

CAPE COD COMMISSION

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**DECISION OF THE CAPE COD COMMISSION
ACCEPTANCE OF DISTRICT OF CRITICAL PLANNING CONCERN (DCPC)
NOMINATION FOR CONSIDERATION
TOWN OF HARWICH DCPC**

Date of Nomination: September 17, 2019
Date of Acceptance: October 3, 2019
Nominating Agency: Harwich Board of Selectmen
Location of District: West Harwich, MA

Types of District:
Economic Resource District
Cultural, Historic, Architectural, or Archaeological Resource District
Transportation Management District

BOUNDARY

The nominated district consists of approximately 43 acres of land located entirely within the Town of Harwich, Village of West Harwich, and contains those parcels in the existing Commercial Highway (CH-1) zoning district with frontage along State Highway/ Route 28 from the Dennis/Harwich town line (Division Street) to just west of the Herring River, with the exception of certain portions of parcels located at 93 Route 28, 97 Route 28, and 156 Riverside Drive that fall outside of said CH-1 district. A map of the proposed district is appended as Exhibit A.

GENERAL STATEMENT OF PURPOSE AND REASONS FOR ACCEPTANCE OF NOMINATION FOR CONSIDERATION

In accepting the nomination of the West Harwich DCPC for consideration, the Cape Cod Commission (Commission) makes the following findings:

1. There is a need for special planning and regulations in the West Harwich DCPC that will preserve or maintain values and resources intended to be protected by the Act. This designation is of critical value to Barnstable County due to the following features: the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources of regional, statewide or national significance.
2. Regulatory and/or planning tools are available which are likely to be effective in protecting or otherwise meeting the objectives of the proposed district.
3. Economy, Transportation, Cultural Heritage, and Community Design are regional issues identified in the 2018 Regional Policy Plan.
4. The area of West Harwich along Route 28 includes the eastern half of a Community Activity Center identified in the 2018 Regional Policy Plan.
5. The proposed District is served by Route 28 with annual average daily traffic volumes of approximately 10,000 trips/day. The roadway provides access between Dennis Port and Harwich Port and includes several areas zoned for commercial use and economic activity. Route 28 is under the jurisdiction of the Massachusetts Department of Transportation.
6. Summer traffic congestion and safety on Route 28 impacts both residents and visitors daily. The Harwich section of Route 28 consists of a two-lane cross-section with 11-foot vehicle lanes and minimal shoulders. There is substandard sidewalk on the north side of the roadway of varying width and poor condition. There are short segments of sidewalk on the south side of the roadway. The corridor lacks sufficient bicycle and pedestrian accommodations, and has not received upgrades to mitigate traffic volumes, safety issues, and stormwater runoff. The corridor had 40 crashes during the most recent five years of available data from the Massachusetts Registry of Motor Vehicles (2013-2017), including 15 that resulted in one or more injuries. The intersection of Route 28 and Division Street experienced 18 crashes during the same time period, with one of the crashes resulting in a fatality, and eight other crashes resulting in non-fatal injuries. The proposed DCPC would provide the means for the Town to plan comprehensively to manage traffic congestion and safety issues.
7. Future growth could impact the character of the area and historic structures along Route 28. Many commercial properties are ripe for redevelopment.

8. The area includes twenty-four (24) structures dating from circa 1750 to 1914 that have been dubbed “Captain’s Row” and represent the area’s association with successful maritime industries. The area was evaluated by Massachusetts Historical Commission staff in 2016 and determined to meet the criteria for listing as a district on the National Register of Historic Places.
9. The designation of this area as an Economic or Development Resource District will allow the town to plan and adopt zoning and other strategies to guide future development and redevelopment in a way that contributes to and respects the character and historic development patterns of the area and provides appropriate tools to support and foster the local economy. The character of the area plays a significant role in the success of businesses and other uses along the corridor. Designation of the area as a DCPC would provide the town with an opportunity to develop regulations to support and enhance the small-scale local economy of West Harwich.
10. Designation of this area as a Transportation Management District will allow the Town to comprehensively manage traffic congestion and safety, and to plan for adequate pedestrian and bicycle accommodations within the proposed District. The DCPC would provide the town an opportunity to develop regulations that require the implementation of access management and the provision of multimodal connections for parcels within the DCPC. These parcel-level actions would complement the town’s effort, in partnership with the Town of Dennis and the Massachusetts Department of Transportation, to improve this segment of Route 28 through a planned Transportation Improvement Program (TIP) project. The TIP project, currently funded in Federal Fiscal Year 2023, will improve safety and multimodal accommodation on Route 28 from Upper County Road in Dennis to the Herring River Bridge.
11. The designation of this area as a Cultural, Historic and Architectural district will allow the Town to craft regulations that offer protection for important historic resources and guide new development to follow traditional development patterns that support neighborhood and village development styles and scales consistent with the community’s goals. This area is identified as a western gateway for the town and the type and character of development will influence the function and success of this area as a gateway.
12. The proposed District is primarily located in the Commercial Highway (CH-1) zoning district, with the rear portions of a few lots within the Residential High Density 1 (RH1) district, and the rear portions of some lots within the Residential Medium Density (RM) district. A portion of the easterly end of the proposed district is within a FEMA flood zone (AE – elevation 11), including approximately 12 properties. The DCPC process will allow the town to look comprehensively at future development potential and development characteristics in the proposed District under existing zoning and provide an opportunity to create more effective regulations that support the community’s vision for the District.

13. The proposed boundary of the District is reasonably related to the purposes of the District and follows an easily definable boundary.

TYPES AND CLASSES OF DEVELOPMENT THAT MAY PROCEED

Pursuant to Section 11(c) of the Cape Cod Commission Act, "the acceptance of a nomination for consideration for designation as a district of critical planning concern shall continue to suspend the power of a municipality to grant development permits for development within the nominated district."

The Commission, in conjunction with the Harwich Board of Selectmen, has identified the following types or classes of proposed development which may proceed notwithstanding this nomination during consideration and designation and until Implementing Regulations are adopted pursuant to Section 11 (d) & (e) of the Act, provided however that such permits could have been issued in accordance with bylaws and regulations in effect in the town of Harwich at the time of the local permit application. The Commission certifies, by the acceptance of this nomination, that these types or classes of proposed development are not substantially detrimental to the protection of public health, safety, and welfare and do not contravene the purposes of the Cape Cod Commission Act and the DCPC nomination. Where a type or class of development is not included below, it may not proceed unless the district fails, until Implementing Regulations are adopted, or until it is exempt pursuant to Section 22 of the Act.

The following uses/activities shall be allowed to continue in the Town of Harwich District during the moratorium:

1. Normal and customary repair or maintenance to a single-family house or any other residential use.
2. Normal and customary repair or maintenance to duly permitted accessory structures such as storage sheds, garages or accessory residential structures.
3. Normal and customary repair or maintenance to non-residential structures and uses.
4. The change, alteration or expansion of use of any commercial, retail or mixed-use structure where such change, alteration or expansion is limited to the interior of the structure and will not increase or intensify the use of the structure and will not result in any change to the building footprint or any other exterior component that would require Site Plan Review pursuant to Section 325-55 of the Code of Harwich Zoning Bylaws.
5. Normal and customary repair or maintenance to on-site septic systems. Such repairs or maintenance shall not increase the number of bedrooms or wastewater disposal capacity or result in an increase in impervious area.

6. Normal and customary repair or maintenance to duly permitted signs.
7. Installation of new signs provided they conform to the Harwich Sign Codes.
8. Any development or redevelopment activity where all necessary permits have been issued before September 19, 2019.
9. Any development activity related to comprehensive permits issued pursuant to Chapter 40B of Massachusetts General Laws prior to the nomination of this DCPC.
10. Connections to public water supply systems.
11. Municipal or State projects.
12. Any development that constitutes emergency work as defined by Section 24 of the Cape Cod Commission Act. The proponent of any emergency work must notify the Commission immediately upon applying to a municipal agency or official for an application to conduct such emergency work. Emergency work shall be permitted and proceed only in accordance with the standards and procedures set forth in Section 24 of the Act.

CONCLUSION

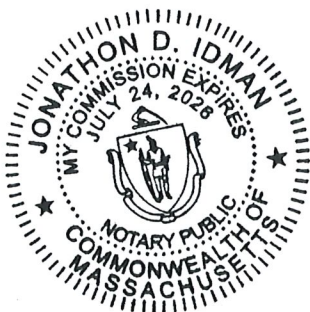
Based on the findings above, the Cape Cod Commission hereby accepts for consideration the nomination of the West Harwich District in the Town of Harwich as a District of Critical Planning Concern.

Harold W Mitchell
 Harold Mitchell, Chair

10-3-19
 Date

Before me, the undersigned notary public, personally appeared Harold Mitchell, in his capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was __ personal knowledge of the undersigned.

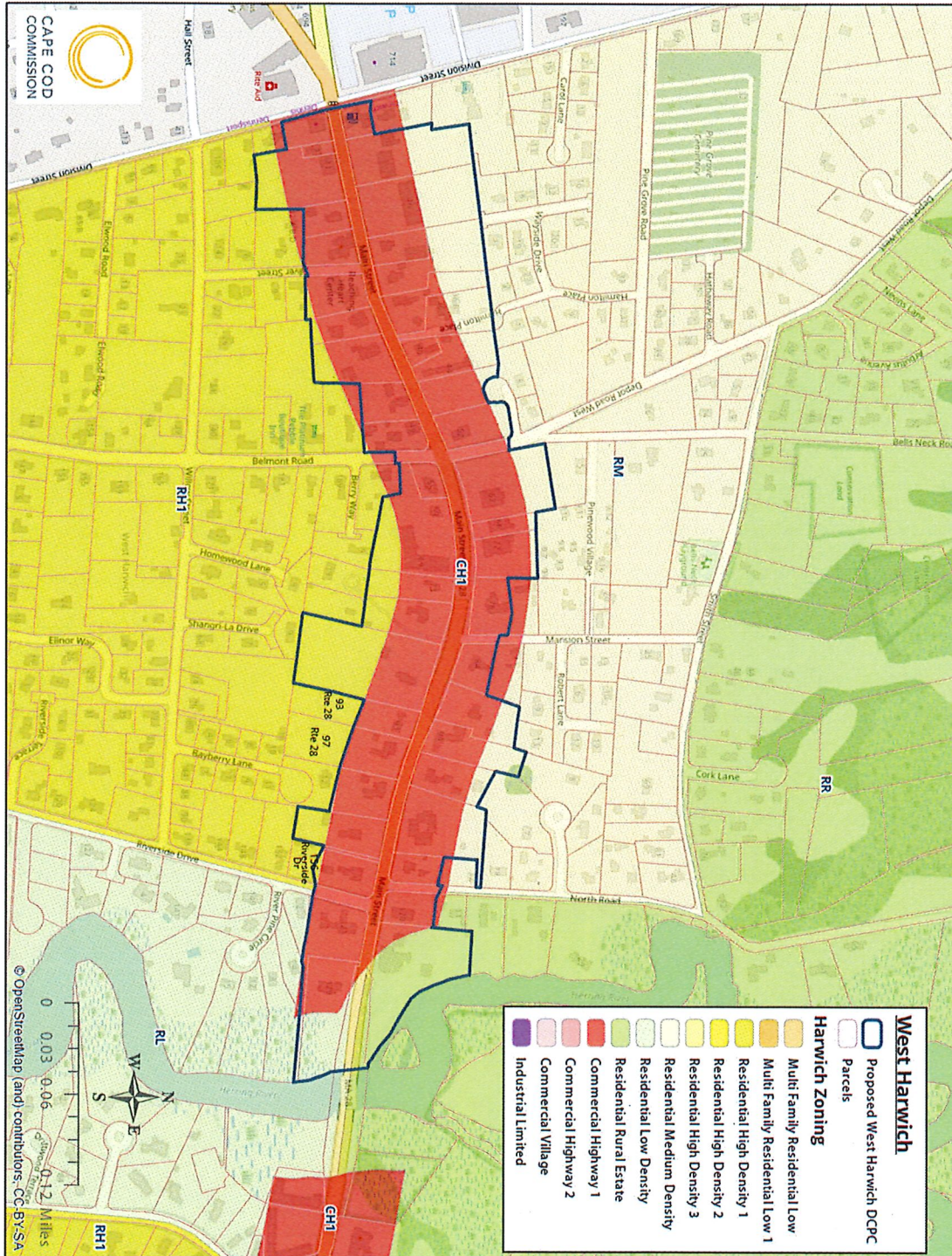
My Commission Expires:



Jonathon D. Idman
 Notary Public

WEST HARWICH DCPC – HARWICH, MA
 NOMINATION FOR CONSIDERATION DECISION

EXHIBIT A



WEST HARWICH DCPC – HARWICH, MA
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