

Maine Coast Heritage Trust staff uses this document in its land conservation efforts. It is designed for internal MCHT use and is provided here as a reference or guide. Each land trust has its own mission, priorities, and organizational characteristics that should direct how it does its work and what documents it uses. Please feel free to use the ideas, processes, and even specific text contained in this document, but be sure to tailor them for your organization. Land trusts should always consult a lawyer and exercise due diligence in cases of legal significance. MCHT does not guarantee or provide advice as to the tax consequences of any project or action.

MCHT STRUCTURES POLICY (APPROVED 4/13/2012)

Occasionally, MCHT acquires lands with major structures such as houses or barns. This policy outlines the process used to determine an outcome for the structures. In a few cases, the decision to remove or retain the structure is determined prior to acquisition. In those instances, staff will implement that decision. If the decision requires removal of a structure that adds value to a property, Board approval will be sought.

Maintenance of existing structures is an ongoing process. If MCHT plans to keep a structure or the organization is undecided about a structure, the structure will be secured so that it is watertight and will be maintained in a status quo condition. MCHT will not allow buildings to deteriorate, unless they are already down, substantially deteriorated and/or in a remote location.

When dealing with a building on a property, MCHT staff will follow these procedures:

1. Determine whether or not the structure must be removed or stay per the acquisition terms.
2. If the terms require removal:
 - a. Look at options for removal and secure estimates (i.e., tear down, removal and reuse by 3rd party, etc.)
 - b. Communicate with stakeholders
 - c. Remove structure in a timely manner (examples include: Jordan's Delight house, Pinkham Island A-Frame, Bill's Island cottage, Marshall Island buildings.)
3. If the terms do not require removal, complete an analysis of the structure and its potential benefits and liabilities by considering the following:
 - a. Inspect the structure and determine its condition and needs.
 - b. Learn local zoning and code requirements.
 - c. Determine the costs to renovate, maintain, or remove.
 - d. Determine if the building provides a benefit to MCHT and/or to the public—does it provide opportunities?
 - e. Determine if the building is a detriment to MCHT – ugly, safety hazard, costly to maintain, an impediment to another goal, etc.
 - f. Is the structure irreplaceable, either due to historical value, expense or current zoning regulations, etc.?
 - g. Are there environmental issues?

4. If these factors point to building removal and local factors (such as property tax ramifications) indicate a quick removal, the Stewardship Director, Regional Steward and Project Manager will make a decision. If the structure has material contributory value to the property and removal will diminish the property's value, staff will take a recommendation for removal to the MCHT Board of Directors for approval.
5. If a decision to remove the structure is not clear, and there is no immediate reason to remove the structure, then a decision will be made as part of the management planning process for the property.
 - A. Consider retaining the structure if:
 1. There are clearly identified benefits (staff housing, community use, land management uses, historic value, aesthetic value);
 2. The condition of the structure is good and is not detrimental to its' conservation values;
 3. There are no unsolvable environmental issues; and
 4. MCHT can afford to maintain it.
 - B. Remove or resell the structure if:
 1. There are no clear benefits to MCHT or the community;
 2. MCHT cannot afford to keep it; or
 3. It has major environmental issues or is otherwise detrimental to the property's conservation values.

As in #4, if the structure has material contributory value to the property and its removal will diminish the value of the property, and the staff decision has been made to remove it, staff will bring a recommendation to the Board.

If the answers to these questions lead to more questions about the future of the structure, spend some additional time trying to answer them. Rarely, MCHT might choose to defer a decision on the outcome of a structure if we can envision a future use.