRI) under the Regional Policy Plan (RPP) issue area of Cultural Heritage.

Discussion

On September 4, 2019, the Cape Cod Commission received a limited discretionary referral from the Barnstable Historical Commission (BHC), through the Town Manager, for the proposed demolition of the so-called "Marchant House" located on the grounds of the Hyannisport Club, 2 Irving Avenue, Hyannisport.

The BHC requests that the Cape Cod Commission accept the demolition for DRI review, under which RPP consistency review would be limited solely to Cultural Heritage. (The Cultural Heritage goal and objectives in the RPP deal with historic, cultural and archaeological resources).

The proposed demolition does not trigger mandatory DRI review because the building is not listed on the National/ State Register of Historic Places.

The Commission can accept a discretionary referral for DRI review if the Commission determines that the proposed development will have regional impact and presents one of the concerns under Section 12(b) of the Cape Cod Commission Act.

Notwithstanding the above, if the building were a single-family dwelling, the Commission's *Enabling Regulations* would prohibit the Commission from accepting the discretionary referral as a DRI because the Massachusetts Historical Commission (MHC) has not determined the building eligible for listing on the National/ State Register.

Staff suggests that the building is not a single-family dwelling, and thus can be accepted for DRI review. Information from the Town's building and assessing departments and other public

sources like the Registry of Deeds indicate that the building is part of the Club's operations, used for years as employee housing. As has been the case for decades, the Club operates on a single 155 acre +/- lot which contains the golf course and eight buildings (including the subject building); and title to all the land and buildings is in the Club.

Further, Staff suggests the proposed demolition presents regional impacts to historical, cultural, and architectural resources as referenced in Commission Act Section 12(b)(1), which concerns align with those set out in the Cultural Heritage goal and objectives of the RPP. The building dates to the 18th century and has been inventoried with MHC. The inventory forms were prepared by qualified consultants who opined that the building was eligible for listing on the Register. The BHC imposed an 18 month "Demolition Delay" on the building in July 2019 and determined in the process that the building is significant to the historical, cultural and architectural heritage and resources of the Town, and should be preserved.

The BHC previously referred the demolition to the Commission when it was last proposed in 2009 (CCC File No. 09018). The Commission accepted that discretionary referral as a DRI, but the applicant later withdrew its demolition request. The proposal (and relevant facts and issues) are the same now as then; in its previous acceptance, the Commission determined that the building was not a single-family dwelling, and its proposed demolition presented regional impacts on historical, cultural and architectural resources per Section 12(b) of the Commission Act. Staff has provided the Commission with a copy of the 2009 staff report on the proposed demolition/ discretionary referral as it might prove helpful in review of the current request, given the identical facts and issues involved.