



# REPORTER

## Ocean DCPC Policy Committee Reviews Draft Plan, Recommendations

On April 1, the Ocean Management Planning DCPC Policy Committee, composed of one representative member from each Cape town's board of selectmen, met for the fourth time. With a quorum present, the committee made quick progress reviewing nearly 20 recommendations for future regulations that could be applicable to offshore wind facilities within the District of Critical Planning Concern (DCPC).

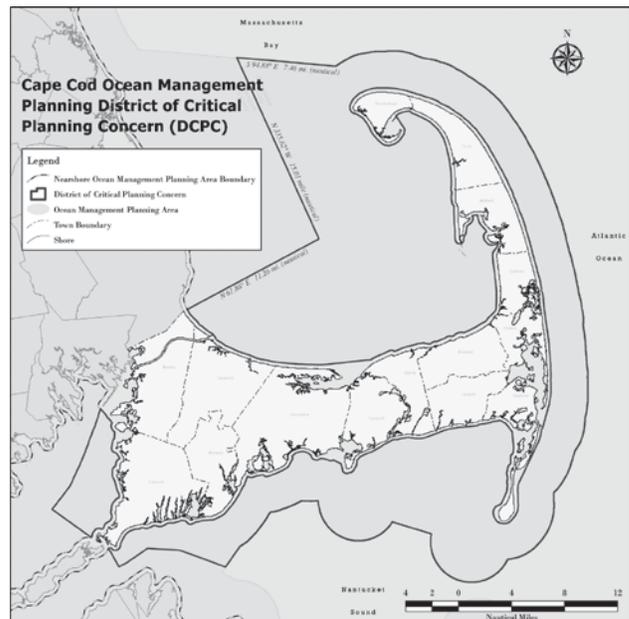
The Barnstable County district includes all the ocean waters (and land below and air above) seaward three nautical miles from a line drawn 0.3 nautical miles, or about 1,500 feet, from Mean High Water on shore. The DCPC boundary matches the state jurisdictional boundary for this county.

The Policy Committee's recommendations address a range of concerns, including (a) areas that could be off limits to future development, and (b) other areas that could remain open to development but would be reviewed regionally. The proposed reviews would cover public safety, compatibility with existing uses, proximity to shore, environmental protection, community benefits, appropriateness of technology and scale, cultural considerations, and cumulative impacts.

Still pending on the Policy Committee's task list is discussion of (1) how to allocate up to 24 turbines within the DCPC, a quantity set by the state in its Ocean Management Plan released last year; and (2) what the nature of local participation in the Barnstable County review of proposed future developments might be.

During the April 1 meeting, the Policy Committee readily voted to recommend an extension of the timeframe for the DCPC moratorium, which is currently scheduled to end on May 5, 2011. The committee's recommendation is to extend the timeframe 90 days, to August 3, 2011.

The committee first convened last summer to discuss potential development, regulations, and (CONTINUED ON PAGE 2)



management options within the DCPC. In addition to focusing on the remaining questions of allocation and local participation for review of affected offshore wind facilities, the Policy Committee must also now deliberate on two additional issues: sand and gravel mining, and cable and pipeline installations.

Once complete, the Policy Committee's recommendations on all identified issues will be incorporated into a revised draft Cape Cod Ocean Management Plan. The Cape Cod Commission board will formulate

draft implementing regulations, the rules that could govern relevant activities in the DCPC in the future.

A number of Barnstable County entities will later consider the proposed regulations for adoption. First the Cape Cod Commission's standing Planning Committee will deliberate. If it approves the proposed implementing regulations, they would next be considered by the full Commission through a public hearing. If the Commission endorses the proposed regulations, the county's legislative body, the Assembly of

Delegates, would then hold a public hearing before voting on the adoption of the regulations as a county-wide ordinance.

Drafts of the recommendations and Cape Cod Ocean Management Plan, as well as videos of the DCPC Policy Committee meetings, are available on the web site: [www.capecodcommission.org/oceanplanning](http://www.capecodcommission.org/oceanplanning).

The Commission staff contact for the DCPC is Natural Resources Specialist Heather McElroy ([hmcelroy@capecodcommission.org](mailto:hmcelroy@capecodcommission.org)).



## Bay State Bike Week Set for May 14–20

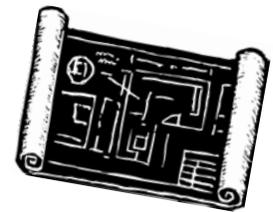
The Massachusetts Department of Transportation (MassDOT), the Massachusetts Bicycle Coalition (MassBike), and MassRides are collaborating with other partners to coordinate "Bay State Bike Week" next month. From May 14 through May 20, rides and other events will take place in every corner of Massachusetts.

Through the [www.baystatebikeweek.org](http://www.baystatebikeweek.org) web site, organizers are promoting bicycling as a mode of transportation. The site, which emphasizes that bicycling is "safe, economical, healthy, environmentally friendly, fast, and fun," includes announcements of 2011 programs and events.

Cape Cod Commission Senior Transportation Engineer Lev Malakhoff is one of the week's organizers. He will announce local events on [www.gocapecod.org/bikeweek](http://www.gocapecod.org/bikeweek).

### NOTICE OF DEVELOPMENT AGREEMENT:

Red Jacket Beach, Limited Partnership; Blue Water, Limited Partnership; Edge of the Sea Inc. as Trustee; and Riviera Beach, Limited Partnership



1, 291, 301 AND 327 SOUTH SHORE DRIVE, SOUTH YARMOUTH, MA

Pursuant to Section 14 of the Cape Cod Commission Act, c. 716 of the Acts of 1989, as amended, and the Commission's Chapter D, Development Agreement Regulations, Section 5(d), Barnstable County Ordinance 92-1, as amended, the Commission has entered into a Development Agreement with Red Jacket Beach, Limited Partnership; Blue Water, Limited Partnership; Edge of the Sea Inc. as Trustee; and Riviera Beach, Limited Partnership, in care of The Davenport Companies, for the Red Jacket Resorts Redevelopment project. This notice is being published as required by Section 5(m) of the Commission's Development Agreement Regulations.

The proposed project consists of the redevelopment of parcels of land along South Shore Drive in South Yarmouth. Seasonal resorts and cottages comprising four resorts, The Red Jacket Beach Resort, The Blue Water Resort, The Edge of the Sea, and Riviera Beach Resort, currently exist on site. The Applicant seeks to redevelop the properties totaling 15.5 acres with two modern resorts. The Red Jacket Beach Resort will be located at 1 South Shore Drive and will consist of a modern 4-story, 119,130 square foot, seasonal hotel with 154 guest rooms and 8 efficiency units, two four-unit cottages. The Blue Water Resort will be located at 291, 301, and 327 South Shore Drive and will consist of a 4-story, 195,550 square foot, seasonal hotel with 240 guest rooms. Both resorts will include the development of parking spaces, outdoor pools and decks, outdoor restaurants, bars and patio areas, numerous sitting areas, sewage treatment buildings, and other ancillary uses commonly associated with resorts.

The Development Agreement includes:

- a list of public benefits and improvements;
- the terms and conditions;
- findings that describe the project, and its consistency with the Commission Act, 2009 Regional Policy Plan (revised 5/19/10, effective 6/17/10), and Yarmouth's Local Comprehensive Plan, Town zoning, development bylaws, and applicable Districts of Critical Planning Concern; and,
- appendices that include a list of the materials submitted for the record during the Commission's review and other documents.

The relevant documents may be viewed at the Cape Cod Commission office at 3225 Main Street, Route 6A, Barnstable, MA 02630. For further information or to schedule and appointment between the hours of 8:30 a.m. and 4:30 p.m., please call the Commission office at (508) 362-3828.

# CCC Regulatory Status Report

## ■ DRI Project Reviews:

### BARNSTABLE

- **Barnstable Municipal Airport Terminal Access and Egress Design**—proposed major modification to access and egress. The scope of CCC review was limited to transportation issues. The CCC voted to approve the DRI with conditions on 6/24/10. A commercial abutter to the airport has challenged the DRI approval in Land Court.
- ✓ ● **BJ's Wholesale Club Addition**—proposed 19,438-sq.ft. addition to an existing wholesale-club facility on Attucks Lane in Hyannis for Limited DRI review.

### BOURNE

- ✓ ● **New Generation Wind Joint Venture**—proposed construction of seven commercial wind energy turbines and access roadways on multiple parcels. CCC accepted the applicant's withdrawal of the proposal on 3/3/11. CCC received a resubmitted application on 3/14/11.

### BREWSTER

- ✓ ● **Windrift Acres**—resubmittal of proposed 22-lot subdivision on 55 acres in West Brewster, for Limited DRI review.

### CHATHAM

- ✓ ● **DuPont Residence**—proposed substantial alteration of a single-family dwelling listed as a contributing structure in a National Register Historic District.

### FALMOUTH

- **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.
- **WHOI Quissett Campus/LOSOS Building**—proposed construction of a 26,600-sq.ft. building for the Laboratory for Ocean Sensors and Observing Systems (LOSOS) at the Woods Hole Oceanographic Institution (WHOI). CCC approved a Hardship Exemption with conditions for the Limited DRI on 3/17/11.

### MASHPEE

- ✓ ● **Cape Cod Coop Bank Preliminary Plan**—proposed subdivision of 48 acres. CCC accepted the applicant's withdrawal of a resubmitted proposal on 3/17/11. CCC received a resubmitted application on 3/21/11.
- **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. MEPA issued a certificate of adequacy for the Environmental Impact Report on 1/28/11, beginning the time clock for DRI review of the proposal.

### SANDWICH

- ✓ ● **Forestdale Village**—resubmittal of a proposed 100,000-sq.ft. commercial development on Route 130.
- ✓ ● **Sagamore Line Reinforcement Project (Western Segment)**—proposed installation of 11,000 ft. of 20-inch-diameter gas pipeline along Service Road between Route 130 and Quaker Meetinghouse Road.

### YARMOUTH

- **Gladstone, LLC**—resubmittal of proposed relocation of a 17,150-sq.ft. structure from Hyannis to 31 Aaron's Way, West Yarmouth, for warehouse, accessory, and office uses, for Limited DRI review.

## ■ Proposed Development Agreements:

- **Mashpee Commons Master Plan/Mashpee**—CCC approved the "Notice of Intent to File a Development Agreement." The deadline for filing has been extended to 2/17/12.

## ■ DRI Reviews Pending Massachusetts Environmental Policy Act (MEPA) Certificates:

- **South Coast Watersheds Comprehensive Wastewater Management Plan/Falmouth**—proposed Comprehensive Wastewater Management Plan to address water quality problems of Little, Great, Green, Bourne, and Eel ponds, and Waquoit Bay.
- **Holland Mills Well and Pumping Station/Mashpee**—proposed installation of new water supply well/pump station.
- **Provincetown Airport Capital Improvements Plan**—proposed safety and facility improvements to the Provincetown Municipal Airport.
- **Sandwich Beach Nourishment/Dredging**—proposed beach nourishment/maintenance dredging.
- **Herring River Tidal Restoration Project**—proposed reestablishment of tidal flow to the 1,100-acre Herring River estuary and floodplain.
- **Parker's River Marine Park/Yarmouth**—proposed marine park on the 22-acre site of the former Yarmouth drive-in theater.

Developments of Regional Impact (DRIs) and other major regulatory matters currently under review by the Cape Cod Commission are listed below. A check mark (✓) in front of a proposal's name indicates that the Commission has scheduled regulatory activity for that project in the coming month. Details about activities listed here and in the calendar on the back cover may be found online in the "Regulatory" section of the web site: [www.capecodcommission.org/regulatory](http://www.capecodcommission.org/regulatory)

- **Yarmouth Comprehensive Wastewater Management Plan**—proposed plan for the construction and operation of a wastewater treatment plant, pumping stations, sewer mains, and related facilities.

## ■ Active Districts of Critical Planning Concern (DCPCs):

- **Ocean Management Planning DCPC/Capewide**—The Barnstable County Assembly of Delegates voted unanimously to designate the district on April 21, 2010. Policy Committee and Technical Advisory Work Groups began meeting in summer 2010. In November, CCC held a listening session for stakeholders and, in early January, sent a draft Cape Cod Ocean Management Plan to the Policy Committee for revision. The committee has met several times this year. The moratorium is scheduled to end in May 2011; a 90-day extension, however, is anticipated. See the full story on page 1.

## Revisions to Chapter A Enabling Regs Approved, Now in Effect

Revisions to the Cape Cod Commission's Enabling Regulations Governing Review of Developments of Regional Impact (DRIs), "Chapter A" of the complete set of Commission regulations, were adopted by Barnstable County and recorded at the Registry of Deeds last month. The revisions amend the schedule of fees and set the criteria by which the Commission's Executive Committee evaluates fee-waiver petitions. The committee may reduce application fees for a proposed DRI for the following:

- The development is located in an Economic Center, as designated by the Regional Land Use Vision Map.
- The project is a redevelopment.
- The applicant is a nonprofit agency.
- The project is a division of land.
- The project receives a Hardship Exemption.

The revised regulations, effective March 29, 2011, are on the web site: [www.capecodcommission.org/regulatory/regulations.htm](http://www.capecodcommission.org/regulatory/regulations.htm)

# Cape Cod Commission Meetings and Events

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

## CCC Standing Committees

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

Monday, April 25

Monday, May 9

## Regulatory Calendar

■ **April 22:** HEARING OFFICER: DuPont Residence/Chatham, 10 a.m., CCC office, Barnstable. PROCEDURAL ONLY; NO TESTIMONY.

■ **April 25:** HEARING: Harwich Local Comprehensive Plan (LCP) Recertification, 9 a.m., CCC office, Barnstable. PROCEDURAL ONLY; NO TESTIMONY.

■ **April 28:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.

## Other Events

■ **SmarterCape Summit: Connecting for Regional and Economic Development:** Monday, May 9, and Tuesday, May 10, 2011, at the Wequassett Resort, Chatham/Harwich, MA. Sponsored by the Cape Cod Chamber of Commerce, Cape Cod Technology Council, OpenCape, and Cape Cod Commission. See the web site: [smartercapessummit.com](http://smartercapessummit.com)

■ **Bay State Bike Week:** Beginning Saturday, May 14, and running through Friday, May 20, 2011. Check the web sites: [www.baystatebikeweek.org](http://www.baystatebikeweek.org) and [www.capecodcommission.org/bikeweek](http://www.capecodcommission.org/bikeweek)

■ **Spring Walking Weekend:** Beginning Friday, June 3, and running through Sunday, June 5, 2011. Sponsored by Cape Cod Pathways. Watch for upcoming details on the web site: [www.capecodcommission.org/pathways](http://www.capecodcommission.org/pathways)

## Cape Cod Commission

### ■ FISCAL YEAR 2011 OFFICERS ■

#### Chair:

Royden Richardson

**Vice Chair:**  
Peter Graham

**Secretary:**  
Michael Blanton

### ■ REPRESENTATIVES ■

Barnstable:  
Royden Richardson

Bourne:  
Michael Blanton

Brewster:  
Elizabeth Taylor

Chatham:  
Lynne Pleffner

Dennis:  
Richard Roy

Eastham:  
Joyce Brookshire

Falmouth:  
Mario DiGregorio

Harwich:  
Robert Bradley

Mashpee:  
Ernest Virgilio

Orleans:  
Peter Monger

Provincetown:  
Austin Knight

Sandwich:  
Joanne O'Keefe

Truro:  
Peter Graham

Wellfleet:  
Roger Putnam

Yarmouth:  
Jack McCormack

County Commissioner:  
Mary Pat Flynn

Minority:  
John D. (J.D.) Harris

Native American:  
Mark Harding

Governor's Appointee:  
Herbert Olsen

### ■ EXECUTIVE DIRECTOR ■

Paul Niedzwiecki

#### EDITOR:

Nancy L. Hossfeld

PHONE: (508) 362-3828

FAX: (508) 362-3136

E-MAIL: [newsletter@capecodcommission.org](mailto:newsletter@capecodcommission.org)

WEB SITE: [www.capecodcommission.org](http://www.capecodcommission.org)

The Cape Cod Commission REPORTER is published 12 times a year and is available by subscription without charge. Single copies are also available on request. PDF files are posted on the web site and may be e-mailed. Material included within each issue may be reused freely, with credit to the Cape Cod Commission.



Printed on recycled paper.

PRSRPT STD  
US POSTAGE PAID  
PERMIT 21  
CCP & DF

3225 Main Street • P.O. Box 226  
Barnstable, Massachusetts 02630-0226

COMMISSION  
CAPE COD

