

CAPE COD COMMISSION REPORTER



September 24, 2009

Volume 19, Number 9

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

Public, Business Input Triples the Concepts for Improvements to Willow Street/Yarmouth Road Corridor

If two heads are better than one, than two hundred should produce significant results, and in the case of an ongoing mid-Cape transportation study, it has.

Professional engineers, planners, and municipal officials have been joined by an actively involved group of the business owners and residents in the vicinity of—or simply concerned about—the Willow Street/Yarmouth Road corridor leading to and from Hyannis. Participants have put their heads together to greatly expand ideas for transportation-related improvements to that corridor.

What originally started as four major concepts proposed by the Cape Cod Commission's transportation and land use planners for improving traffic flow and safety (for drivers, walkers, *and* bikers) has grown to 12 iterations through a series of meetings that have refined the original ideas and added several new ones.

Led by Transportation Engineer Glenn Cannon with support from other Commission staff members, the public process to identify preferred and efficient solutions to address the congestion and safety issues in the highly travelled corridor is

moving closer to a final report with recommendations, which planners hope will lead to funding and implementation.

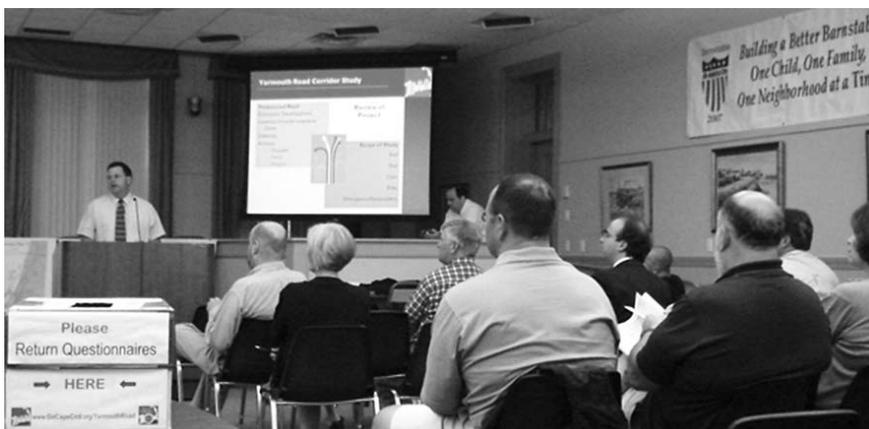
The third in a series of public meetings is scheduled to take place on the evening of this publication. The 12 concepts for discussion at the meeting are described briefly in this article (see next page), and maps, diagrams, and more-detailed descriptions are available on the web site:

www.gocapecod.org/yarmouthroad

The site also offers a new questionnaire to inform planners of opinions on the proposed concepts. Early in the process the Commission gathered initial opinion from an online questionnaire. The new one seeks reaction to the latest concepts. Comments may also be sent by e-mail to gcannon@capecodcommission.org.

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Cape Cod Commission Transportation Engineer PE Glenn Cannon (at podium) discusses several Yarmouth Road concept plans at a public meeting in July 2009. Credit: E. Hude/CCC



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Yarmouth Road, from page 1...

LOCATION: Starting from Route 6A in the village of Yarmouthport, Willow Street travels south and passes under Route 6 Interchange 7. At the Yarmouth/Barnstable town line, the road name changes to Yarmouth Road and continues south through Barnstable across Route 28 and terminates at Main Street in Hyannis.

MULTI-USE PATH: All concept plans include a multi-use path (bike path) connecting the Hyannis Transportation Center to a point just south of Route 6. The towns of Yarmouth and Dennis are currently planning to extend the existing Cape Cod Rail Trail just east of Willow Street (south of Route 6).

CONCEPT 1A AND 1B are continuations of the four-lane divided Willow Street roadway that currently exists near Route 6 Interchange 7. Concepts 1a and 1b continue that four-lane divided roadway from the Higgins Crowell Street/Willow Street intersection in Yarmouth to the Route 28/Yarmouth Road intersection in Barnstable. Concept 1a uses a westerly alignment at the Route 28/Yarmouth Road intersection. Concept 1b uses an easterly alignment at that intersection.

CONCEPTS 2A, 2B, AND 2C extend the Willow Street four-lane divided roadway to Rosary Lane in Barnstable. There, Yarmouth Road becomes two lanes, one-way, southbound. Old Yarmouth Road and Rosary Lane become two lanes, one-way, northbound. Concept 2a uses a westerly Route 28/Yarmouth Road alignment; Concept 2b, an easterly alignment. Concept 2c uses undeveloped parcels to the east of the gasoline station/convenience store. A new two-lane roadway is constructed as one-way northbound lanes connecting to Old Yarmouth Road.

CONCEPT 3 extends the Willow Street southbound lanes over the railroad tracks, onto a railroad right-of-way, and down to the Route 28/Engine House Road intersection (a new two-lane roadway, one-way, southbound). The existing two-lane Yarmouth Road is converted to one-way, northbound lanes from Route 28 to the existing four-lane section of Willow Street.

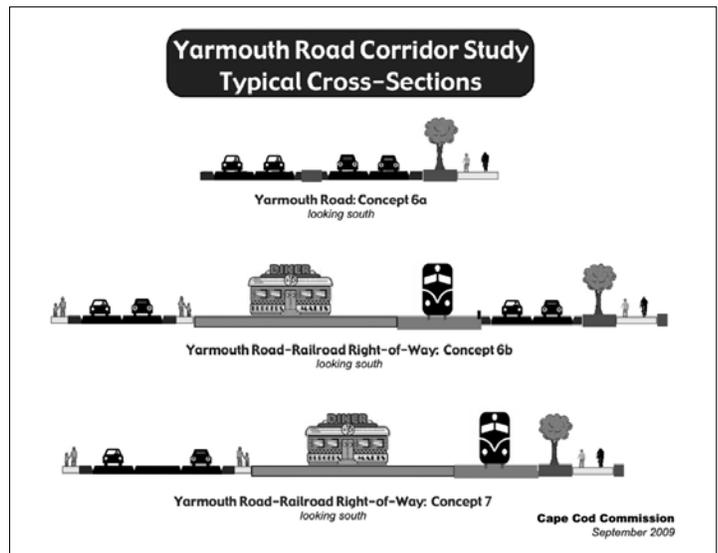
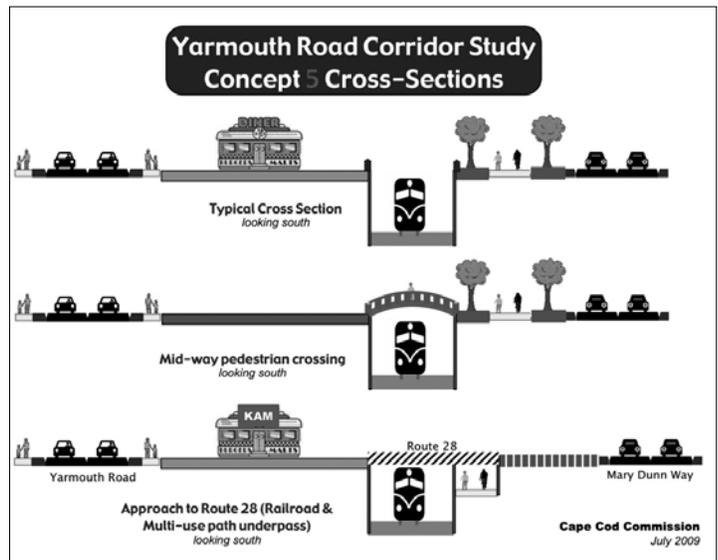
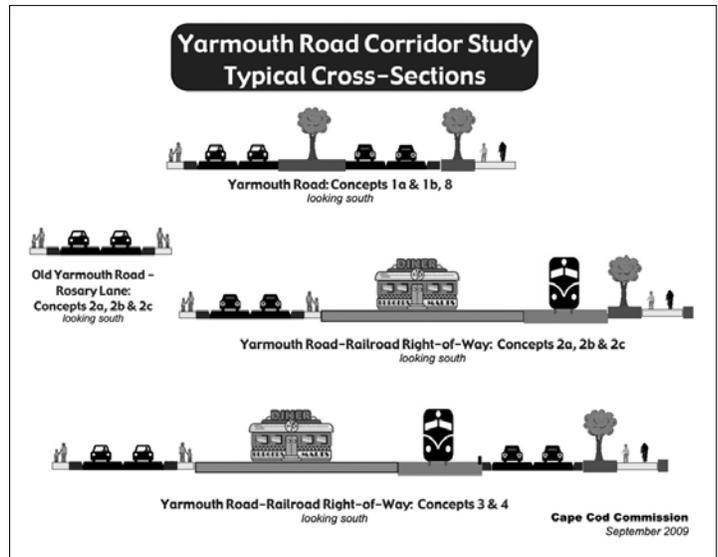
To better accommodate emergency-vehicle access to the Cape Cod Hospital, **CONCEPT 4** uses the existing Yarmouth Road for the southbound lanes. Both existing lanes are converted to one-way from the Willow Street four-lane section to Route 28. A new roadway is built within the railroad right-of-way for the northbound lanes from the Willow Street four-lane section to the Route 28/Engine House Road intersection. This concept requires an overpass/underpass at the northern end of the project.

CONCEPT 5 is the same as Concept 3, but with the rail line in a trench or underground. The new southbound lanes are west of the proposed multi-use path, allowing greater access to it and eliminating conflicts with roadway users at Route 28 and crossing the new Yarmouth Road southbound lanes.

CONCEPT 6A proposes a new four-lane divided roadway from Willow Street to the Route 28/Engine House Road entirely on a right-of-way on the Barnstable Municipal Airport property. Yarmouth Road remains a two-lane, two-direction roadway. **CONCEPT 6B** proposes a new two-lane (both directions of travel) roadway on airport property. The new roadway intersects Yarmouth Road opposite Rosary Lane and continues south to Route 28 opposite Engine House Road.

CONCEPT 7 proposes a three-lane section from Willow Street to Route 28. The section consists of a southbound lane, a northbound lane, and a center left-turn lane.

CONCEPT 8 is similar to Concept 1 (a four-lane divided roadway), but with a grade-separated intersection at the Route 28/Yarmouth Road intersection.



Draft TIP Lists of Local and State Transportation Improvements Ready for Comment

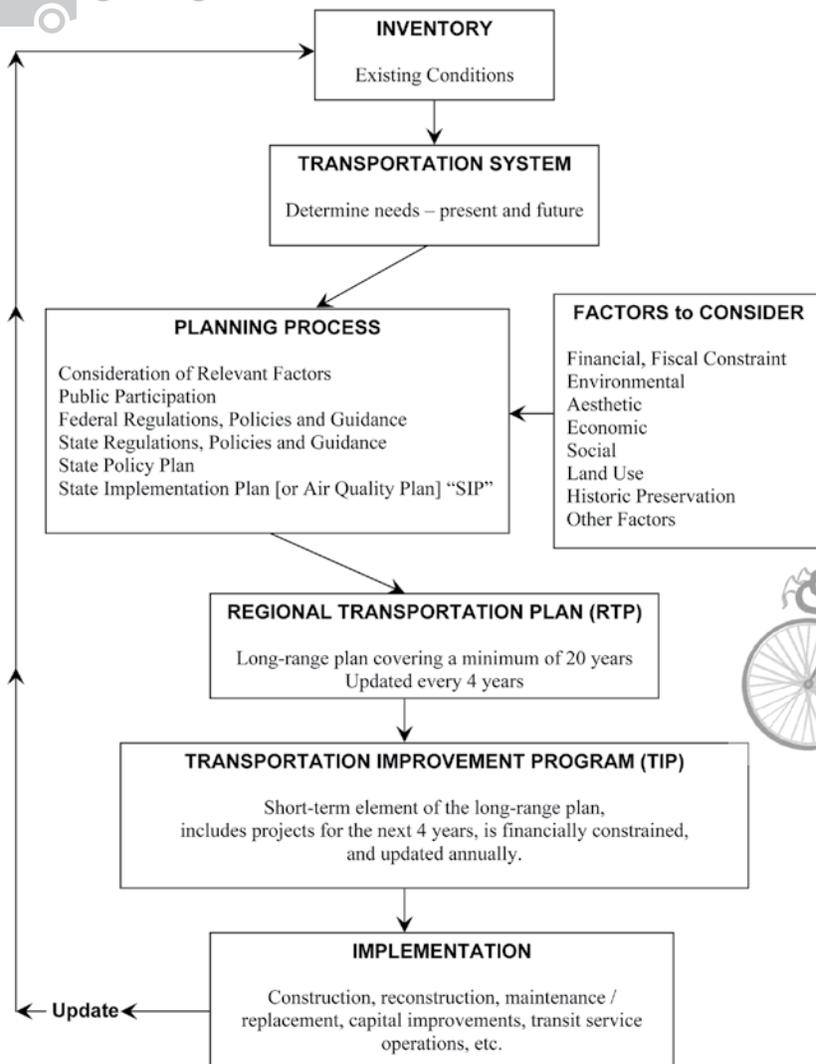
Last month, the Cape Cod Metropolitan Planning Organization* (MPO) voted to release the Draft Cape Cod Transportation Improvement Program (TIP) for Federal Fiscal Years 2010–2013. Readers can review the draft online at www.gocapecod.org/tip, and public comments are welcome through the next MPO meeting (September 28, 2009, at 12 noon at the Cape Cod Commission office, 3225 Main Street/Route 6A, Barnstable). Comments may be hand delivered to Senior Transportation Planner Priscilla Leclerc, or sent to her by fax (508-362-3136) or e-mail (please put “TIP” in the subject line) to ccjtc@capecodcommission.org.

The Cape Cod Commission’s web site also provides information about the State Transportation Improvement Program (STIP) for Federal Fiscal Years 2010–2013, which the Massachusetts Executive Office of Transportation released for public comment on September 1. The draft listings are a compilation of roadway, bridge, intermodal, and transit projects as developed in TIPs by the state’s 13 regions.

The STIP is available for review online at www.mass.gov/eot and in person during business hours at the Cape Cod Commission office and at the Cape Cod Regional Transit Authority (Hyannis Transportation Center, 215 Iyannough Road/Route 28, Hyannis). **Public comments on the STIP are due by September 30, 2009.** All STIP comments should be sent to the STIP Coordinator, by



OVERVIEW OF TRANSPORTATION PLANNING PROCESS



e-mail to STIP@eot.state.ma.us, by fax to (617) 973-8035, or by phone to (617) 973-7335.



* The Cape Cod Metropolitan Planning Organization currently consists of representatives from the Executive Office of Transportation, Massachusetts Highway Department, Barnstable County Commissioners, Cape Cod Commission, Cape Cod Regional Transit Authority, Town of Barnstable, and selectmen from three other towns. A town selectman representative is elected from each sub-regional Cape Cod area. The sub-regions are (A) Bourne, Falmouth, Mashpee, and Sandwich; (B) Brewster, Chatham, Dennis, Harwich, and Yarmouth; and (C) Eastham, Orleans, Provincetown, Truro, and Wellfleet. The MPO *ex officio* membership includes representatives from the Federal Highway Administration; Federal Transit Administration; US Army Corps of Engineers; National Park Service/Cape Cod National Seashore; Woods Hole, Martha’s Vineyard, and Nantucket Steamship Authority; and the Cape Cod Joint Transportation Committee.

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 2009

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	22.6	20.5	26.6	1.4	1.1
Barnstable	A1W 247	23.4	20.5	28.6	1.0	1.0
Brewster	BMW 21	9.9	6.9	13.6	0.0	0.2
Chatham	CGW 138	24.4	20.9	26.6	-0.3	-0.5
Mashpee	MIW 29	8.7	5.6	10.0	0.1	-0.2
Sandwich	SDW 252	47.0	45.8	48.2	0.4	0.3
Sandwich	SDW 253	49.7	45.8	55.1	0.3	0.4
Truro	TSW 89	12.1	10.2	13.0	0.3	0.0
Wellfleet	WNW 17	11.0	7.3	12.8	-0.4	-0.6

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

Walking Weekend October 9–12, 2009

Cape Cod Pathways will host the 16th annual Walking Weekend October 9–12, 2009. The event features short walks and longer hikes, all led by naturalists, outdoor enthusiasts, and others. At the time this newsletter went to press, 18 walks were scheduled.

Pathways, a program of Barnstable County that is organized by the Cape Cod Commission, is a network of walking paths that link the Cape's historic villages and scenic open areas.

Check the web site for changes as Walking Weekend 2009 approaches:

www.capecodcommission.org/pathways



CCC Member Notes

New Sandwich Rep

In August 2009, the Sandwich Board of Selectmen appointed Sue Pommrehn as the town's representative to the Cape Cod Commission, following the resignation of Alan Trebat at the end of June. Pommrehn's term expires in April 2010.

New Yarmouth Rep

In September 2009, the Yarmouth Board of Selectmen appointed Jack McCormack as the town's representative to the Commission, following the resignation of Mark Lohan in August. McCormack's term expires in April 2011.

Planning Committee

Last month's newsletter listed the members of the Cape Cod Commission's standing committees. Corrections and changes to the Planning Committee since then are as follows:

- The new chair is Truro representative Peter Graham.
- Dennis representative Brad Crowell is not on the Planning Committee, but Eastham representative Joy Brookshire and new Sandwich representative Sue Pommrehn are.



Due Process, Design Review, and Decisions

Cape Cod has 14 historic district commissions and more than 50 historic districts. The region also has numerous historical commissions and historic review boards that consider proposed changes to historic structures. A seminar in late October (see sidebar to right) will teach these boards techniques to help them be as effective as possible and will provide opportunities to ask questions and share information with other historic review boards in the region.

Sarah Korjeff, the Cape Cod Commission's historic preservation specialist, will introduce the seminar. She and Commission planning staff members provide help on preservation projects to town boards and officials, nonprofit organizations, neighborhood groups, and others interested in protecting historic resources.

Speaking at the October seminar will be Eric Dray, a preservation planning consultant whose recent work includes co-writing a series of historic district training videos produced by the Massachusetts Historical Commission; Jessica Erickson, Falmouth's assistant town planner, who also provides assistance to the town's community preservation committee, historical commission, and historic district commission; and Peter Freeman, an attorney and principal of Freeman Law Group LLC in Yarmouthport and Boston. Both Freeman and Dray have taught courses on preservation at Boston University.

The October seminar is offered without charge but preregistration is requested by October 20. A brochure with a registration form is available on the web site www.capecodcommission.org/historic. Questions should be directed to Korjeff by phone at (508) 362-3828 or e-mail to skorjeff@capecodcommission.org.

DUE PROCESS, DESIGN REVIEW, AND DECISIONS

Tuesday, October 27, 2009
3 to 5:30 p.m.

Harwich Community Center

(100 Oak Street, Harwich, MA)

REGISTER BY OCTOBER 20, 2009
skorjeff@capecodcommission.org

• • • AGENDA • • •

2:45–3 p.m. Registration

3–3:15 p.m.

Welcome & Introductions

Sarah Korjeff, Preservation Specialist, Cape Cod Commission

SESSION 1: 3:15–4 p.m.

Legal Issues: Due Process in Historic Review

Peter Freeman, Attorney, Freeman Law Group LLC

SESSION 2: 4–4:45 p.m.

Design Review

Eric Dray, Preservation Planning Consultant

SESSION 3: 4:45–5:30 p.m.

Writing Effective Decisions

Jessica Erickson, Assistant Planner, Town of Falmouth

Addendum to Design Manual Addresses Large-scale Development

The Cape Cod Commission will conduct a public hearing on Thursday, October 1, 2009 (3 p.m., First District Courthouse, Assembly of Delegates Chamber, Route 6A, Barnstable) to consider the proposed final draft of an addendum to Technical Bulletin 96-001, *Designing the Future to Honor the Past*.

The addendum, titled *Contextual Design on Cape Cod*, provides design guidelines for large-scale development, using text, photos, and diagrams. The draft is available on the Commission's web site at: www.capecodcommission.org/regulatory/guides.htm



Cape Cod Commission • DRI Decision

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

Brewster VFW Pavilion Project #DCPC-HDEX09010

On August 20, 2009, the Cape Cod Commission, with 10 voting members present, voted unanimously to approve with conditions a hardship exemption application for the VFW Pavilion at 989 Freeman's Way, in Brewster, Massachusetts. The applicants, Roger Gill and David Lai, represent Brewster VFW Post 9917. The proposed project involves installation of a 1,298-square foot steel roof over a paved picnic area on a 4.28-acre site within the Brewster Water Protection District of Critical Planning Concern (DCPC).

Projects proposed within designated DCPC areas are subject to a building permit moratorium until the affected town develops, and the Cape Cod Commission approves, "implementing regulations" that alter zoning and manage growth in the DCPC, once finalized. Barnstable County regional government approved and recorded the regional ordinance designating the Brewster Water Protection DCPC in summer 2008. The Town of Brewster is working to complete its implementing regulations by mid October 2009.

Craigville Beach DCPC

On September 3, 2009, the Barnstable Town Council voted to nominate the Craigville Beach area of Centerville (approximately 445 acres, of which more than 65 acres are open water) as a District of Critical Planning Concern (DCPC), to begin a new DCPC process rather than adopt draft implementing regulations prepared by town officials and citizens for a previous nomination.

The Cape Cod Commission, charged with recommending to the Barnstable County Assembly of Delegates the designation of DCPCs by county ordinance, will hold a hearing to gather public comments on the DCPC nomination on October 1 (see back cover). At that hearing the Commission will vote to accept or reject the nomination for consideration.

If ultimately designated by county ordinance, a DCPC allows a town (or group of towns) to adopt special rules and regulations to protect natural, coastal, scientific, cultural, architectural, archaeological, historic, economic, or recreational resources or values of regional, statewide, or national significance. The rules that the nominating communities create and adopt (known as "implementing regulations") then govern development in the designated DCPC area.

The Brewster VFW Post filed its hardship exemption request with the Cape Cod Commission on May 29, 2009. The Commission granted a fee waiver on June 8 and determined the application to be complete on June 9. The subcommittee reviewing the proposal held a public hearing in mid July and public meetings in July and August, and considered the potential impacts to water and natural resources, community character, and transportation. The project is located in a zone of contribution to a public water supply, but will not result in increased wastewater flows, and will not result in additional stormwater runoff, as the roof is being constructed over an existing impervious surface. The subcommittee unanimously recommended the hardship exemption.

The full Commission determined that Brewster VFW Post 9917 demonstrated (a) that a hardship exists by virtue of the moratorium, and (b) that waiting until October 2009 (when the implementing regulations would be finalized) to construct the roof over the pavilion presented a substantial hardship. Relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of the Cape Cod Commission Act. The Commission conditioned the approval noting that any deviation from the site plans incorporated into the record requires notification to the Commission for an evaluation of modifications.

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.
- **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). On 9/17/09, CCC accepted the applicant's withdrawal of the proposed project.

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). CCC approved the DCPC hardship exemption on 8/20/09.

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. On 9/17/09, CCC accepted the applicant's withdrawal of the proposed project.

ORLEANS

- **Daniels C&D Facility Expansion**—proposed expansion of a construction and demolition debris-processing facility. On 9/17/09, CCC accepted the applicant's withdrawal of the proposed project.
- **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.

Tuesday, September 29
Tuesday, October 13
Monday, October 26

Regulatory Calendar

- **September 24:** HEARING OFFICER: Barnstable Municipal Airport Terminal Access Design Change, 2 p.m., CCC
- **September 24:** HEARING: Chatham Wastewater Management Plan, 7 p.m., Chatham Town Hall (to be followed immediately by a subcommittee meeting on the project)
- **October 1:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
 - Brewster Water Protection DCPC Implementing Regulations
 - Craigville Beach DCPC Nomination
 - Addendum to Design Manual (Technical Bulletin #96-001)
- **October 15:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm.

Full Commission Meetings

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

Thursday, October 1
Thursday, October 15
Thursday, October 29

Other Events

- **Yarmouth Road Corridor Study Public Meeting:** Thursday, September 24, 2009, beginning at 6 p.m. at Barnstable Town Hall (see page 1).
- **Cape Cod Metropolitan Planning Organization (MPO) Meeting:** Monday, September 28, 2009, beginning at 12 noon, CCC. The agenda includes the Draft Cape Cod Transportation Improvement Program (TIP) for Federal Fiscal Years 2010–2013 (see page 3) and a presentation of concepts from the Yarmouth Road Corridor Study (see page 1).
- **Cape Cod Pathways Walking Weekend 2009:** Friday, October 9 to Monday, October 12. Details are on the web site: www.capecodcommission.org/pathways



Cape Cod Commission

• FISCAL YEAR 2010 OFFICERS •

Chair:
John D. (J.D.) Harris
Vice Chair: **Royden Richardson** Secretary:
Elizabeth Taylor

• REPRESENTATIVES •

Barnstable:
Royden Richardson
Bourne:
Michael Blanton
Brewster:
Elizabeth Taylor
Chatham:
Lynne Pleffner
Dennis:
Brad Crowell
Eastham:
Joyce Brookshire
Falmouth:
(vacant)
Harwich:
Robert Bradley
Mashpee:
Ernest Virgilio
Orleans:
Frank H. Hogan
Provincetown:
Roslyn Garfield
Sandwich:
Sue Pommrehn
Truro:
Peter Graham
Wellfleet:
Roger Putnam
Yarmouth:
Jack McCormack
County Commissioner:
Sheila Lyons
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
WEB SITES:
www.capecodcommission.org
www.gocapecod.org

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