

CAPE COD COMMISSION REPORTER



August 20, 2009

Volume 19, Number 8

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

Centerville Village DCPC Regulations Approved

A milestone in protecting the character of the Centerville Village area of Barnstable through the regional District of Critical Planning Concern (DCPC) process has been reached.

On August 6, 2009, the Cape Cod Commission unanimously approved so-called “implementing regulations” crafted by the Town of Barnstable for the DCPC area that had been designated by county ordinance in spring 2008.

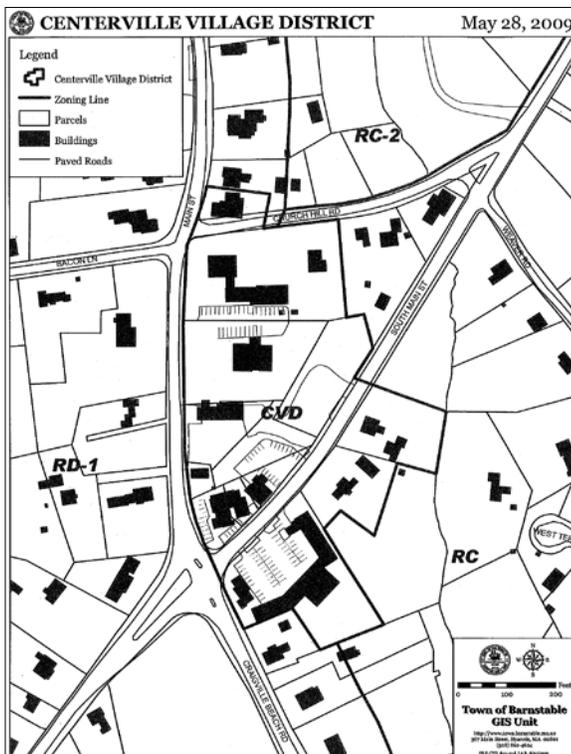
Before the Commission’s vote this month, the Barnstable Planning Board, Board of Health, Conservation Commission, and Town Council had all approved the proposed new regulations unanimously. (Still pending are implementing regulations for the Craigville Beach area of the DCPC.)

When the DCPC was designated last year, the guidelines for what the implementing regulations relevant to the Centerville Village area should address included measures:

- to protect community character, moderate the scale of structures, and preserve viewsheds;
- to protect village character and enhance pedestrian activity;
- to guide site development to protect natural resources and historic landscape settings; and
- to allow the town to support the locally owned small-scale economy of the village center.

The new implementing regulations developed by the Town of Barnstable alter some of the existing zoning’s dimensional regulations to make them more consistent with the historic scale of buildings in the Centerville district. The new implementing regulations also prohibit certain uses that would be inconsistent with character, and they provide design guidelines and site development standards for all new development in the district.

The changes to dimensional regulations include a method to measure building height that is more easily regulated. The maximum building height has also been modified upward to 36 feet or 2.5 stories to reflect the height of existing historic structures in the district. Flat-roofed buildings may have a lower maximum height. Smaller building setbacks are allowed for buildings that were legally established as of June 18,
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2009, to reflect the existing historic character of the district.

The new implementing regulations prohibit some currently allowed uses, such as larger-scale restaurants and retail establishments, and prohibit “formula” business establishments. (Formula businesses are defined as those required by contract or other arrangements to maintain standardized services or design features that make the establishment substantially identical to more than 14 other businesses anywhere in the world.)

The new implementing regulations also prohibit drive-up banking and other drive-through operations. In addition, motels and motor inns are limited to

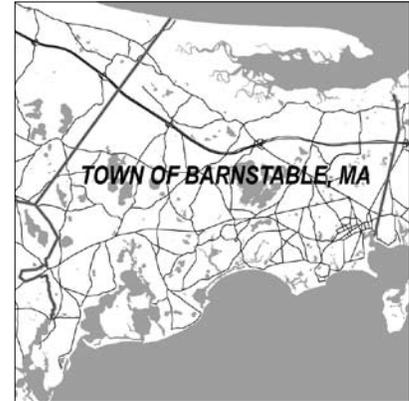
those in existence at the time the regulations were adopted.

Also included in the town’s new implementing regulations are design guidelines that will apply to all new development in the DCPC. These address additions, require the breakdown of building massings over 32 feet long, require roof pitches consistent with those in the surrounding district, require ground-floor windows on non-residential buildings fronting the street, and establish standards for architectural details and materials.

Site development standards address access to each site (limiting new driveways, encouraging interconnections between lots, and limiting the width of new driveways), and standards are now in place for

shared parking, landscaping, and lighting.

For more information about the Centerville Village DCPC implementing regulations, contact the Town of Barnstable’s Growth Management Department (367 Main Street, Hyannis; 508-862-4678).



AUGUST MEETING RESCHEDULED TO SEPTEMBER 24:

More Concepts for Yarmouth Road/Willow Street



The Cape Cod Commission has rescheduled the third in a series of public meetings about possible improvements to the Yarmouth Road/Willow Street corridor to Hyannis. Originally set for August 20, the new meeting date will be **Thursday, September 24, 2009, at 6 p.m. at Barnstable Town Hall.**

“The public participation process so far has successfully doubled the number of concepts under consideration for the Yarmouth Road Corridor,” explains Cape Cod Commission Transportation Engineer Glenn Cannon. “The new concepts deserve more time for consideration. We will use the extra month to analyze the new ideas and develop plans for the suggested concepts.”

Those additional concepts will be reviewed at the meeting now scheduled for September 24.

Questions and comments may be addressed to Cannon at the Cape Cod Commission office (508-362-3828, gcannon@capecodcommission.org). In addition, information about the Yarmouth Road Corridor Study and depictions of the current concepts are available on the web site:

www.gocapecod.org/yarmouthroad



Study to Update Upper Cape Long-range Transportation Needs

The Cape Cod Joint Transportation Committee and regional planners want to take another look at long-range transportation needs for the Upper Cape. Enough time has passed—and enough vehicles have passed through—the “new” approach to the Sagamore Bridge on the northwest side of the Cape Cod Canal to warrant a study that updates and expands upon previous work.

In 2002–2003, the Cape Cod Commission’s transportation staff conducted an extensive analysis of the road system in the canal area, as a supplement to other Massachusetts Highway Department studies. Since then, the state constructed the Sagamore “flyover,” a complete re-work of the former rotary-centered system. The new 18-month planning effort will expand the study area and include more land-use analyses.

With staff support from the Commission, a steering committee will begin to meet in late August. The committee will help develop the scope of work and guide the study as it progresses. A public forum will be held by the end of September.

The steering committee is proposed to include representatives from the towns of Bourne, Falmouth, Mashpee, and Sandwich, the Massachusetts Military Reservation, area chambers of commerce, regional public transportation service providers, and others, as well as representatives from the adjacent towns of Wareham and Plymouth.

More details will be forthcoming in this newsletter and elsewhere. Cape Cod Commission Transportation Engineer/P.E. Clay Schofield (cschofield@capecodcommission.org) will be the staff manager for the study.

CCC Member Notes

Yarmouth Rep Mark Lohan Resigns

The Cape Cod Commission extends thanks to Mark Lohan (right) for his service as representative from the Town of Yarmouth. Lohan resigned recently after having held the post since December 2008. At the time of this writing, the Yarmouth Board of Selectmen had not yet appointed his replacement.



Standing Committee Members

In addition to the regulatory subcommittees formed to review specific proposals for Developments of Regional Impact (DRIs), the Cape Cod Commission (CCC) organizes itself into three “standing” committees that meet regularly, every two weeks on the Mondays of the week of full Commission meetings (see schedule on the back page of this newsletter). Current standing committee membership is as follows:

■ **Planning Committee** (generally meets at 9 a.m. on meeting days):

Brad Crowell, Town of Dennis
Peter Graham, Town of Truro
John D. Harris, Minority Representative
Herb Olsen, Governor’s Appointee (*Interim Committee Chair*)
Lynne Pleffner, Town of Chatham

■ **Regulatory Committee** (generally meets at 11 a.m. on meeting days):

Joy Brookshire, Town of Eastham
Roslyn Garfield, Town of Provincetown
Peter Graham, Town of Truro
Frank Hogan, Town of Orleans
Sheila Lyons, County Commissioners’ Representative
Roy Richardson, Town of Barnstable (*Committee Chair*)
Elizabeth Taylor, Town of Brewster

■ **Executive Committee** (generally meets at 10 a.m. on meeting days):

John D. Harris, Minority Representative (*Committee and CCC Chair*)
Frank Hogan, Town of Orleans
Sheila Lyons, County Commissioners’ Representative
Herb Olsen, Governor’s Appointee
Roy Richardson, Town of Barnstable (*CCC Vice Chair*)
Elizabeth Taylor, Town of Brewster (*CCC Secretary*)
Ernie Virgilio, Town of Mashpee



CCC Technical Data Digest

Traffic at Route 137 and Route 39, East Harwich

The chart below shows the average daily traffic at the intersection of Routes 137 and 39 in Harwich for each month over the past two years. The data are collected continuously on all approaches to the intersection using in-pavement vehicle-detection methods. The Cape Cod Commission's transportation staff remotely retrieves the collected data via telephone modem. The chart indicates changes in traffic during the year and the growth in traffic from last year when comparing individual months.

USGS Observation Well Data

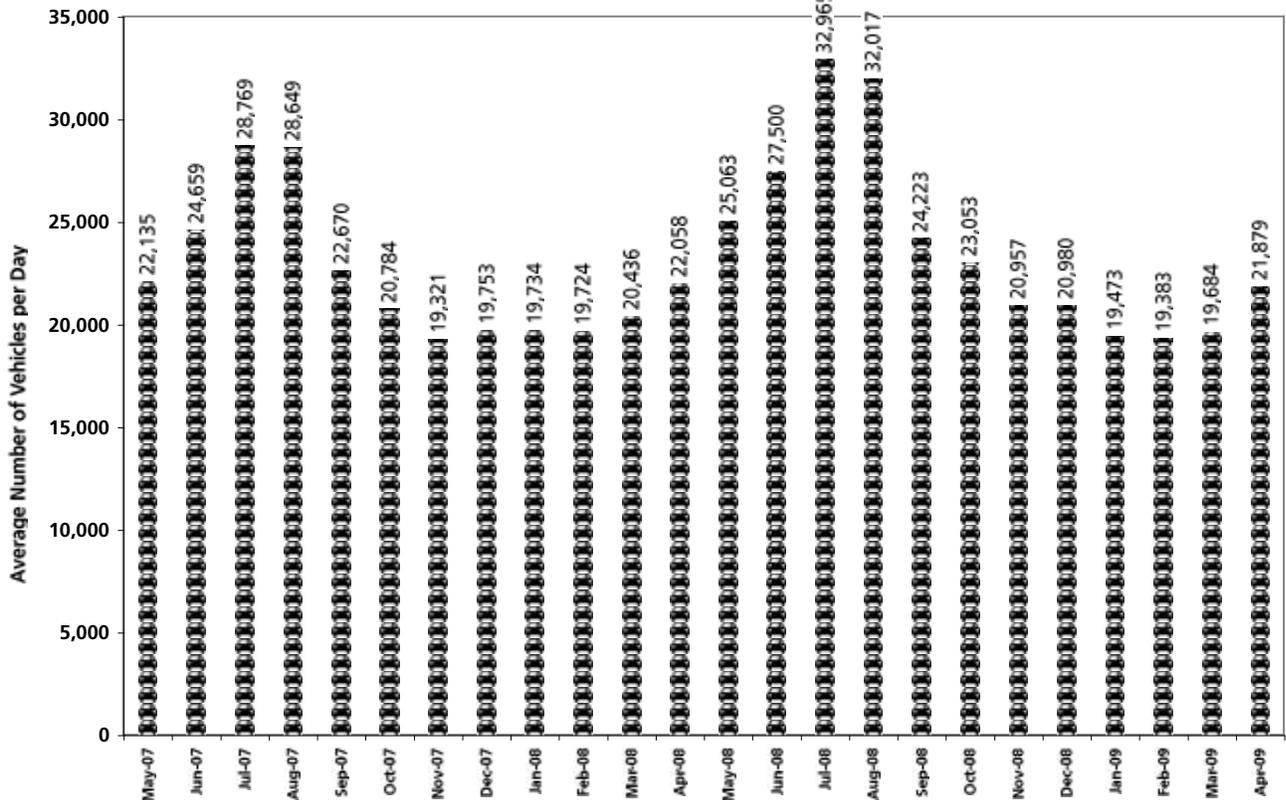
The groundwater-level measurements below are taken monthly by the Cape Cod Commission's staff from nine US Geological Survey (USGS) index wells. The data are also online at: www.capecodcommission.org/wells.htm

July 2009

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	23.0	20.5	26.6	0.5	0.6
Barnstable	A1W 247	23.1	20.5	28.6	0.9	1.3
Brewster	BMW 21	9.5	6.9	13.6	0.2	0.6
Chatham	CGW 138	24.0	20.9	26.6	-0.4	-0.2
Mashpee	MIW 29	8.1	5.6	10.0	0.1	0.3
Sandwich	SDW 252	46.8	45.8	48.2	0.4	0.5
Sandwich	SDW 253	49.2	45.8	55.1	0.4	0.8
Truro	TSW 89	11.7	10.2	13.0	0.5	0.4
Wellfleet	WNW 17	10.5	7.3	12.8	-0.4	-0.1

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

Average Daily Traffic - Routes 137/39 Intersection, Harwich, MA



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

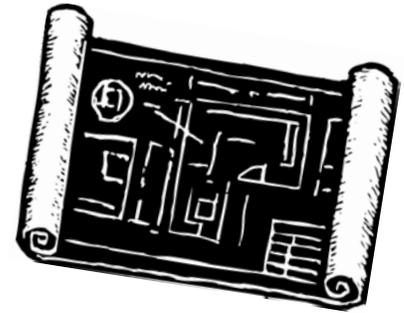
Dalby ANR Project #TR/HDEX09001

On July 23, 2009, the Cape Cod Commission, with nine voting members present, voted unanimously to approve with conditions the Development of Regional Impact (DRI) Hardship Exemption application of Alan J. Dalby for a two-lot division at 944 Shootflying Hill Road in Centerville, Massachusetts. The property is a 31.5-acre parcel with one single-family residence and related accessory structures with frontage on Lake Wequaquet. North Lily and South Lily ponds are situated in the eastern portion of the property. The proposal involves division of the land into two lots. The first proposed lot is an 18.5-acre parcel with lake frontage and the ponds; the lot includes the residence and accessory structures. The second proposed lot is a 13-acre undeveloped upland parcel without frontage or access to the lake or ponds. No additional development is proposed on either parcel at this time.

The Cape Cod Commission determined the Hardship Exemption application to be complete on March 2, 2009. The subcommittee reviewing the proposal held a public hearing on March 26 and public meetings on March 26 and April 13, voting on the latter date to recommend to the full Commission approval of the application with conditions. The applicant requested a continuance of the public hearing before the full Commission from April 30 to May 28, and then again from May 28 to June 11. The Commission voted to continue the hearing until July 23. In the meantime, a hearing officer closed the hearing record on June 22, the applicant proposed revised concepts for the project, and the subcommittee held additional public meetings on July 2 and July 15 to write and revise a draft decision to be considered by the full Commission.

During its review, the Commission considered the proposal's potential impacts to historic and archaeological resources, natural resources, transportation, and water resources. The Commission agreed to grant partial relief from the Regional Policy Plan's requirements for some of the technical studies and some of the related mitigation.

The Massachusetts Historical Commission considers the proposed area to be archaeologically sensitive. The Cape Cod Commission found that an exemption from the Regional Policy Plan's requirement for a predevelopment archaeological survey may be granted for the ANR



proposal, which proposes no new development, at this time but may be necessary if any development is proposed in the future.

According to Regional Policy Plan maps, the site is within a significant natural resource area, for potential public water supply and rare species habitat. It is also a resource protection area in the town's portion of the Regional Land Use Vision Map. Because no development is planned at this time, the applicant is not required to prepare a natural resource inventory now. The Commission also granted relief from the open space protection requirement because no development is proposed at this time. The applicant has agreed to restrict development within portions of the 18.5-acre parcel, including an area surrounding the ponds and including the lake frontage.

The Commission found that the project, as proposed, will not generate new traffic, therefore a traffic study and related mitigation were waived.

The project is located in the freshwater recharge area of Lake Wequaquet, in the marine water

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DRI decisions, continued from page 5...

recharge area of Three Bays, and in a potential water supply area. The Commission found that any future proposed development at the site should be reviewed for impacts to water resources.

BARNSTABLE

Haseotes Addition Project #HDEX08023

On July 23, 2009, the Cape Cod Commission, with 10 voting members present, voted six in favor and four opposed, to approve with conditions the District of Critical Planning Concern (DCPC) Hardship Exemption application of Joyce Haseotes for an addition to the single-family residence at 293 Long Beach Road in Centerville, Massachusetts. The property is a 0.66-acre parcel located within the Craigville Beach DCPC adjacent to the barrier beach to Nantucket Sound. The proposed project is a 1,937-square-foot one-floor addition to the existing 5,150-square-foot residence. The owner sought the exemption from the limited moratorium on building permits that was established by the creation of the Craigville Beach DCPC in spring 2008.

The Cape Cod Commission determined that the DCPC Hardship Exemption application, originally calling for construction of a 4,276-square-foot two-floor addition, was complete on December 18, 2008. The subcommittee reviewing the proposal held a public hearing on January 13, 2009. On April 15, the Commission received revised plans and materials from the applicant, proposing an addition of 2,853 square feet on two floors. In early June, the applicant submitted another set of plans, to reduce the bulk and mass of the structure, for the 1,937-square-foot, one-floor addition. The Commission subcommittee held a new public hearing on the revised plans on June 10, 2009, and public meetings on June 15 and 25 and on July 14.

During the course of the review, the Commission considered the project's potential impacts to water, natural, and coastal resources and to community character. The Commission determined that the applicant met the standards for granting relief owing to financial and other hardships.

The property is located in a significant natural resource area, wetland resource area, and riverfront area. It is also located on a barrier beach, a portion of which includes endangered species habitat. The structure will have to be elevated by piers, although the hardship exemption will accommodate handicapped access to the building.

The scale and height of the building and preservation of the "view corridor" of the property has been addressed through deed restrictions.

The residence will be limited to no more than six bedrooms, and the structure will be restricted to single-family use.

The plumbing will be refit with low-flow fixtures that will help limit wastewater flow, and a denitrifying septic system will be installed. An existing cesspool will be removed or filled and disconnected from the house.

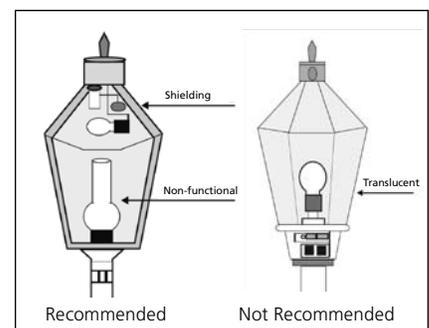
Updated Technical Bulletin on Exterior Lighting

The Cape Cod Commission approved minor revisions to Technical Bulletin #95-001, Development of Regional Impact (DRI) Guidance for Exterior Lighting Design, in June. The bulletin supports the Cape Cod Regional Policy Plan's section on Heritage Preservation and Community Character (HPCC) under the goal for community character/site and building design.

The specific relevant minimum performance standard is HPCC 2.11. The standard is intended to help maintain "harmonious community character" by requiring developers of DRIs to employ a coordinated exterior lighting design and prevent general light pollution. The standard also seeks improved nighttime aesthetics, visibility, and the safety of pedestrians and motorists.

The seven-page bulletin includes a set of definitions of terms, diagrams that support the points of guidance, and a description of the related information that must be submitted as part of the DRI application.

The bulletin is available with other guides and 13 other technical bulletins, in the Regulatory Program section of the Commission's web site: www.capecodcommission.org/regulatory/guides.htm



Illustrations from Technical Bulletin #95-001

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

- ✓ • **Barnstable Municipal Airport Terminal Access Design Change**—proposed access/egress changes, including realignment of access road from Route 132 and elimination of proposed entrance near rotary. Scope of review limited to transportation issues.
- **Dalby ANR**—proposed division of land in excess of 30 acres to split an existing lot into two lots. CCC approved the hardship exemption request on 7/23/09.
- **Haseotes Addition**—proposed construction of a 1,937-sq.ft. addition to a dwelling within the Craigville Beach/Centerville Village Center DCPC. CCC approved the hardship exemption request on 7/23/09.
- **Mystic River Realty Trust**—proposed Approval Not Required (ANR) plan dividing a 60-acre tract of land into two lots (one 49 acres and one 11 acres).

BOURNE

No DRI projects at this time.

BREWSTER

- ✓ • **Brewster VFW Pavilion**—proposed construction of a steel-framed roof over an existing picnic area on a 4.28-acre site within the Brewster Water Protection District of Critical Planning Concern (DCPC).

CHATHAM

- ✓ • **Chatham Comprehensive Wastewater Management Plan**—proposed comprehensive strategy (Comprehensive Wastewater Management Plan, Draft Environmental Impact Report, and Final Environmental Impact Report) for wastewater management in Chatham for a 20-year planning period, with a perspective on ultimate build-out conditions for the town. Joint MEPA/CCC review. Extension agreement to 6/18/10.

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.
- **Mashpee Watershed Plan**—proposed watershed nitrogen management plan.
- **Mashpee Woods ANR Plan**—proposed Approval Not Required (ANR) subdivision plan with two commercial lots and seven industrial lots. Extension agreement to 9/18/09.

ORLEANS

- **Daniels C&D Facility Expansion**—proposed expansion of a construction and demolition debris-processing facility. Formal withdrawal anticipated.
- **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.

PROVINCETOWN

- **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

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.

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 31
Monday, September 14
Tuesday, September 29

Regulatory Calendar

- **September 3:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.
- **September 17:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
 - Barnstable Municipal Airport Terminal Access Design Change
- **September 24:** CONTINUED HEARING: Chatham Wastewater Management Plan, 7 p.m., Chatham Town Hall

Full Commission Meetings

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

Thursday, September 3
Thursday, September 17
Thursday, October 1

Other Events

- **Labor Day Closure:** All Barnstable County offices will be closed Monday, September 7, 2009, for the federal Labor Day holiday.
- **Yarmouth Road Corridor Study Public Meeting:** Thursday, September 24, beginning at 6 p.m. at Barnstable Town Hall. The third meeting in a series to explore possible transportation improvements to the two-lane corridor of Willow Street/Yarmouth Road in the towns of Yarmouth and Barnstable. (See story, page 2.)



Cape Cod Commission

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Vice Chair:

Royden Richardson

Secretary:

Elizabeth Taylor

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Michael Blanton

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Lynne Pleffner

Dennis:

Brad Crowell

Eastham:

Joyce Brookshire

Falmouth:

(vacant)

Harwich:

Robert Bradley

Mashpee:

Ernest Virgilio

Orleans:

Frank H. Hogan

Provincetown:

Roslyn Garfield

Sandwich:

(vacant)

Truro:

Peter Graham

Wellfleet:

Roger Putnam

Yarmouth:

(vacant)

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