



Serving Barnstable County
Since 1990

Volume 21, Number 5
May 19, 2011



CAPE COD
COMMISSION

REPORTER

Land-based Wind Turbine Review Standards Approved by Assembly of Delegates

The Barnstable County Assembly of Delegates voted on April 20, 2011, to approve changes to the Cape Cod Regional Policy Plan that will establish minimum performance standards for the review of land-based wind energy conversion facilities (turbines). The standards consider the clear area around turbines, their noise, shadow flicker, and visual impacts, potential waivers for municipal projects, and the decommissioning and removal of erected turbines that discontinue operation for 120 consecutive days.

The Assembly did not, however, approve a proposed threshold for the height of the turbines, which would have triggered review of all proposed facilities 65 feet and taller. (Thresholds are technically part of the “Enabling Regulations Governing Review of Developments of Regional Impact,” which are separate from the Regional Policy Plan). The result is that only projects that come under Cape Cod Commission regulatory review for other reasons (for example, because they involve the clearing of more than two acres of land) and only land-based wind-energy proposals that are referred to the Commission at the discretion of Cape towns will need to meet the new performance standards. A copy of the standards can be downloaded from the Regional Policy Plan section of the web site: www.capecodcommission.org

Commission staff have begun work with the standing Planning Committee on a technical bulletin designed to help applicants understand how to interpret and achieve the new standards once the revised Regional Policy Plan takes effect later this month.

CAPE COD PATHWAYS:

Spring Walking Weekend June 3–5, 2011

Cape Cod Pathways will host a Spring Walking Weekend from Friday, June 3, through Sunday, June 5. The weekend will feature 21 short walks and longer hikes led by historians, naturalists, and outdoor enthusiasts across Cape Cod. Download a brochure and a walk list with directions and details from the Cape Cod Pathways section of the web site: www.capecodcommission.org



CCC/County Receive State ECO Award

The Massachusetts Department of Transportation (MassDOT) this spring recognized the Cape Cod Commission and Barnstable County as a “Pacesetter” among employers in the state making an effort toward a more sustainable region.



MassDOT makes annual “Excellence in Commuter Options” (ECO) awards to support the efforts of employers to reduce greenhouse gas emissions by encouraging employees to travel to work by transit, car pools, and van pools, by bicycling or walking, and through telework programs.

Recipients of the Pacesetter award are MassRIDES partners achieving at least four of seven criteria. Barnstable County offers on-site bicycle parking, holds an annual commuter transportation event (during Smart Transportation Week each June), provides commuter information to employees, and offers an emergency ride home program.

CCC Members

Cape Cod Commission members and staff thank Peter Monger for his service as the Commission representative from the Town of Orleans since December 2009. The Orleans Board of Selectmen appointed Leonard Short as Monger’s replacement, for a three-year term that took effect April 25, 2011.

CCC Chair Roy Richardson (left) thanks departing Orleans representative Peter Monger



Sand/Gravel Extraction and Cable/Pipeline Installation in the Ocean DCPC

Lest one believe that wind energy is the only significant resource to be captured from Cape Cod’s coastal environment, the draft Ocean Management Plan that will guide future development in the area comprising the Barnstable County Ocean Management Planning District of Critical Planning Concern (DCPC) now includes a hefty chapter on two other significant activities: the mining and extraction of sand and gravel, and the installation of cables and pipelines within the state waters that surround Cape Cod.

Released in early May for review by the DCPC Policy Committee (a unique committee with a member from the Board of Selectmen of each Cape town), Section 3 of the plan explicitly addresses (1) the potential sand/gravel and cable/pipeline activities in the district, (2) their potential physical, biological, and archaeological impacts, (3) the plan’s proposed requirements and constraints for those activities, and (4) the policy options to be determined for both.

The Policy Committee reviewed the new draft section and discussed other ocean planning work on May 11. The committee also supported the idea of holding several public forums on the draft Cape Cod Ocean Management Plan by mid June.

The draft Section 3 is available in the “Documents” section of the Cape Cod Commission’s web site: www.capecodcommission.org/oceanplanning

NOTICE OF REGULATORY AGREEMENT:

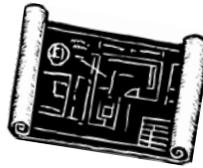
Town of Barnstable and Wayne Kurker, Trustee of the HSR Realty Trust
90 HIGH SCHOOL ROAD EXTENSION AND 67 WINTER STREET, HYANNIS, MA

The Town of Barnstable (“Town”) and Wayne Kurker as Trustee of the HSR Realty Trust (“Applicant and Developer”) entered into a regulatory agreement pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code. The regulatory agreement authorizes renovation and reuse of the existing 53,857 square foot building for proposed uses which are not included in the Office Multi-Family Residential District. These uses are: private educational facility; indoor storage and service of boats, retail and mixed use of retail/office, and food retail sales with delivery including a public market and/or specialty food market. Regulatory agreement also authorizes continued non-conforming use of automobile dealership with sales and service/repairs; auto body repair and vehicle liner use, as well as all principal permitted uses allowed in the Office Multi-Family Residential District. Site improvements such as landscaping, lighting, and upgraded façade are proposed. The property is addressed 90 High School Road Extension and 67 Winter Street, Hyannis, MA, consists of approximately 3.79 acres total, and is shown on Town of Barnstable Assessors Map 309 as Parcels 265 and 215, located in the Hyannis Village Office Multi-Family Residential District. Project benefits include the reuse and upgrading of an underutilized older property with appropriate site improvements; preservation of year-round jobs; and the increase of business for the downtown Hyannis area.

For more information, contact Barnstable’s Growth Management Department between the hours of 8:30 a.m. and 4:30 p.m. at 508-862-4786.

The file may also be reviewed at the Growth Management Department’s office located 200 Main Street, Hyannis, MA 02601.

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.

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. CCC voted to deny the project on procedural grounds without prejudice on 5/12/11.
- **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.

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

- **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.

- **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 2011, sent a draft of the Cape Cod Ocean Management Plan to the Policy Committee for revision. The committee has met several times since then to discuss policy options and make recommendations. On April 14, CCC voted to extend the planning period and moratorium 90 days, to August 3, 2011. (See related information in the article on page 2 of this newsletter issue.)

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.

Regulatory Calendar

- **May 24:** CONTINUED HEARING: Orleans Comprehensive Wastewater Management Plan, 4 p.m., CCC office, Barnstable.
- **May 26:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.
- **May 27:** HEARING OFFICER: Orleans Comprehensive Wastewater Management Plan, 10 a.m., CCC office, Barnstable. PROCEDURAL ONLY; NO TESTIMONY.
- **June 2:** HEARING: Gladstone, LLC/31 Aaron's Way (Yarmouth project), 7 p.m., Yarmouth Police Department, W. Yarmouth.
- **June 9:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.
- **June 23:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.

CCC Standing Committees

Regulatory, Planning, and Executive committee meetings generally are held at the Commission offices. Call for times (508-362-3828) or check the Commission's online calendar.

Monday, June 6
Monday, June 20

Other Events

- **Spring Walking Weekend:** Beginning Friday, June 3, and running through Sunday, June 5, 2011. Sponsored by Cape Cod Pathways. Check details on the web: www.capecodcommission.org/pathways



Cape Cod Commission

■ FISCAL YEAR 2011 OFFICERS ■

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Royden Richardson

Vice Chair:
Peter Graham

Secretary:
Michael Blanton

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Barnstable:
Royden Richardson

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Michael Blanton

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Elizabeth Taylor

Chatham:
Lynne Pleffner

Dennis:
Richard Roy

Eastham:
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Falmouth:
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Harwich:
Robert Bradley

Mashpee:
Ernest Virgilio

Orleans:
Leonard Short

Provincetown:
Austin Knight

Sandwich:
Joanne O'Keefe

Truro:
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Wellfleet:
Roger Putnam

Yarmouth:
Jack McCormack

County Commissioner:
Mary Pat Flynn

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

Native American:
Mark Harding

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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.

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