

CAPE COD COMMISSION REPORTER



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The newsletter of the regional planning and regulatory agency serving Barnstable County since 1990.

County Assembly Approves Final Draft Regional Policy Plan

On December 17, 2008, the Barnstable County Assembly of Delegates approved the proposed final draft Regional Policy Plan prepared by the Cape Cod Commission. The October 30, 2008, version of the plan will become effective 30 days following adoption and recording at the Barnstable County Registry of Deeds. The Commission anticipates recording the ordinance in mid January 2009. Until the new plan is recorded, the 2002 Regional Policy Plan remains in effect.

During the Assembly's meeting just prior to the vote, Cape Cod Commission Planning Committee Chair Florence Seldin emphasized that the final draft of the plan was "a truly cooperative endeavor between Commission members and a very hard-working, knowledgeable staff."

Seldin also expressed gratitude to all others who participated as well: "The Planning Committee wants to thank the public and all participants from the private and nonprofit sectors who provided what I've been told was an unprecedented amount of input into the plan."



Cape Cod Commission Executive Director Paul Niedzwiecki added his gratitude for the Assembly's vote: "The Commission can now begin to get on with the important work and actions called for in the plan."

Niedzwiecki also reinforced a promise made throughout 2008: "We will begin an annual review of the plan in May 2009."

Copies of the new plan and related maps and background materials may be downloaded from the Web site:
www.capecodcommission.org/RPP2008/

Related Documents and Regulations

Several technical bulletins are referenced in the new Regional Policy Plan. Technical bulletins are not regulations themselves, but they do reinforce and help clarify certain aspects of the regulations. Many bulletins

have been developed over the years, but two in particular are needed to support new concepts in the Assembly-approved plan.

The Commission's staff and Planning Committee members have already begun to review one of the needed bulletins, the one related to affordable housing and the calculation of reduced mitigation for the housing impacts of some proposed commercial projects. The staff has also begun to review a draft of a second bulletin, one providing guidance on how to comply with the plan's minimum performance standards related to energy.

Later this winter, the Commission will finalize revisions to a portion of the agency's Enabling Regulations to include the process for "Limited Development of Regional Impact (DRI)

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Reviews” and other technical changes to those regulations. That work will be followed in late winter/early spring by revisions to proposed “Chapter H” (“flexible thresholds”) regulations. Chapter H is intended to address the process and criteria for Cape Cod municipalities to apply for revision of DRI thresholds once a town has endorsed its portion of the new Regional Land Use Vision Map, which is included in the new Regional Policy Plan.

SAVE THE DATE: April 2, 2009 Cape-wide Historic Preservation Workshop

The Cape Cod Commission and Preservation Mass are planning a workshop on historic preservation on Thursday, April 2, 2009, from 11 a.m. to 3 p.m. at the Harwich Community Center.

Workshop sessions will include:

- Generating Good Community Preservation Act (CPA) Projects
- Preventing Demolition of Historic Structures
- Protecting Unique Resources

For more information, contact Commission Preservation Specialist Sarah Korjeff (508-362-3828 or skorjeff@capecodcommission.org).

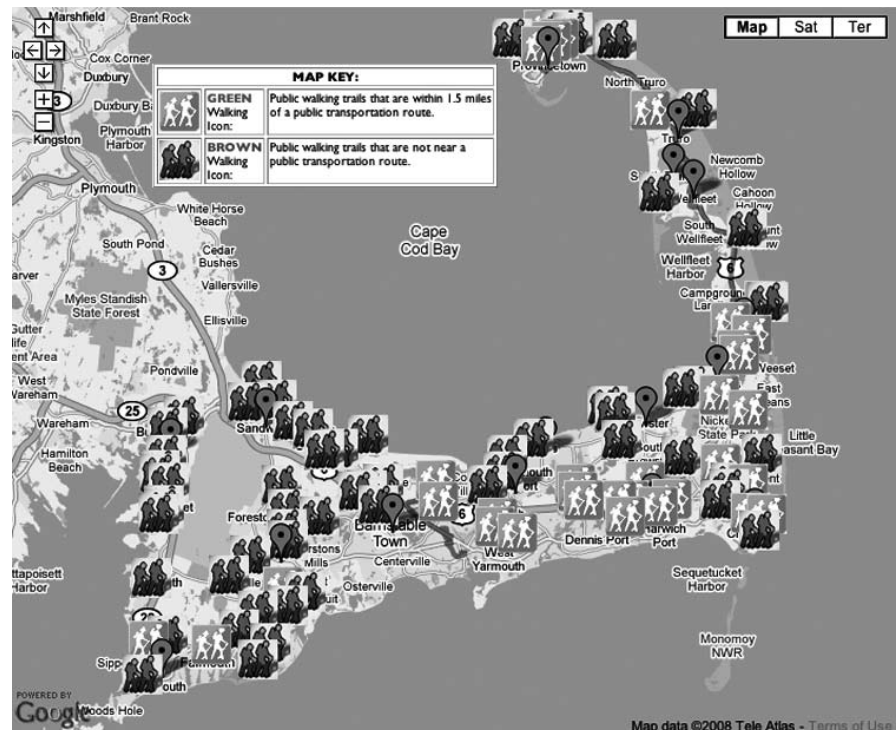
Interactive Pathways Trail Directory

The Cape Cod Commission has enjoyed enthusiastic and creative help from members of the Barnstable County AmeriCorps Program for many years, especially with educational activities sponsored by the Cape Cod Groundwater Guardian Team and with the Cape Cod Pathways program. Pathways, a 1993 county initiative managed by the Commission’s staff, is a collaborative effort of the county and Cape towns to create a network of walking trails across the entire region.

Jennifer Burkhardt, this year’s AmeriCorps member working with the Commission on the Pathways program, has recently completed a new online, interactive directory of walking trails. A Google®-powered map on the web site www.capecodcommission.org/pathways/ shows 95 public walking trails, with descriptions of the individual trails, pictures, and links to more information.

Aided by Commission Senior Transportation Engineer Lev Malakhoff, Burkhardt created the map in a way that highlights trails that are near public transportation routes, with the idea

that walkers may want to use transit or other means rather than driving their automobiles to get to the trails. Of the 95 trails, 34 are within 1.5 miles of a public transportation route stop.



Cape Towns Eligible for 2009 Technical Assistance Funds

The Commonwealth of Massachusetts has allocated funds to each of the state's 13 regional planning agencies, including the Cape Cod Commission, to help municipalities with sustainable development and to encourage municipalities to form partnerships to achieve planning and development goals consistent with state and regional priorities.

2008 Expedited Permitting Program

The 2009 "District Local Technical Assistance" (DLTA) program was formerly known as the "Expedited Permitting" program. Cape Cod activities funded last year under the program included projects for the towns of Barnstable, Bourne, Eastham, Falmouth, Sandwich, and Truro, as follows:

- The Town of Barnstable benefitted from program funds for traffic counts and transportation and geographic data and mapping assistance related to the Downtown Hyannis Growth Incentive Zone.

- The Town of Bourne benefitted from program funds to continue its efforts toward the revitalization of downtown Buzzards Bay, with progress towards a potential Growth Incentive Zone to stimulate investment in the area.

- The Town of Eastham benefitted from program funds to help evaluate development options for a large parcel of

town-owned land in the proposed North Eastham Village Center area.

- The Town of Falmouth benefitted from program funds to help evaluate the feasibility of "district increment financing" for public improvements that are needed to stimulate development along East Main Street.

- The Town of Sandwich benefitted from program funds to support an active public-participation process for local planning and potential zoning changes related to "smart growth" and enhanced economic development in the Cotuit Road-Quaker Meetinghouse Road-Route 130 area.

- The Town of Truro benefitted from program funds to help prepare a watershed management plan for the Pamet Lens aquifer, which provides drinking water to the towns of Truro and Provincetown.

2009 District Local Technical Assistance Program Funds

The Cape Cod Commission encourages all Cape towns to make requests for funds under the 2009 program. The region has been allocated about \$155,000, and the funds must be expended by municipalities by December 31, 2009.

In mid December 2008, Cape Cod Commission Director of Technical Services Patty Daley



sent information and instructions for towns to make requests, inviting municipalities to submit letters to the Commission by January 16. (Download a copy of the instructions as a PDF file from the web site www.capecod-commission.org/DLTAFunds.pdf.)

"Request letters will be accepted after January 16," Daley recently clarified. "However, preference will be given to those received by that date."

Sustainable Development/Land Use Objectives

The state has adopted sustainable development principles to address land use and is encouraging planning and decision making that reflect the needs of the towns and region in their efforts toward sustainable development. Activities that might qualify for the new DLTA funding under this concept include:

- the preparation and implementation of bylaws and

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ordinances for “open space” residential design, low-impact development, and development of workforce housing districts;

- the preparation of permitting procedures to implement prompt and reliable permitting for clean energy/co-generation facilities and commercial or workforce housing districts;

- the preparation of corridor analyses to coordinate planning among two or more municipalities related to zoning, transportation, housing, economic

development, or the protection of open space; and

- the preparation of watershed based land use, natural resource, or other analyses to coordinate wastewater planning efforts among two or more municipalities.

Municipal Partnerships

Through this funding program, the state is also encouraging municipalities to work together to achieve or enhance cost-effective services or ongoing

collaborations. The Commission must devote at least 30 percent of the region’s program funding to municipal-partnership projects. Activities that might qualify for DLTA funding under this concept include:

- shared services, including public safety, emergency response, information technology, analysis of regional school districts, shared professional or administrative services, shared aerial mapping services, or shared waste-disposal and recycling programs and operations;

- cooperative agreements between towns, for example, for the regional analysis of affordable housing needs;

- collective purchasing (if not possible or if less expensive than through statewide or county-wide contracts); and

- cost-saving measures that benefit more than one municipality.

More Information

Requests for technical assistance under the 2009 program should follow the process described in the PDF cited on the previous page.

The Commission will evaluate requests and will respond within 30 days, based on five criteria. Preference will be given to projects that address or promote more than one of the criteria. The provision of technical assistance will be subject to the availability of funds.

Questions may be directed to Patty Daley at (508) 362-3828 or pdaley@capecodcommission.org.



CCC Personnel Notes

New Staff Member:

Marisa Mejia, Regulatory Officer II

In late December, the Cape Cod Commission filled its last opening in the staff roster for the Legal/Regulatory Department under the 2008 reorganization plan. Marisa Mejia joined the staff in the position of Regulatory Officer II. Mejia’s most recent professional experience was with Tighe & Bond, a New England engineering and environmental consulting firm for whom she worked with clients on regulatory compliance at the federal, state, and local levels. She earned a Bachelor of Arts degree in Environmental Studies from the University of Chicago and a Master of Public Administration degree in Environmental Science and Policy from Columbia University.

New Commission Members:

Barnstable County Commissioner and Town of Yarmouth

- The Barnstable County Commissioners have appointed Sheila Lyons to be their representative on the Cape Cod Commission. Lyons replaces William Doherty, who served in that capacity since November 2002. Cape Cod Commission members and staff extend thanks to Doherty for his active interest and participation in the work of the agency.

- The Yarmouth Board of Selectmen has appointed Mark Lohan to be the town’s representative on the Cape Cod Commission. Lohan will complete former representative Renie Hamman’s term, which expires in April 2011. (See note about Hamman in the December 2008 newsletter issue.)

Annual Analysis of Chapter 40B Projects

Cape Cod Commission Affordable Housing Specialist Paul Ruchinkas recently updated his annual inventory and study of Comprehensive Permit (Chapter 40B) activity throughout Barnstable County. The data are current through September 30, 2008.

Historical Trends

- Forty percent of the Cape’s affordable housing units have been produced through the Comprehensive Permit process.
- Fifty-seven percent of the units in the Cape’s 40B developments are affordable.
- Of the units produced under 40B, 66.5 percent have been rental and 33.5 percent have been ownership.
- The median 40B project size is 18 units; the average size is 26 units.
- More than half (60 of 112) of the Comprehensive Permit developments built or under construction as of September 30, 2008, have occurred in Barnstable, Falmouth, and Sandwich.

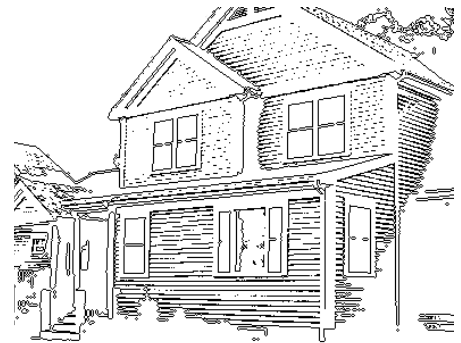
October 2001 through September 2008

- Sixty-eight percent of the 1,466 affordable housing units added to the region’s affordable inventory between October 2001 and September 2008 were the result of Chapter 40B developments. Excluding group home units that were allowed to be counted in 2003, 84 percent of the newly added units were permitted via 40B.
- Forty-nine percent of all 40B projects in the region have been done since 2001.

More Information

The complete report and other information about Chapter 40B are available on the web site: www.capecodcommission.org/housing/resources.htm

For more information on the report, the 40B process in general, and related affordable housing issues, contact Paul Ruchinkas at (508) 362-3828 or pruchinkas@capecodcommission.org.



Comprehensive Permit (Chapter 40B) Units in Barnstable County, by Town, September 2008

Town	Year-round Units 2000	Total Affordable Units ¹	Subsidized Percentage 2008 ¹	Comp. Permit Projects ²	Comp. Permit Project Units Affordable ²	Percentage of Comp. Permit Units of Total Affordable
Barnstable ³	20,266	1,369	6.76%	23	607	44.34%
Bourne	7,787	624	8.01%	6	110	17.63%
Brewster	4,379	257	5.87%	4	64	24.90%
Chatham	3,596	175	4.87%	2	79	45.14%
Dennis	8,079	327	4.05%	9	249	76.15%
Eastham	2,642	59	2.23%	3	23	38.98%
Falmouth	14,440	793	5.49%	24	309	38.97%
Harwich	5,862	261	4.45%	5	125	47.89%
Mashpee	5,578	223	4.00%	10	103	46.19%
Orleans	3,317	298	8.98%	4	33	11.07%
Provincetown	2,062	128	6.21%	2	20	15.63%
Sandwich	7,574	270	3.56%	13	263	97.41%
Truro	999	9	0.90%	0	0	0.00%
Wellfleet	1,430	39	2.73%	2	18	46.15%
Yarmouth	12,056	382	3.17%	5	85	22.25%
COUNTY TOTAL	100,067	5,214	5.21%	112	2,088	40.05%

¹ As of September 9, 2008, from a report of the Massachusetts Department of Housing and Community Development.

² Permitted projects with construction completed or under way, as of September 30, 2008.

³ Barnstable’s 172 approved “amnesty” apartment units (136 affordable) permitted under 125 Chapter 40B filings are not included in the town’s project total; that is, 23 are shown instead of 148. However, the 172 units are included in the town’s Comprehensive Permit project total units for this analysis.

CCC Technical Data Digest

Traffic at Route 137 and Route 39, East Harwich

The chart below shows the average daily traffic at the intersection of Routes 137 and 39 in Harwich for each month over the past two years. The data are collected continuously on all approaches to the intersection using in-pavement vehicle-detection methods. The Cape Cod Commission's transportation staff remotely retrieves the collected data via telephone modem. The chart indicates changes in traffic during the year and the growth in traffic from last year to this year when comparing individual months.

USGS Observation Well Data

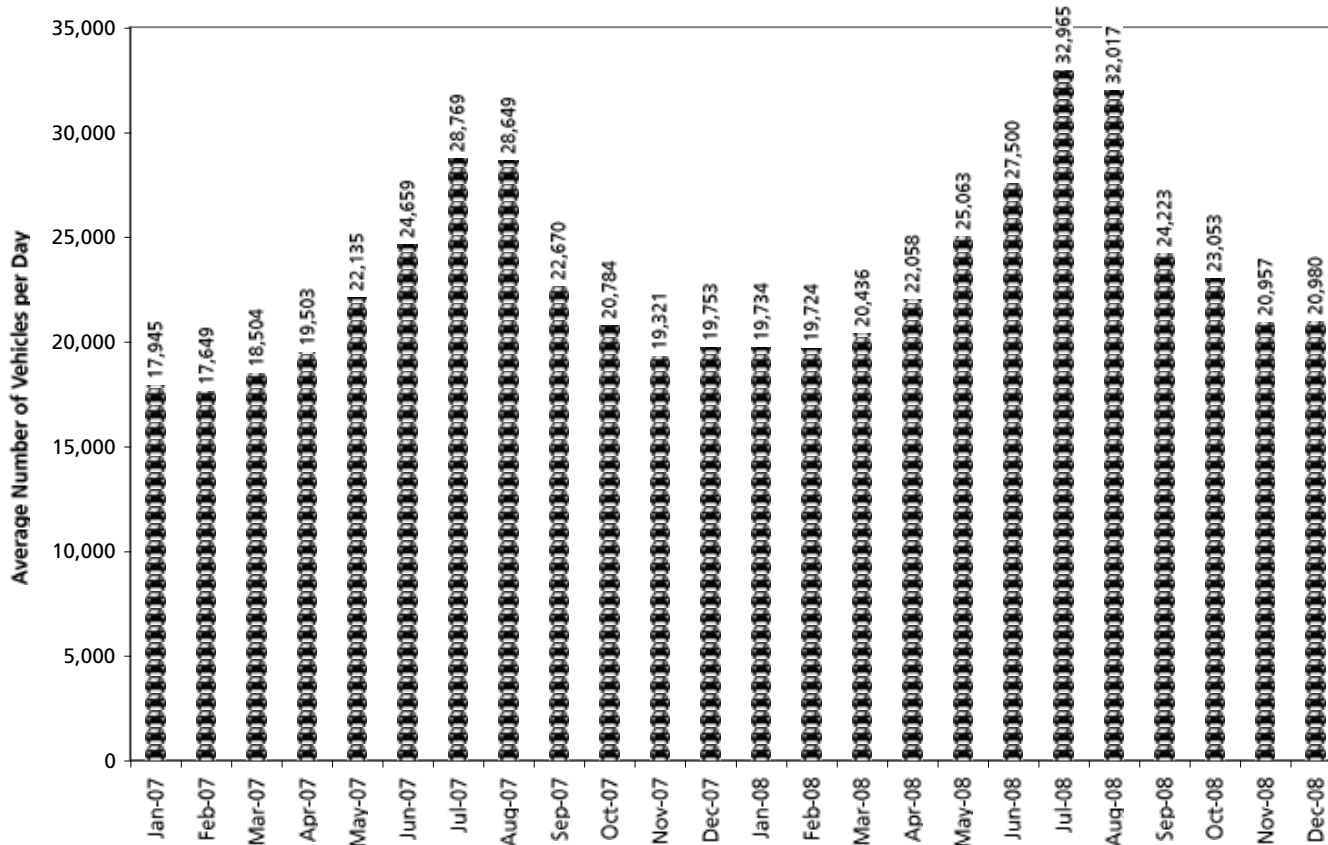
The groundwater-level measurements below are taken monthly by the Cape Cod Commission's staff from nine US Geological Survey (USGS) index wells. The data are also online at: www.capecodcommission.org/wells.htm

December 2008

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	24.1	20.5	26.6	0.1	-0.4
Barnstable	A1W 247	24.8	20.5	28.6	0.2	-0.4
Brewster	BMW 21	10.4	6.9	13.6	0.1	-0.2
Chatham	CGW 138	24.8	20.9	26.6	-0.4	-0.9
Mashpee	MIW 29	8.0	5.6	10.0	0.8	0.4
Sandwich	SDW 252	47.4	45.8	48.2	0.0	-0.2
Sandwich	SDW 253	50.1	45.8	55.1	0.4	0.0
Truro	TSW 89	12.0	10.2	13.0	0.1	0.0
Wellfleet	WNW 17	11.8	7.3	12.8	-0.8	-1.4

*Feet below land surface. **Feet above mean sea level. †New monthly high. ‡New record high.

Average Daily Traffic – Intersection of Routes 137 and 39 in East Harwich, MA



Cape Cod Commission • DRI Status Report

Developments of Regional Impact (DRIs) currently under consideration by the Cape Cod Commission are listed below. A check mark (✓) are listed below. A check mark (✓)

in front of a project's name indicates that Commission regulatory activity is scheduled for that project in the next month. Details about those

activities are listed in the calendar on the back cover and as hearing notices in the Regulatory section of the Web site: www.capecodcommission.org

DRI Projects in the CCC Regulatory Queue

BARNSTABLE

- ✓ • **68 Dale Avenue, Hyannisport**—proposed substantial alteration to a structure listed as a contributing building within the Hyannisport National Register District. Extension agreement to 2/6/09.
- **Blanchard's Liquors**—proposed demolition of a Knights of Columbus hall and construction of a 9,801-sq.ft. liquor store on Route 28 in Hyannis. CCC accepted the project as a discretionary referral limited to growth management, transportation, and community character on 5/15/08. Extension agreement to 3/9/09.
- ✓ • **Centerville Public Library Parking Improvements**—proposed construction of 14 angled, paved parking spaces at the library, which is within the Craigville Beach/Centerville Village Center DCPC.
- ✓ • **Excel Switching Corp. Corporate Facilities**—proposed construction of two office buildings totaling 64,000 sq.ft. on the Excel Switching Corporate Campus.
- **F.W. Webb**—proposed 22,550-sq.ft. footprint, two-story addition, to include warehouse and office space, to an existing 22,500-sq.ft. footprint, two-story building that formerly housed a mill store.
- **Haseotes Addition**—proposed construction of a 2,900-sq.ft. three-bedroom addition to a dwelling within the Craigville Beach/Centerville Village Center DCPC.

BOURNE

- **Paesano Company Office Building** (Raponi/123 Waterhouse Road)—already constructed office building with a 9,400-sq.ft. first floor and a 9,400-sq.ft. concrete surface second floor. CCC asserted jurisdiction for the mandatory DRI on 10/2/08 and approved a hardship exemption with conditions on 1/8/09.

CHATHAM

- **Chatham Wastewater Plan**—wastewater study and implementation plan. Joint MEPA/CCC review. Extension agreement to 6/18/10.

FALMOUTH

- **South Coast Watersheds Comprehensive Wastewater Management Plan**—proposed Comprehensive Wastewater Management Plan to address water quality problems of Little, Great, Green, Bourne, and Eel ponds, and Waquoit Bay. Joint MEPA/CCC review.
- **The Golf Club at Cape Cod/Ballymeade**—proposed construction of an 18-hole golf course on approximately 183.41 acres within Ballymeade Estates.

MASHPEE

- **Holland Mills Well and Pumping Station**—proposed installation of new public water supply well/pump station. Joint MEPA/CCC review.
- **Mashpee Commons**—proposed master plan. Extension agreement to 2/1/10.
- **Mashpee Watershed Plan**—proposed watershed nitrogen management plan.
- **Mashpee Woods ANR Plan**—proposed Approval Not Required subdivision plan with two commercial lots and seven industrial lots. Extension agreement to 9/18/09.

ORLEANS

- **Daniels C&D Facility Expansion**—proposed expansion of a construction and demolition debris-processing facility.

PROVINCETOWN

- **Provincetown Airport Capital Improvements Plan**—proposed safety and facility improvements to the Provincetown Municipal Airport. Joint MEPA/CCC review.

SANDWICH

- **Sandwich Beach Nourishment and Dredging**—proposed beach nourishment and maintenance dredging. Joint MEPA/CCC review.

TRURO

- **Dutra Residence**—proposed construction of six cottages to replace an existing residence. CCC accepted the applicant's withdrawal of the project on 12/18/08.

WELLFLEET

- **Herring River Tidal Restoration Project**—proposed reestablishment of tidal flow to the 1,100-acre Herring River estuary and flood plain. Joint MEPA/CCC review.

YARMOUTH

- **Cape Wind Energy Project**—proposed wind energy facility in Nantucket Sound, with 130 wind towers transmitting power via an underground cable with a proposed Yarmouth landfill. Joint MEPA/CCC review. MEPA issued FEIR certificate on 3/29/07. CCC denied the project without prejudice on procedural grounds on 10/18/07. Cape Wind Associates petitioned the state Energy Facilities Siting Board (EFSB) for a "Certificate of Environmental Impact and Public Interest" on 11/21/07. EFSB held a hearing in mid November 2008.
- **Parker's River Marine Park**—proposed marine park on the 22-acre site of the former Yarmouth drive-in theater. Joint MEPA/CCC review.
- **Yarmouth Cultural Center/Owl Club**—proposed demolition of a structure formerly known as the Owl Club and new construction for the expansion of the Yarmouth Cultural Center.

BREWSTER, DENNIS, EASTHAM, AND HARWICH

No DRI projects at this time.

Commission Meetings and Events

Cape Cod Commission meetings and hearings are open to the public. Call (508) 362-3828 to confirm times and check for last-minute changes.

Standing Committees

Regulatory, Planning, and Executive committee meetings held at the Commission offices. Call for times.

Tuesday, January 20
Monday, February 2
Tuesday, February 17

Regulatory Calendar

- **January 20:** PLANNING COMMITTEE HEARING: Sandwich Local Comprehensive Plan, 8:45 a.m., CCC
- **January 22:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
 - Centerville Public Library Parking Improvements
 - Excel Switching Corporation Corporate Facilities
- **February 5:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
 - 68 Dale Avenue/Hyannisport

Full Commission Meetings

Held at the Barnstable County Assembly of Delegates Chamber at 3 p.m., unless otherwise noted.

Thursday, January 22
Thursday, February 5
Thursday, February 19

Other Events

- **SAVE THE DATE: April 2, 2009**
Cape-wide Historic Preservation Workshop: Thursday, April 2, 2009, from 11 a.m. to 3 p.m. at the Harwich Community Center. Coordinated by the Cape Cod Commission and Preservation Mass. Sessions will focus on generating good Community Preservation Act (CPA) projects, preventing demolition of historic structures, and protecting unique resources. For more information, contact Preservation Specialist Sarah Korjoff at the Cape Cod Commission (508-362-3828 or skorjoff@capecodcommission.org).



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