

CAPE COD COMMISSION REPORTER



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

CCC Community Design, Visualization Services Help Translate Complex Planning Ideas

Using the correct terminology doesn't always convey a better understanding of a subject. Sometimes, one simply must see something to get a better grasp of it. That's a common experience when land use planners talk about concepts such as "smart growth," "mixed use," or "density." Not everyone knows what they mean, but most people understand the concepts when they can see them applied in some way.

The Cape Cod Commission has recognized the need for visually based planning and design services to assist Cape communities wrestling with complex planning and zoning ideas. A few staffing and programmatic changes put into place this summer aim to answer that need. Phil Dascombe, AICP (American Institute of Certified Planners), has been promoted from a Planner II position, which

incorporated planning and regulatory project management, to Senior Community Design Planner. Dascombe will assist Chief Planner Sharon Rooney with outreach to Cape towns working on community development projects.

"Our goal is to help towns in a collaborative way to succeed with their creative planning initiatives," says Dascombe. "We also want the Commission to be a resource rather than just a regulator, and for towns to use our in-depth knowledge of the region and its unique communities to provide tailored planning assistance."

That assistance can come in the form of build-out analyses, conceptual planning, photo visualizations, 3D modeling,

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CCC Senior Community Design Planner Phil Dascombe discusses several design, planning, and zoning scenarios for the Route 130–Quaker Meetinghouse Road–Cotuit Road area of Sandwich during a "Smart Growth" workshop earlier this year.



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and facilitating community forums. “We are especially interested in providing technical services to help towns as they prepare Local Comprehensive Plans and pursue the designation of Economic Centers and Growth Incentive Zones,” Dascombe adds. Those designations are two relatively new land use planning and regulatory options strongly supported by the Cape Cod Commission.

Dascombe and other members of the Commission staff have recently worked with the towns of Yarmouth and Sandwich on community design projects. “As planners, we often use terms such as mixed use, compact development, and smart growth to describe our vision and desired forms of development,” notes Dascombe. “It is often difficult, however, for non-planners to fully understand these broad terms, particularly when used with the arcane language of zoning.”

Dascombe believes visually based planning and design services can help communicate to the public the effects and potential benefits of various developments and allow different development scenarios to be weighed. When he worked for the planning department of the City of Palo Alto, California (1994–2000), he witnessed first hand the positive effect of photo visualization tools on master planning processes. Today, many more tools are available, including *SketchUp*, *PhotoShop*, *Illustrator*, *ArcScene*, many Geographic Information System (GIS) components, and other 3-D computer modeling software.

“These greatly enhanced tools can help participants see what and how a community can change. They are essential for capturing imaginations and establishing support for local planning efforts,” Dascombe says.

“The best community development processes begin with broad outreach and local support for change and involve working through alternative development scenarios,” he adds. “Tools such as these help inform the process and ultimately improve the chances of successful implementation in any community.”

For some examples of the community design services the Cape Cod Commission can offer, see the Web site: www.capecodcommission.org/planning/design.htm

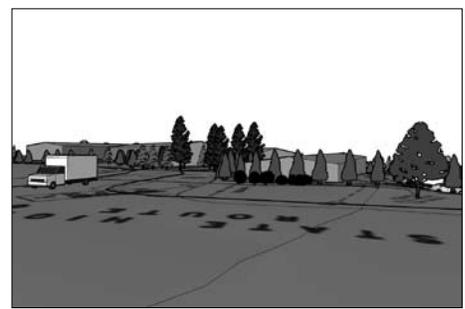
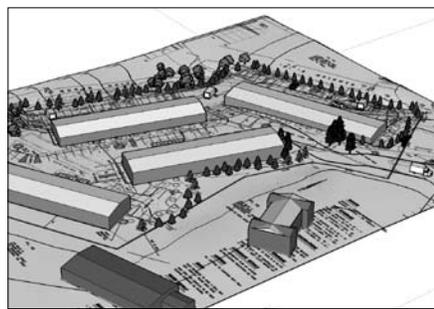
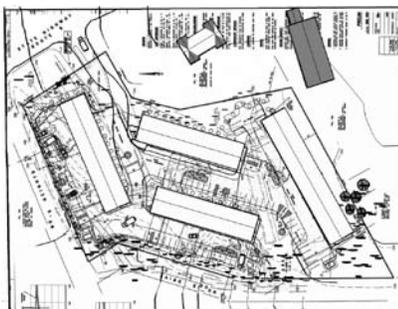


ABOVE: An example of the way photo visualization can help communities envision future development. The image on the top is the baseline “before” view; the image on the bottom is the “after” view, an enhanced street view showing potential building and design changes at the same location.

Image manipulation by Senior Community Design Planner Phil Dascombe/CCC.

BELOW: Still images from an animation that illustrates the effectiveness of screening a commercial project. The 3-D massing model that started from a site plan and prepared drawings helped inform public discussion about the proposal.

Illustrations and animation by Chief Planner Sharon Rooney/CCC.





Envision. Engage. Enable.

State Transportation Workshops

This fall, the Massachusetts Executive Office of Transportation is launching a series of public forums to talk to residents about their experiences using the state transportation system.

One workshop will be held on Cape Cod, at the Hyannis Intermodal Transportation Center on Tuesday, September 23, beginning at 6 p.m.

Additional workshops will be held across the state, as follows (others have preceded the publication of this newsletter):

- National Heritage Center in Lawrence on September 24
- North Adams City Hall on October 2
- Taunton Public Library on October 6
- Thayer Public Library in Braintree on October 7
- Union Station in Worcester on October 14 – Begins at 6:30 p.m.
- Malden Public Library on October 15
- Chicopee Public Library on October 20

All workshops except the Worcester one (October 14) begin at 6 p.m.

Updates are available on the Web site: www.youmovemasachusetts.org

CCC Online Questionnaire Seeks Input about Route 6A

The Cape Cod Commission has begun a federally funded update of the 13-year old Route 6A Corridor Management Plan. Route 6A travels east-west across Cape Cod for about 34 miles, through much of the Old King's Highway Regional Historic District within the towns of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Brewster, and Orleans. The Commission published the first corridor management plan for the state highway in 1995. The plan guided the protection of the corridor's unique historic and scenic resources and addressed transportation and safety issues.

For the update, Commission planners and transportation analysts will gather initial public input through a Web-based questionnaire, developed using the online service known as "Survey Monkey." The questionnaire poses about 30 questions on summer-season and off-season travel experiences on Route 6A and on the types of travel modes (automobile, public transit, bicycle, pedestrian) respondents use. The questionnaire also asks respondents to identify transportation problem areas and to suggest potential solutions to concerns. The questionnaire is found on the Web site: www.gocapecod.org/6Away

Independent of the questionnaire, the Commission staff is gathering new data on existing Route 6A conditions, to be compared to 1995 data, including traffic counts, road and intersection geometry or traffic control, crash data, changes in cultural and natural resources, and changes in the commercial and residential land uses along the route.

For more information, contact Commission Planner Martha Hevenor.

A typical Route 6A scene: Historic homes, mature trees, utility poles, sidewalks, and automobiles share a narrow path along the winding state route, in this photo looking east in Yarmouthport.



CCC Technical Data Digest

For years, this newsletter has published data on the water levels in monitoring wells across the Cape (shown at right), which is gathered and analyzed monthly by the Water Resources staff of the Cape Cod Commission. This newsletter edition launches the publication of an additional data set, gathered by the Commission's Transportation staff, from a traffic counter embedded in the pavement of the intersection of Routes 137 and 39 in East Harwich (shown below). In September 2006, the staff in Barnstable began to receive continuously collected traffic counts that are remotely transmitted from the site through a telephone modem. The system was installed as part of the transportation mitigation required for the expansion of the East Harwich Stop & Shop, a Development of Regional Impact (DRI).

USGS Observation Well Data

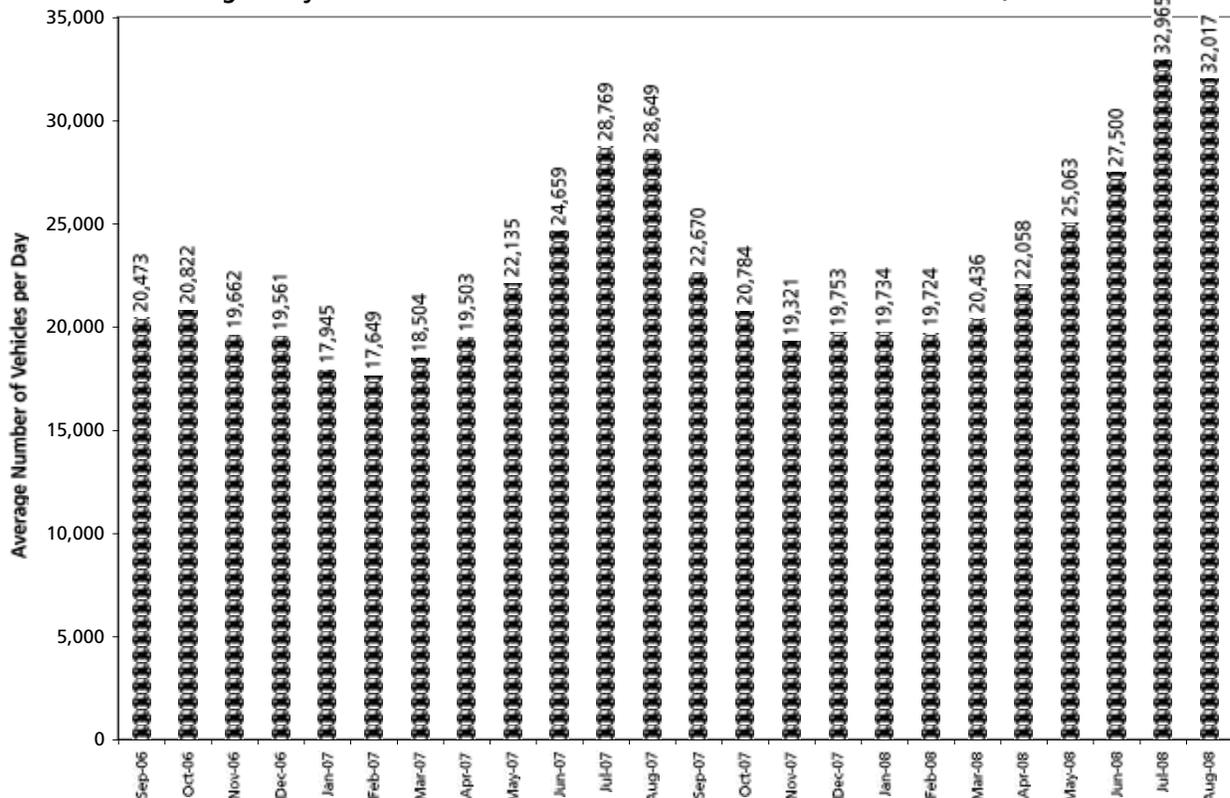
The groundwater-level measurements below are taken monthly by the Cape Cod Commission's staff from nine US Geological Survey (USGS) index wells. The data are also online at: www.capecodcommission.org/wells.htm

August 2008

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	23.9	20.5	26.6	0.1	-0.3
Barnstable	A1W 247	24.3	20.5	28.6	0.1	0.1
Brewster	BMW 21	8.7	6.9	13.6	1.2	1.4
Chatham	CGW 138	24.8	20.9	26.6	-0.8	-1.0
Mashpee	MIW 29	9.0	5.6	10.0	-0.2	-0.6
Sandwich	SDW 252	47.5	45.8	48.2	-0.1	-0.2
Sandwich	SDW 253	49.5	45.8	55.1	0.4	0.5
Truro	TSW 89	12.3	10.2	13.0	0.0	-0.3
Wellfleet	WNW 17	11.1	7.3	12.8	-0.5	-0.6

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

Average Daily Traffic – Intersection of Routes 137 and 39 in East 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/).

BREWSTER

Nickerson Property/Horse Farm Project #DR07023

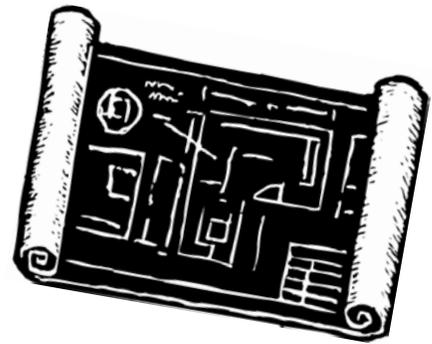
On August 7, 2008, the Cape Cod Commission, with 14 voting members present, voted unanimously to deny on procedural grounds without prejudice the Development of Regional Impact (DRI) application of Carrie L. Nickerson. The project entails 15.4 acres of already-cleared land and a 13,440-square-foot two-story already-constructed horse barn with a 2,040-square-foot living area/apartment on the second floor. The property is located at 791 South Orleans Road in Brewster, Massachusetts.

The Massachusetts Natural Heritage Atlas, produced by the state's Natural Heritage and Endangered Species Program, identifies the land as "priority habitat." In addition, the property is located in a zone of contribution for a municipal water supply well in the Town of Orleans, and it is in a watershed that drains to Pleasant Bay, a nitrogen-sensitive marine embayment with water-quality problems caused by development within the watershed.

The Orleans Board of Selectmen made a discretionary referral of the project to the Cape Cod Commission, for the purpose of pursuing a review of the project's impacts on the regional water resources. The Commission received the referral on December 21, 2007, and on February 4, 2008, voted 11 in favor and 3 opposed to accept the limited discretionary referral as a project that may have regional impacts and present one or more of the concerns listed in the Cape Cod Commission Act.

In March, the Commission staff met with the applicant, representatives of the towns of Brewster and Orleans, and representatives of the US Department of Agriculture in an attempt to address concerns about the project's effects on water quality. The Commission never received any required application materials from the applicant, however. In June, the agency advised the applicant of the ability to seek a time extension for the review, but received no response.

As a result, in July the agency notified the applicant of a pending procedural denial of the DRI. On August 7, the Commission had not received any communication or the required materials and voted unanimously to deny the project on procedural grounds without prejudice because the applicant had "failed to progress continuously



and expeditiously through the required regulatory processes, thereby providing no information on which to conduct a substantive hearing or to base a substantive decision."

MASHPEE

64 Industrial Drive Project #HDEX07016

On August 7, 2008, the Cape Cod Commission, with 15 voting members present, voted unanimously to approve with conditions the Hardship Exemption application of John Paulding, Trustee of the Makedo Realty Trust, for construction of a 20,000-square-foot commercial building on a 1.91-acre vacant lot in the Mashpee Industrial Park (64 Industrial Drive) in Mashpee, Massachusetts. The building will be constructed of prefabricated metal panels, with garage-style roll-up access doors for each tenant space.

Being within the Mashpee Industrial Park, the lot was subject to an April 1997 development agreement of the Commission and the Mashpee Industrial Park Trust. The term of the

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agreement was limited to 10 years, however, and it expired in April 2007, now making the proposed project a mandatory Development of Regional Impact (DRI).

The Cape Cod Commission deemed the Hardship Exemption application complete on June 20, 2008, and held a public hearing and public meetings in July.

During the review, the Commission considered the proposal's potential impacts on transportation, water resources, natural resources and open space, hazardous materials and waste, and community character.

In granting the Hardship Exemption, the Commission waived some requirements of the Regional Policy Plan. For example, the Commission granted partial relief from the trip-reduction requirements and from the need to conduct a traffic study. The Commission also granted relief from the "no net nitrogen increase" requirement, even though the project is in the Mashpee River watershed, a nitrogen-sensitive system. The project will use a denitrifying septic system to manage wastewater and a bioretention system to filter stormwater. The Commission also granted relief from the requirements to set aside open space, because the entire Industrial Park had already met those requirements. In addition, the Commission granted relief from some of the community character requirements related to the building's "footprint," façade, and landscape buffers.

FALMOUTH

Falmouth Economic Development and Industrial Corporation Subdivision Project #HDEX07016

On August 21, 2008, the Cape Cod Commission, with 11 voting members present, voted unanimously to approve with conditions the Hardship Exemption application of the Falmouth Economic Development and Industrial Corporation (EDIC) for the subdivision and reconfiguration of land located within the Raymond Park Industrial Subdivision at Edgerton Drive in North Falmouth, Massachusetts.

The subdivision consists of nine lots totaling 23.2 acres; six of the nine lots are developed. The proposal seeks to combine and resubdivide one parcel and one lot into three lots totaling about 8.2 acres.

The subdivision is located in a marine water recharge area and a significant natural resources area.

The Cape Cod Commission deemed the Hardship Exemption application complete on May 13, 2008, held a public hearing on July 17, and held public meetings on August 4 and 7.

The Falmouth EDIC, a nonprofit organization, sought the Hardship Exemption because of the cost of carrying land that is unmarketable due to currently poor configuration and accessibility.

During the review, the Commission considered the proposal's potential impacts on water resources, transportation, and natural resources and open space. The EDIC asked for relief for "qualifying entities," or uses that meet several criteria. To qualify for relief, the use must (1) have high average weekly wages; (2) be a small business (less than 50 employees on site); and (3) have a majority of year-round, full-time positions. Uses excluded from consideration include retail trade, transportation and warehousing, independent- and assisted-living facilities, and finance, insurance, and real estate offices.

In granting the Hardship Exemption, the Commission waived some requirements of the Regional Policy Plan. For example, the Commission waived mitigation payments to offset nitrogen loading to the watershed, equivalent to \$40,767 per lot for qualifying entities. The Commission also waived mitigation payments to address transportation impacts, equivalent to \$101,833 per lot for qualifying entities. The Commission also waived the open space protection requirement, which could have been between 30 and 40 acres for the 23-acre subdivision.

For those uses that are not qualifying entities, the applicant will provide a nitrogen offset of \$40,767 per lot and a trip-generation offset of \$101,833 per lot. The applicant will also need to file with the state's Natural Heritage and Endangered Species Program for compliance with the Massachusetts Endangered Species Act.

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

No DRI projects at this time.

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. Formal withdrawal anticipated.

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. CCC approved a Hardship Exemption with conditions for the project on 8/21/08.
- **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.

- ✓ • **The Golf Club at Cape Cod/Ballymeade**—proposed construction of an 18-hole championship golf course on approximately 183.41 acres within Ballymeade Estates.
- ✓ • **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

- **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. CCC accepted the applicant's withdrawal of the DRI on 8/21/08.

- ✓ • **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 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 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, September 29
Monday, October 6 (Planning only)
Tuesday, October 14

Other Events

• **Public Workshop on the State Transportation System:** The Massachusetts Executive Office of Transportation is holding workshops across the state; the Cape Cod session will be held on Tuesday September 23, 2008, beginning at 6 p.m. at the Hyannis Intermodal Transportation Center. See story on page 3.

• **Deadline for Comments on the Draft 2008 Regional Policy Plan:** Send written comments by Tuesday, September 30, 2008, to the Cape Cod Commission, ATTN: Sharon Rooney, P.O. Box 226, Barnstable, MA 02630; or send e-mail to: srooney@capecodcommission.org

• **SAVE THE DATES: Walking Weekend, October 10-13, 2008:** Sponsored by Cape Cod Pathways. Check for details: www.capecodcommission.org/pathways/

Full Commission Meetings

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

Thursday, October 2
Thursday, October 16
Thursday, October 30

Regulatory Calendar

• **September 15:** CONTINUED HEARING: The Golf Club at Cape Cod/Ballymeade (Falmouth project), 11 a.m., CCC

• **September 17:** HEARING OFFICER: Mashpee Woods ANR Plan (Mashpee project), 10 a.m., CCC

• **September 18:** HEARING OFFICER: Murchison Property ANR (Provincetown project), 10 a.m., CCC

• **September 25:** HEARING: Wise Living at Woods Hole (Falmouth project), 6 p.m., Falmouth Public Library

• **October 2:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.



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