

CAPE COD COMMISSION REPORTER



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

'TIME OUT' FOR LOCAL, REGIONAL PLANNING IN STATE WATERS:

County Commissioners Nominate Ocean DCPC

Anticipating the release of the state's final Massachusetts Ocean Management Plan, which opens the way for a variety of new uses of the state's coastal waters, the Barnstable County Commissioners unanimously nominated the Ocean Management Planning District of Critical Planning Concern (DCPC) in mid December 2009.

The state released the plan on January 4, 2010. Created to coordinate and promote certain types of development, such as renewable energy projects, within Massachusetts ocean waters, the plan anticipates that the two state regional planning agencies with regulatory powers (the Cape Cod Commission on behalf of Barnstable County, and the Martha's Vineyard Commission on behalf of Dukes County) will coordinate additional planning and regulation for these waters through a DCPC.

A DCPC is a special planning tool that allows communities to put in place a time-limited moratorium on certain activities in a specified area while

methods are crafted to protect resources of concern and promote identified values. Areas designated as DCPCs require new regulations or planning measures that otherwise may not be addressed adequately through existing regulations.

"This is our opportunity to be good stewards for a resource of incredible value to Cape Cod."

*—Sheila Lyons
Barnstable County Commissioner*

The proposed DCPC will allow the region time to develop a permitting process for renewable energy projects "that is more clear and more predictable in the future," County Commissioner Sheila Lyons emphasized when making the nomination. "This is our opportunity to be good stewards for a resource of incredible value to Cape Cod."

The Ocean Management Planning DCPC nomination

covers the ocean waters (plus the land below and the air space above) surrounding Cape Cod. It begins at the coastal boundaries specified in the Massachusetts Ocean Management Plan—that is, from 0.3 nautical miles, or about 1,500 feet, from the municipal boundary of the 15 Cape Cod towns—and extends to the three nautical-mile limit of the state boundary.

Barnstable County's interests focus particularly on the criteria for determining the appropriate scale of renewable energy projects in that area. Determining these issues before proposals are made will help both developers and Cape municipalities to better manage the permitting process and better plan for successful outcomes.

A full moratorium on all activities in the proposed DCPC area is currently in place. Immediately following the nomination, the Cape Cod Commission sent a memo to 600 town officials and interested parties seeking input about the nomination.

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Ocean DCPC, from page 1...

At a public hearing on the date of this publication, the Commission was scheduled to vote on whether or not to accept the nomination for consideration. A positive vote by the Commission would end the full moratorium. It would be replaced by a less-restrictive moratorium, one that allows certain activities, such as fishing, shellfishing, and aquaculture, duly permitted maintenance dredging, eel grass restoration, and work that affects aids to navigation, among other activities.

The next step would be for the Commission to gather information and public input before making a recommendation to the Barnstable County Assembly of Delegates, which is the regional legislative body that votes to designate DCPCs by ordinance.

If the full Commission accepts the DCPC for consideration on January 21, the Commission staff will embark on an extensive outreach effort, meeting Capewide with town officials and citizens groups.

In addition, the Commission would hold a series of five public hearings in February before making any recommendation. The information about the hearings would be posted on the Commission's web site, in addition to being published as legal ads and mailed out as hearing notices.

If the Cape Cod Commission then recommends and the County Assembly subsequently designates the DCPC, the Commission and Cape towns would have the opportunity to take up

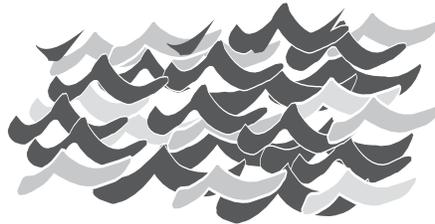
to one year to define standards for development in the affected ocean waters.

The nomination form, a map, and a fact sheet about the Ocean Management Planning DCPC as well as a link to the state's Ocean Management Plan are available on the Commission's web site:

www.capecodcommission.org/oceanplanning

General information about DCPCs is also available:

www.capecodcommission.org/DCPC



Falmouth CCC Rep Appointed

The Falmouth Board of Selectmen recently appointed **Mario DiGregorio** as the town's representative to the Cape Cod Commission (CCC).

DiGregorio fills the post that had been vacant since Jay Zavala resigned from it in April 2009 to become president of the Falmouth Chamber of Commerce.

DiGregorio's term expires in April 2012.

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 2009

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	not available this month	20.5	26.6	N/A	N/A
Barnstable	A1W 247	22.3	20.5	28.6	2.7	2.1
Brewster	BMW 21	9.9	6.9	13.6	0.6	0.2
Chatham	CGW 138	23.9	20.9	26.6	-0.3	-0.9
Mashpee	MIW 29	7.4	5.6	10.0	1.4	1.0
Sandwich	SDW 252	46.6	45.8	48.2	0.8	0.6
Sandwich	SDW 253	48.7	45.8	55.1	1.7	1.3
Truro	TSW 89	11.6	10.2	13.0	0.5	0.4
Wellfleet	WNW 17	11.0	7.3	12.8	0.0	-0.6

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

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

- ✓ • **Hyannisport Club/2 Irving Avenue**—proposed demolition of the 18th Century “Marchant House” on the grounds of the Hyannisport Golf Course. On 12/3/09, CCC accepted the project as a discretionary DRI referral from the Barnstable Historical Commission. The review is limited to historic preservation/community character issues.

BOURNE

No DRI projects at this time.

BREWSTER

- **Windrift Acres**—proposed 22-lot residential subdivision on 55 acres of land in West Brewster.

CHATHAM

No DRI projects at this time.

DENNIS

No DRI projects at this time.

EASTHAM

No DRI projects at this time.

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. Extension agreement to 9/29/13.

HARWICH

No DRI projects at this time.

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. CCC anticipates applicant's submission of a proposed development agreement.
- **Mashpee Watershed Plan**—proposed watershed nitrogen management plan.



ORLEANS

- **Orleans Comprehensive Wastewater Management Plan**—proposed draft Comprehensive Wastewater Management Plan that identifies and evaluates three alternative plans for wastewater treatment and disposal. Joint MEPA/CCC review.
- **Orleans Stop & Shop Gasoline Station**—proposed 10-pump gas station on the site of an existing commercial plaza (“Cranberry Plaza”) near the Orleans traffic rotary. On 1/7/10, CCC accepted the project as a discretionary DRI referral. The review is limited to the issues of water and coastal resources, wetlands, transportation, solid waste/hazardous materials, economic development, and heritage preservation/community character.

PROVINCETOWN

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

SANDWICH

- **Forestdale Village**—proposed 80,000-sq.ft. commercial development on Route 130.
- **Sandwich Beach Nourishment and Dredging**—proposed beach nourishment and maintenance dredging. Joint MEPA/CCC review.

TRURO

No DRI projects at this time.

WELLFLEET

- **Herring River Tidal Restoration Project**—proposed reestablishment of tidal flow to the 1,100-acre Herring River estuary and floodplain. 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 landfall. 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 and issued a final decision to grant the certificate on 5/27/09. CCC filed a petition to appeal that decision on 6/12/09.
- **Parker's River Marine Park**—proposed marine park on the 22-acre site of the former Yarmouth drive-in theater. Joint MEPA/CCC review.
- ✓ • **Siddharth, Siddharth Lot Clearing**—more than two acres of land in Yarmouthport cleared without a clearing permit.

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.

Monday, February 1
Tuesday, February 16

Full Commission Meetings

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

Thursday, January 21
Thursday, February 4
Thursday, February 18

Regulatory Calendar

- **January 28:** HEARING OFFICER: Hyannisport Club (Barnstable project), 10 a.m., CCC. Procedural only; no testimony to be taken.
- **February 4:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
 - Sandwich Local Comprehensive Plan Recertification/Modification
- **February 18:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.

Other Events

- **Barnstable County Offices Closed:** Monday, February 15, 2010, for the Presidents Day holiday.



Cape Cod Commission

• FISCAL YEAR 2010 OFFICERS •

Chair:

John D. (J.D.) Harris

Vice Chair:

Royden Richardson

Secretary:

Elizabeth Taylor

• REPRESENTATIVES •

Barnstable:

Royden Richardson

Bourne:

Michael Blanton

Brewster:

Elizabeth Taylor

Chatham:

Lynne Pleffner

Dennis:

Brad Crowell

Eastham:

Joyce Brookshire

Falmouth:

Mario DiGregorio

Harwich:

Robert Bradley

Mashpee:

Ernest Virgilio

Orleans:

Peter Monger

Provincetown:

(vacant)

Sandwich:

Sue Pommrehn

Truro:

Peter Graham

Wellfleet:

Roger Putnam

Yarmouth:

Jack McCormack

County Commissioner:

Sheila Lyons

Minority:

John D. (J.D.) Harris

Native American:

Mark Harding

Governor's Appointee:

Herbert Olsen

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