

CAPE COD COMMISSION REPORTER



August 14, 2008

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

More Open Houses, Proposed Extension for Regional Plan Comments

Following the three July 2008 open houses on the Regional Policy Plan (RPP), the document that guides regional planning and major development throughout Cape Cod, the Cape Cod Commission added two more open houses in August. Organized around specific topics relevant to the proposed 2008 RPP, the open-house format has proved to be a useful way to receive comments; all three July sessions were well attended and produced significant input.

■ August Open Houses

As this newsletter went to press, the Commission planned a session on August 12 to continue to review the affordable housing and heritage preservation/community character elements of the plan, which began during the July 30 open house, and to receive new comments about the plan's relevance to agriculture in the region.

A fifth open house is set for Thursday, August 21 (from 10 a.m. to 1 p.m., in Rooms 11/12 of the Barnstable Superior Courthouse, off Route 6A in Barnstable) to review the draft plan's treatment of Development of Regional Impact (DRI) mitigation. Commission

RPP•2008

Chief Planner Sharon Rooney will lead the session and staff will make a presentation and provide examples of the changes that the 2008 RPP proposes for the way mitigation, particularly cash mitigation, is determined.

All mitigation required through the DRI review process helps Cape towns to make necessary improvements and to provide necessary facilities and services to manage the demands created by development. Developers may address the impacts of their projects either in the form of physical improvements (for example, by installing stormwater systems to protect groundwater) on or off the project site, or through cash contributions toward certain kinds of public improvements (for example, by contributing a proportional share of the cost of intersection alterations to improve traffic flow).

The Commission's role is to assess the potential impacts of the proposed project according to the standards of the RPP, determine the needed mitigation, collect

the mitigation funds (if the cash method is chosen) on behalf of the affected towns, and then redistribute the funds to the towns at their request.

■ Proposed Time Extension

The Commission has proposed a one-time extension of the public-comment period for the draft 2008 RPP to September 30, 2008. The Barnstable County Assembly of Delegates will hold a public hearing on a draft county ordinance for that purpose on Wednesday, August 20, beginning at 3:15 p.m. and then will vote on the ordinance during their regular meeting, which begins at 4 p.m. The Assembly's hearing and meeting will be held at a special location on that date, at the gazebo at Nauset Beach in Orleans. Those planning to attend the hearing/meeting should inform the parking attendant of the purpose of their visit to avoid the usual beach parking fee.

■ Online Materials

The proposed 2008 plan and a summary comparing it to the existing 2002 plan may be downloaded from the Web site: www.capecodcommission.org/RPP2008/

Cape Cod Commission • DRI Decisions

This newsletter publishes summaries of decisions on projects reviewed by the Cape Cod Commission as Developments of Regional Impact (DRIs). To download PDF versions of the DRI decisions, visit the Regulatory section of the Commission's Web site (www.capecodcommission.org/regulatory/).

BARNSTABLE

Atlantis Development Supermarket/Stop & Shop Project #JR20035

On June 12, 2008, the Cape Cod Commission, with 13 voting members present, voted 12 to 1 to approve the Development of Regional Impact (DRI) application of Atlantis Development, LLC, for the redevelopment of an existing site, including the demolition of five structures totaling 105,000 square feet and the construction of a new Stop & Shop supermarket totaling 69,770 square feet. The five structures to be demolished include a marine retail and engine repair facility, two buildings that comprise the "Victory Chapel," a former candle manufacturing/outlet store, and a former restaurant. The project is located on a 12-acre site on the north side of Route 132 near the intersection of Bears's Way in Hyannis, Massachusetts.

Atlantis Development filed an Environmental Notification Form with the Massachusetts Executive Office of Environmental Affairs in October

2001, and elected to participate in a joint Cape Cod Commission/Massachusetts Environmental Policy Act (MEPA) review process. Atlantis Development filed a Draft Environmental Impact Report and a Notice of Project Change with MEPA in July 2006, and followed that with a Final Environment Impact Report in December 2006. The Massachusetts Secretary of Environmental Affairs certified that the final report was adequate on February 15, 2007, which started the Cape Cod Commission's DRI review time clock. A series of extensions were granted throughout the DRI review, and the Commission held public hearings in Spring 2008.

The Commission considered and set conditions on transportation, water resources, hazardous materials and wastes, natural resources and open space, economic development, and heritage preservation and community character aspects of the project. Conditions include donating to the town a 2.14-acre parcel of land on Route 28 in Hyannis (the Nelson Coal and Oil property) to remove it from future development; permanently protecting four acres of land as open space on the project site; upgrading the existing traffic signal at Route 132/Bears's Way; constructing a new connector road between Route 132 and Attucks Lane; screening the site with landscaping; protecting groundwater through a municipal sewer connection and through innovative on-site stormwater management; limiting hazardous materials and wastes; and more.

USGS Observation Well Data

These groundwater-level measurements are taken monthly by the Cape Cod Commission's Water Resources Office from nine U.S. Geological Survey (USGS) index wells. The data are also online at: www.capecodcommission.org/wells.htm

July 2008

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	23.6	20.5	26.6	0.0	0.0
Barnstable	A1W 247	23.9	20.5	28.6	0.2	0.6
Brewster	BMW 21	9.3	6.9	13.6	0.5	0.8
Chatham	CGW 138	24.2	20.9	26.6	-0.5	-0.3
Mashpee	MIW 29	8.6	5.6	10.0	-0.3	-0.1
Sandwich	SDW 252	47.3	45.8	48.2	-0.1	0.0
Sandwich	SDW 253	49.2	45.8	55.1	0.5	0.8
Truro	TSW 89	12.1	10.2	13.0	0.0	-0.1
Wellfleet	WNW 17	10.6	7.3	12.8	-0.4	-0.2

*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

- ✓ • **68 Dale Avenue, Hyannisport**—proposed substantial alteration to a structure listed as a contributing building within the Hyannisport National Register District.
- **Blanchard's Liquors**—proposed demolition of an existing 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 issues on 5/15/08.

BOURNE

No DRI projects at this time.

BREWSTER

- **Nickerson Family Property**—proposed 15-acre horse farm, including a barn and fenced pasture for 20 horses, at a site located within a contributing area to the Orleans public water supply. CCC procedurally denied the project without prejudice on 8/7/08.

CHATHAM

- **Chatham Wastewater Plan**—wastewater study and implementation plan. Joint MEPA/CCC review. Extension agreement to 6/18/10.
- **Calico Cat/Foulkes Residence**—proposed alterations to a contributing structure in a National Register Historic District.

DENNIS

No DRI projects at this time.

EASTHAM

No DRI projects at this time.

FALMOUTH

- ✓ • **Falmouth EDIC Industrial Subdivision**—proposed subdivision of industrial land totaling more than 10 lots on Edgerton Drive in North Falmouth.
- **South Coast Watersheds Comprehensive Wastewater Management**

Plan—proposed development of a Comprehensive Wastewater Management Plan to address water quality problems of Little Pond, Great Pond, Green Pond, Bourne Pond, Eel Pond, and Waquoit Bay. Joint MEPA/CCC review.

- ✓ • **Wise Living at Woods Hole**—proposed redevelopment of a 5.4-acre site with demolition of an existing motel, rehab of an existing geodesic dome, and construction of a new 43-unit senior living community.

HARWICH

No DRI projects at this time.

MASHPEE

- **64 Industrial Drive**—proposed construction of a 20,000-sq.ft. commercial building on 1.9 acres within the Mashpee Industrial Park. CCC approved a Hardship Exemption for the project on 8/7/08.
- **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. Joint MEPA/CCC review. Extension agreement to 2/1/09.
- **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.

ORLEANS

- **Daniels C&D Facility Expansion**—proposed expansion of a construction and demolition debris processing facility from 9,800 sq.ft. to 19,400 sq.ft. and from 49 tons per day to 250 tons per day of materials. DRI to be reviewed as a major modification.

PROVINCETOWN

- **19 & 35 Race Point Road/Stable Path**—proposed construction of 38 residential units on 2.5 acres.

• Murchison Property ANR – 2

Commercial Street—proposed ANR division of a 3.54-acre parcel into nine separate lots. CCC accepted the project as a discretionary referral for a DRI review limited to historic preservation/community character, coastal resources, wetlands, and wildlife/plant habitat issues on 7/24/08.

- **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 AND 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 filed a petition with the state Energy Facilities Siting Board (EFSB) for a "Certificate of Environmental Impact and Public Interest" on 11/21/07. An EFSB hearing is expected later in 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.

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, August 18
Tuesday, September 2
Monday, September 15

Full Commission Meetings

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

Thursday, August 21
Thursday, September 4
Thursday, September 18

Regulatory Calendar

- **August 21:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
 - Falmouth EDIC Industrial Subdivision
- **September 4:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.

Other Events

- **Open House on the Draft 2008 Regional Policy Plan:** Thursday, August 21, 2008, from 10 a.m. to 1 p.m., in Rooms 11/12 of the Barnstable Superior Courthouse, County Complex, Barnstable. The subject of this open house is Development of Regional Impact (DRI) mitigation.
- **Meeting of the Cape Cod Joint Transportation Committee (CCJTC):** Friday, September 5, 2008, beginning at 8:30 a.m. in Rooms 11/12 of the Barnstable Superior Courthouse, County Complex, Barnstable.



Cape Cod Commission

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Vice Chair: **Jay Zavala** Secretary: **Florence Seldin**

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Bourne:
Michael Blanton

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Chatham:
Florence Seldin

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