

CAPE COD COMMISSION REPORTER



October 22, 2009

Volume 19, Number 10

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

New Design Guidelines for Large-scale Development

'Quaint' is an often- and perhaps over-used descriptor for Cape Cod architecture and villages. The word does, however, capture the essence of the region's earliest homes and settlements. Generally one can say that 'small, clustered together, and nestled into the windy, sandy landscape' was the prevailing building style.

Fast forward to the 21st century, and 'quaint' doesn't fit as a regional style for larger buildings and developments that serve a much larger population. Large building and site design can, however, take into account the 'Cape Cod context', which is exactly what a new set of guidelines developed by the Cape Cod Commission planning staff does through extensive illustrations and photographic examples.

Contextual Design on Cape Cod: Design Guidelines for Large-scale Development is the latest in a series of technical bulletins that support the Cape Cod Regional Policy Plan's standards for Developments of Regional Impact (DRIs). This publication is an addendum to the award-winning 1994 design guidelines titled *Designing the Future to Honor the Past*. That publication received the American Planning Association's 1995 Outstanding Planning Award for Comprehensive Planning. The Cape Cod Commission approved the new addendum at its meeting on October 1, 2009.

The 1994 design manual included guidance and illustrative case studies applicable to many development projects.

"The addendum to the 1994 manual is a response to requests for more specific guidance that deal with the siting and design of larger buildings in the region, as these often have the greatest impact on the Cape's character," explains Senior Community Design Planner Phil Dascombe. "The aim of the addendum is to provide more-focused design strategies. By taking into account the region's historical development patterns and characteristics during the design process, these larger buildings can be integrated more successfully into our built environment."

The new addendum presents ways to accommodate new development both in development centers and in outlying areas. The addendum also presents guidance for redevelopment

...to page 2



An illustration from the "Siting Strategies" section of *Contextual Design on Cape Cod: Design Guidelines for Large-scale Development*.

As shown in this sketch, partially burying a structure and/or using an appropriately landscaped berm helps reduce the visibility of larger industrial/warehouse buildings.

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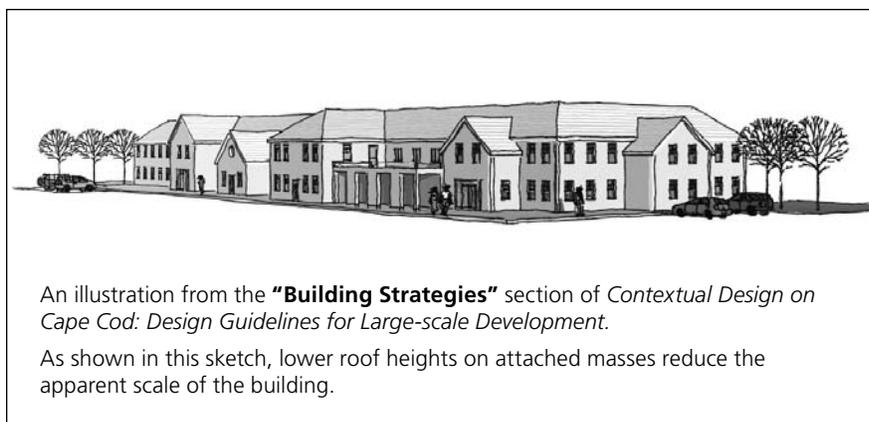
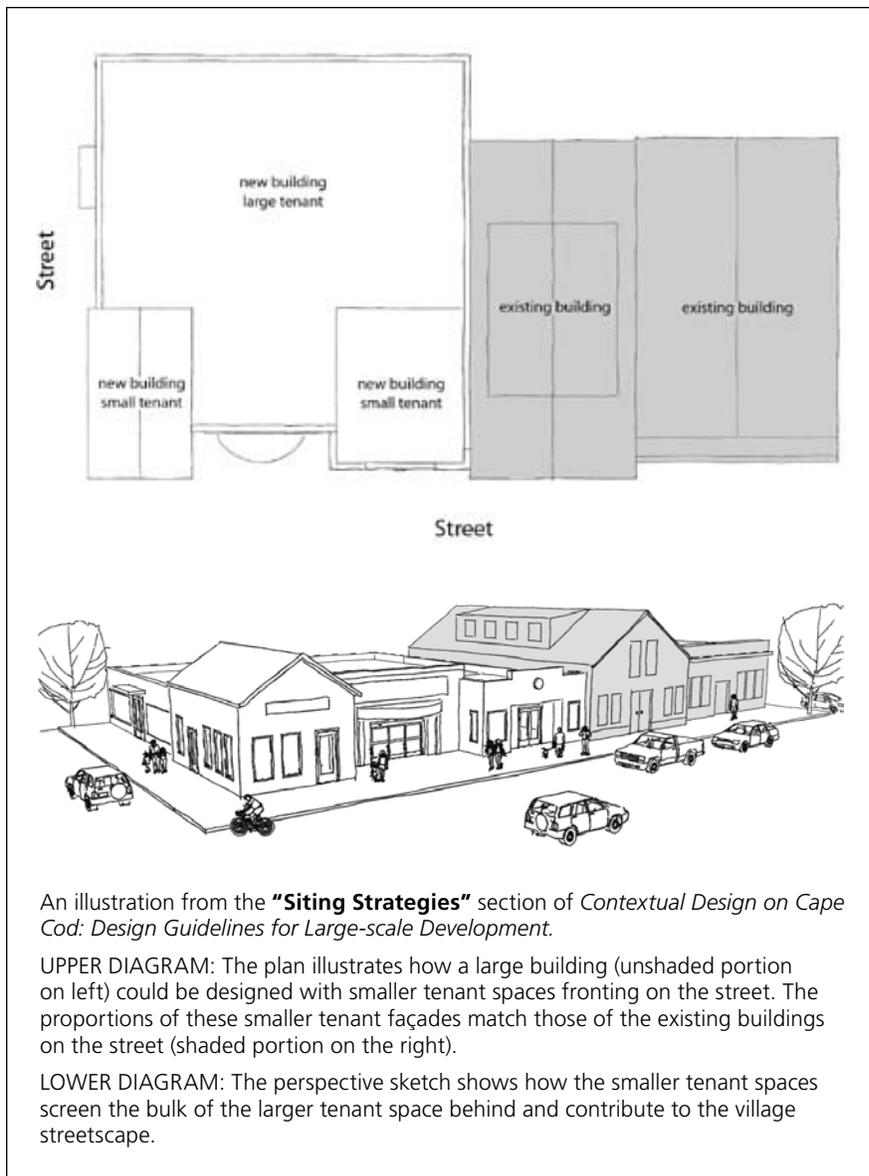
Large-scale development, from page 1...

projects, understanding that such projects do not always have the design flexibility of new construction. All recommendations focus on solutions that best fit the regional context.

Historic Preservation Specialist Sarah Korjeff consulted with many architects and designers on both the 1994 design manual and the 2009 addendum. “We hope that planning and design review boards will use the ideas in this manual to guide new development, especially in their commercial areas,” she notes, “because so much of the Cape’s new construction is reviewed by town boards only, not the Cape Cod Commission.”

In addition to Korjeff and Dascombe, Chief Planner Sharon Rooney and former Commission Planner Tana Watt worked on the addendum. The late architect Chaunce Powers helped with the early development of the publication, and a peer review group provided constructive guidance and feedback, including architects Rick Fenuccio and Kurt Raber, of Brown, Lindquist, Fenuccio and Raber Architects; Grattan Gill; James Hadley of Hadley Crow Studios; David MacLean; Peter Polhemus and John DaSilva, of Polhemus Savory DaSilva Architects/Builders; Scott Pollack of Arrowstreet Inc.; and Sam Streibert of Streibert Associates.

The design manual and addendum are in the “Guides and Technical Bulletins” section of the Commission’s Regulatory Program web site: www.capecod-commission.org/regulatory



Wastewater Workshop for Local Officials

The Waquoit Bay Reserve Coastal Training Program, Massachusetts Department of Conservation and Recreation, and Citizens for the Protection of Waquoit Bay will sponsor a workshop for local officials on October 28 about the regulatory framework within which municipal and regional wastewater planning efforts occur in Massachusetts. Municipal staff members, volunteers on local boards that have a role in wastewater matters, engineers, and members of environmental groups will also benefit from attending.

The workshop will explain important state and local regulatory requirements that municipalities must meet on the way to getting a Comprehensive Wastewater Management Plan (CWMP) developed, approved, and ultimately implemented. Representatives from the Massachusetts Department of Environmental Protection, Massachusetts Environmental Policy Act Office, and Cape Cod Commission will explain each agency's review process, and how these could affect wastewater projects. Participants will leave the workshop with a clearer understanding of the regulatory context within which wastewater planning efforts take place. They will also leave knowing how to better prepare for their own town's CWMP journey.

For more information, contact Tonna-Marie Rogers, by phone (508-457-0495 ext. 110) or by e-mail (*tonna-marie.surgeon-rogers@state.ma.us*).

Understanding and Navigating the Regulatory Framework for Wastewater Planning

October 28, 2009

Waquoit Bay National Estuarine Research Reserve

Agenda

- 8 a.m. Coffee and Sign-in
(Attendees can sign-in anytime between 8 and 9 a.m.)
- 9 a.m. Welcome and Opening Comments
Tonna-Marie Rogers, Coastal Training Program Coordinator, Waquoit Bay Reserve
- 9:15 a.m. Wastewater Planning and Permitting: An Overview of the Regulatory Requirements and the Role of the Massachusetts Department of Environmental Protection (DEP)
Brian Dudley, Environmental Engineer, Massachusetts DEP
- 10 a.m. Understanding the Role of the Massachusetts Environmental Policy Act (MEPA) Office
Nicholas Zavalas, Environmental Analyst, MEPA
- 10:30 a.m. Coffee Break
- 10:50 a.m. The Cape Cod Commission's Development of Regional Impact Review
Tom Cambareri, Hydrologist, Cape Cod Commission
- 11:20 a.m. Navigating the Regulatory Process: Perspectives from a Local DPW Director, Lessons from the Town of Barnstable
Mark Ells, Director of Public Works, Town of Barnstable
- 11:40 a.m. Navigating the Regulatory Process: Strategies from a Wastewater Consultant
Nate Weeks, Senior Project Engineer, Stearns and Wheeler LLC
- 12 noon Group Discussion and Wrap-up
- 12:15 p.m. Adjourn
- 12:15 p.m. Complimentary Networking Lunch

Registration:

Please register online at www.waquoitbayreserve.org by clicking on the workshop in the list of upcoming events. If you are registering online for the first time, you will be prompted to enter your e-mail address and a password of your choice. After completing these steps, click on "Add me as a user" to continue. If you have a question about registration, please contact Laurie Tompkins at laurie.tompkins@state.ma.us or 508-457-0495 ext. 108.

Cost:

No charge to attend, but **registration is required.**

Deadline Approaches for Comments on State Ocean Management Plan

The Massachusetts Oceans Act of 2008 requires the state Executive Office of Energy and Environmental Affairs (EEA) to complete a comprehensive plan to ensure long-term protection and sustainable use of ocean resources by the end of this year.

A nine-member science advisory council and a 17-member ocean advisory commission have been advising EEA as the agency develops the ocean plan. The science advisory council has identified data and assisted in developing the plan's short- and long-term science baseline. The ocean advisory commission is reviewing public comments and draft planning materials developed by EEA.

EEA released a draft of the plan in late June and held public hearings around the state last month. **The deadline for submitting public comments to EEA is 5 p.m. on November 23, 2009.**

The Cape Cod Commission plans to submit a comment letter soon (see next page), and encourages other Cape officials, organizations, and interested persons to do the same, as the ocean management plan will have implications for years to come.

The Executive Summary of the draft plan notes that the Massachusetts Oceans Act:

“...directs that the ocean plan be implemented through existing state review procedures, with all licenses, permits, and leases required to be consistent to the maximum extent practicable with the ocean plan;

“requires that the ocean plan be revised and publicly reviewed at least every five years;

“establishes commercial and recreational fishing as allowed uses subject to the jurisdiction of the Division of Marine Fisheries; and

“allows appropriate-scaled renewable energy development.”

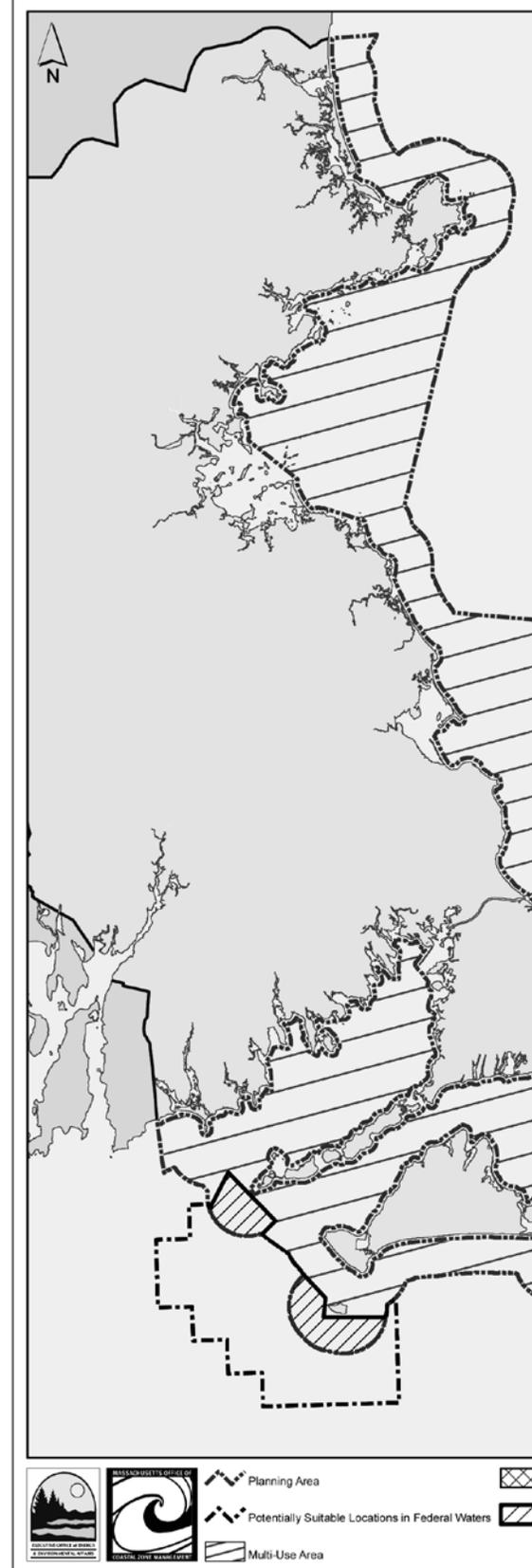
The complete draft plan, maps, figures, and related materials are available from links under the heading “KEY INITIATIVES” on the Executive Office of Energy and Environmental Affairs web site: www.mass.gov/eea

EEA has also established a web site for commenting on the draft plan online: commpres.env.state.ma.us/mop/commentonline.aspx

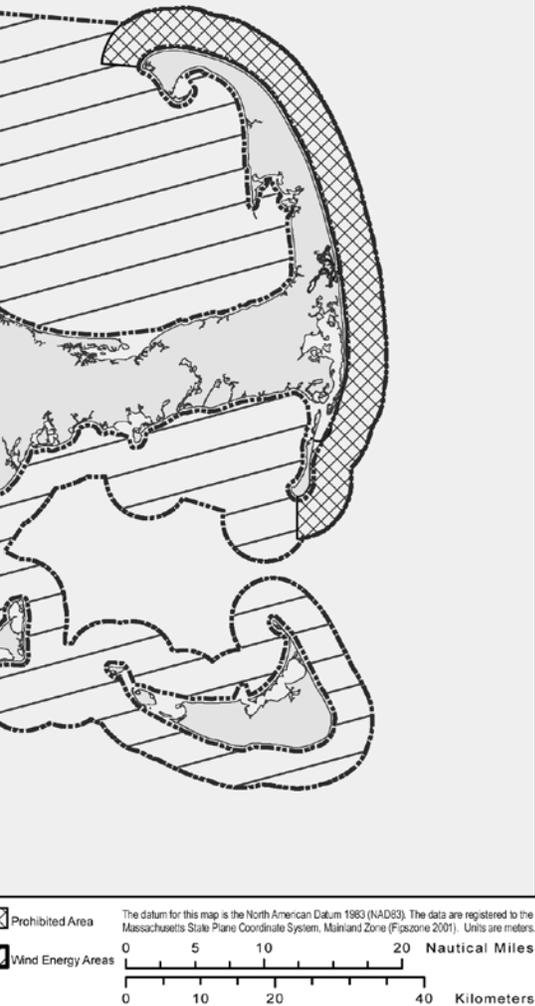
Comments may also be submitted by US mail to:

Massachusetts Office of Coastal Zone Management
Re: Draft Ocean Management Plan
251 Causeway Street, Suite 800
Boston, MA 02114

FIGURE 4-1 MANAGEMENT AREAS



**Figure 4-1 from the
Massachusetts Ocean
Management Plan
June 2009 Draft**



Cape Cod Commission Draft Comments

As this newsletter issue was being completed, the Cape Cod Commission voted to finalize a comment letter to be submitted to the state about the draft Massachusetts Ocean Management Plan.

The draft letter starts by recognizing the significance of the plan:

"The Cape Cod Commission applauds the effort and level of analysis that has gone into development of this plan, particularly with the time constraints imposed by the Oceans Act of 2008. We also appreciate recognition of the Commission's and Martha's Vineyard Commission's jurisdiction as regional regulatory review agencies in the draft [Ocean Management Plan]."

The draft then urges consideration of five major concerns, generally categorized as follows:

- jurisdictional concerns, particularly related to the Cape Cod Commission's and the Martha's Vineyard Commission's regulatory powers;
- potential changes to state environmental regulations;
- new standards for Environmental Impact Reports (EIRs) for projects proposed in areas of "special, sensitive, or unique (SSU) resources" in the so-called Multi-use Areas defined in the draft plan;
- consideration of potential visual impacts of proposed developments on scenic and cultural resources; and
- administration and disbursement of mitigation and user fees collected in the plan's proposed trust fund.

The Commission's draft letter offers eight additional comments and suggestions, beginning with the following:

"The Commission supports many aspects of the [draft plan], which it does not wish to see changed in the final plan. These plan components include but are not limited to the cap of 10 turbines per planning area, the demonstration of the economic benefits of community-scale wind to the community and the community's support of the project, the prohibition on any activities in the Cape Cod Ocean Sanctuary, and the presumption that special, sensitive, and unique (SSU) areas are not appropriate for development."

The Commission intends to send copies of the final comment letter to Cape Cod's state legislative delegation, boards of selectmen, town planners, the Martha's Vineyard Commission, the Nantucket Planning and Economic Development Commission, and the Cape Cod Bay Council.

Interested persons wishing to obtain a copy of the letter may contact Planner Heather McElroy, hmcElroy@capecodcommission.org.

Citizen Planner Training Collaborative Fall 2009 Workshops

The statewide Citizen Planner Training Collaborative (CPTC), operating from the University of Massachusetts, is offering a Fall series of courses for citizens serving on municipal committees and boards. State regional planning agencies, including the Cape Cod Commission, help organize and host the courses. The Fall 2009 workshops include:

- Introduction to Economic Development
- Planning with Community Support
- Creating a Master Plan
- Introduction to the Zoning Act
- Roles and Responsibilities of Planning and Zoning Boards
- Writing Reasonable and Defensible Decisions
- Vested Rights and Nonconforming Structures and Uses
- Special Permits and Variances
- Zoning Exemptions
- Site Plan Review
- Basics of Reading a Subdivision Plan
- How to Hold a Perfect Public Hearing
- Chapter 40B: Comprehensive Permit



Workshops on Cape Cod

Two workshops will be held on Cape Cod: (1) "Introduction to the Zoning Act" is scheduled for October 29 beginning at 7 p.m. at the Mashpee Town Hall; and, (2) "Vested Rights and Nonconforming Uses and Structures" is scheduled for November 4 beginning at 7 p.m. at the Eastham Town Hall. For details on other sessions, check the web site: www.umass.edu/masscptc

Registration

Each CPTC workshop costs \$30 per person. Payment is due with registration. The deadline is five calendar days before each workshop. To register, send a check payable to CPTC, include your contact information, and indicate which workshop you wish to attend. Mail to CPTC, P.O. Box 912, Greenfield, MA 01302. Questions may be addressed to Elaine Wijnja at (617) 573-1360 or Michael DiPasquale at (413) 545-2188.

Brewster DCPC Regulations OK'd

On October 1, 2009, the Cape Cod Commission, with 15 voting members present, voted unanimously to approve the "implementing regulations" prepared by the Town of Brewster for the Brewster Water Protection District of Critical Planning Concern (DCPC).

The district was designated by Barnstable County regional government in summer 2008. Projects proposed within designated DCPCs are subject to implementing regulations, once finalized, that alter zoning and manage future growth in the districts.

Brewster's new DCPC implementing regulations include a water-quality protection bylaw and a sand-and-gravel operations bylaw. Both were considered by the town's planning board, board of health, conservation commission, and board of selectmen; by Brewster Town Meeting in November 2008; and by the Massachusetts Attorney General in June 2009, before they were presented to the Cape Cod Commission. Contact Brewster Town Planner Susan Leven (508-896-3701 ext. 150) for details.

State Community & Economic Development Workshop

The Massachusetts Department of Housing and Community Development (DHCD) will present a workshop focusing on "State Resources for Community and Economic Development" on Tuesday,

November 10, 2009, from 9:30 a.m. to 1 p.m. at the War Memorial Building in Holyoke, Massachusetts. A flyer is posted on the mass.gov/DHCD web site. On the home page, look for "News & Updates" and then "DHCD:

State Resources Expo 2010 Community & Economic Development Workshop." Registration ends November 3, 2009. Contact David Haynes by phone at (617) 573-1336 or send e-mail to david.haynes@state.ma.us.

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 (✓)

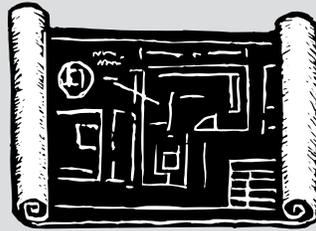
in front of a project's name indicates that Commission regulatory activity is scheduled for that project in the next month. Details about those

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.



BOURNE

No DRI projects at this time.

BREWSTER

- **Windrift Acres**—proposed 22-lot residential subdivision on 55 acres of land in West Brewster.

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.

ORLEANS

- **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, October 26
Monday, November 9

Regulatory Calendar

• **October 22:** CONTINUED HEARING: Chatham Wastewater Management Plan, (Chatham project), 1 p.m., CCC (to be followed immediately by a subcommittee meeting, same location)

• **October 27:** CONTINUED HEARING: Barnstable Municipal Airport Terminal Access Design Change (Barnstable project), 9 a.m., CCC (to be followed immediately by a subcommittee meeting, same location)

• **October 29:** 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 29
Thursday, November 12

Other Events

• **Citizen Planner Training Collaborative (CPTC) Fall 2009 Workshops:** See story, page 6, and check the web site: www.umass.edu/masscptc

• **Cape Cod Joint Transportation Committee Meeting:** Friday, November 6, beginning at 8:30 a.m. at CCC.

• **"State Resources for Community and Economic Development" Workshop:** Tuesday, November 10, beginning at 9:30 a.m. at the War Memorial Building, Holyoke, MA. Sponsored by the MA Department of Housing and Community Development. See story, page 6.

• **Yarmouth Road Corridor Study:** The next public meeting is proposed for mid November. Check the web site www.gocapecod.org/yarmouthroad for the exact date, time, and place.



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REPORTER
3225 Main Street • P.O. Box 226
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