

CAPE COD COMMISSION REPORTER



November 13, 2008

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

Revised Regional Policy Plan Submitted to County Legislature

On October 30, 2008, the Cape Cod Commission voted unanimously to forward the Final Draft 2008 Regional Policy Plan to the Barnstable County Assembly of Delegates for consideration as a regional ordinance. The vote capped five months of intensive review of several drafts of the plan, the first of which the Commission released for public comment on May 29, 2008.

The October 30th draft reflects the ideas offered during three public hearings and six “open house” workshops and through more than 75 comment letters. Through a highly interactive process, the Commission’s Planning Committee and staff met with hundreds of individuals, including boards of selectmen, planning boards, economic development committees, chambers of commerce, civic groups, developers and their representatives, and the general public.

Cape Cod Commission Chief Planner Sharon Rooney managed the revision process since January 2008. The following are excerpts of remarks she made as she presented the final draft plan during Commission hearings on October 16 and 30, 2008.

■ Background

In the Spring of 2006, the Barnstable County Commissioners appointed the 21st Century Task Force to examine the Commission’s effectiveness as both a regional planning and regulatory agency. In December of that year, the Task Force issued its report with numerous recommendations. These included:

- to develop a unified Cape-wide map system for planning and zoning in partnership with the towns,
- to establish a limited DRI review process,
- to relate DRI thresholds to maps,
- to offer options for some DRI mitigation requirements, and
- to restructure the Regional Policy Plan.

An intensive effort by Commission staff and members followed the Task Force report to address the recommendations.

In developing this version of the Regional Policy Plan, the Commission has benefited from a level of participation in the planning process that is unmatched since perhaps the first plan was adopted in 1991.



■ Proposed Changes to the Plan

One reason for the high level of public input is that for the first time a regional land use vision map, as recommended by the Task Force, is proposed as part of the plan. The land use mapping project is an ongoing collaborative effort between the Cape Cod Commission and Cape towns setting forth a vision for future growth and areas for protection. Even though the map is incomplete (at this time, six towns have endorsed their portion of the map – Sandwich, Yarmouth, Brewster, Orleans, Truro, and Provincetown [Editor’s note: See map on page 2.]), the dialogue between the Commission and the towns has been exactly what the Task Force envisioned, and the Commission looks forward to continuing to work with the towns to complete and implement the map.

Another reason for the high level of input—and a reason the public-comment period was extended

...to page 2

• INSIDE •

Revised DRI Thresholds	3
Pamet Lens Management	4
2009 CCC Meeting Schedule	5

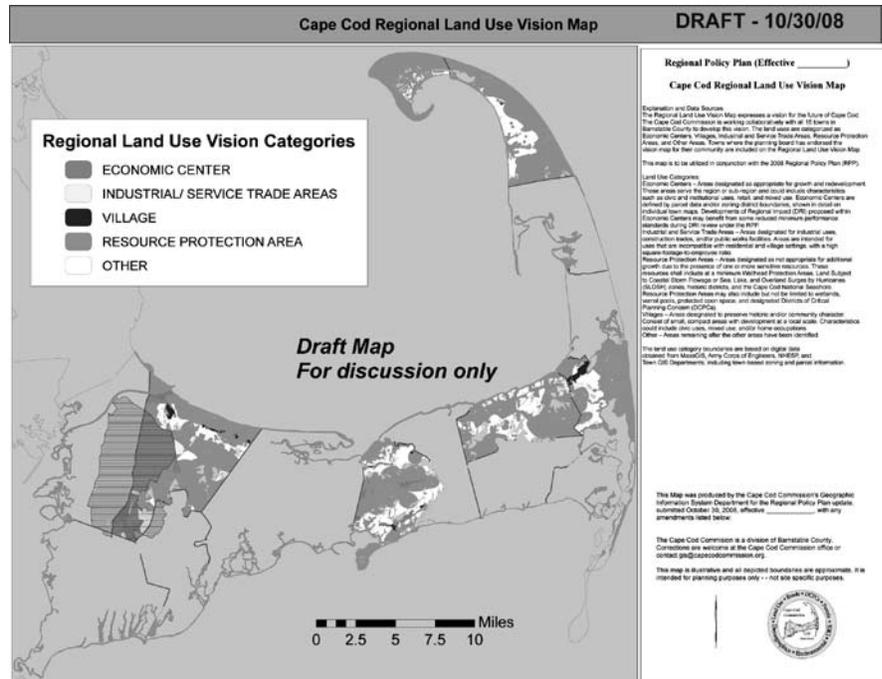
Regional Plan, from page 1...

(from 60 days to 125 days)—was because this plan is very different from plans of the past.

Separating the plan into distinct planning and regulatory sections, linking standards to the regional land use vision map, a new energy section, and a major rewrite of the economic development section were major changes that resulted in numerous comments. The Commission views these changes as positive steps forward in planning for the region's future growth.

Some of the significant changes considered by the Commission since May 29th and ultimately included in the Final Draft Regional Policy Plan of October 30th are:

- new goals, planning actions, and some regulatory standards to encourage and protect agricultural activities;
- several regulatory standards revised to eliminate certain mitigation related to economic development and an introduction of "waiver" provisions for the standard that requires projects to locate in economic centers;
- several regulatory standards revised for redevelopment in barrier beach and coastal dune areas while continuing to protect these resources;
- a standard revised to be more flexible in ways that developments and redevelopments can fulfill a requirement to meet 10 percent of their energy needs through renewable energy sources;
- greater reductions in mitigation related to affordable housing when development occurs in economic centers; and
- new incentives for mixed use developments in economic centers,



specifically by waiving transportation mitigation for the portions of the development above the first floor and by waiving the alternative energy requirement for the entire development.

■ Upcoming Process

Once delivered to the Barnstable County Assembly of Delegates on November 5, 2008, the Assembly must hold its own hearing on the final draft plan and vote on it within 45 days of the plan's submission. By county regulations, the Assembly can vote either to adopt the plan as an ordinance or to send it back to the Commission for further study and redrafting.

For a copy of the final draft plan as submitted to the Assembly of Delegates, visit the Cape Cod Commission's web site: www.capecodcommission.org/RPP2008/

- The web site also offers:
- a "red-lined" document that compares the May 29, 2008 first draft of the plan to the October 30, 2008 final draft;
 - a table that shows the agencies and organizations with whom the Cape Cod Commission coordinates various regional activities;
 - links to draft maps related to the regional plan;
 - minutes and notes from the plan-related public hearings and workshops held this year;
 - written public comment letters; and
 - draft responses to the public comments.

For more information, contact Sharon Rooney at (508) 362-3828 or e-mail srooney@capecodcommission.org.

Proposed Chapter H Regulations: Municipal Applications for “Flexible” DRI Thresholds

The Cape Cod Commission proposes to create a new Chapter H in the Commission’s “Regulations of General Application” (see table below). If eventually adopted as county ordinance, Chapter H would establish a new process by which Cape municipalities could propose to the Commission revisions to certain Development of Regional Impact (DRI) regulatory review thresholds. Chapter H is proposed to help implement a regional regulatory approach to guide growth

toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

The Commission’s standing Regulatory Committee scheduled a special meeting for interested stakeholders to discuss the proposed Chapter H addition to regional regulations. The meeting was set for November 13, 2008 (the publication date of this newsletter issue), beginning at

6:30 p.m. at the Assembly of Delegates Chamber, First District Courthouse, Barnstable.

A draft of the proposed Chapter H regulations is now available online: www.capecodcommission.org/regulatory/DraftChaptH-101408.pdf

Questions and comments may be addressed to Senior Regulatory Planner Andrea Adams by e-mail (aadams@capecodcommission.org) or by phone (508-362-3828).

Code of Cape Cod Commission Regulations of General Applications

September 22, 2008

		TITLE OF CHAPTER	WHAT'S INSIDE
▲	Chapter A:	Enabling Regulations for the purpose of reviewing proposed Developments of Regional Impact (DRIs)	1. DRI Thresholds ▲ Includes Flexible Thresholds framework * 2. Processes: ▲ DRIs Exemptions Hardship Exemptions Jurisdictional Determinations Changes of Use Limited DRIs *
▲	Chapter B:	Cape Cod Regional Policy Plan	1. Policy ▲ 2. Standards: Minimum Performance Standards ▲ Mitigation ▲ 3. Regional Land Use Vision Map *
	Chapter C:	Process for Review and Amendment of the Regional Policy Plan	
	Chapter D:	Regulations for the Cape Cod Commission to provide for Development Agreements	
	Chapter E:	Regulations for Designating Districts of Critical Planning Concern (DCPCs)	
	Chapter F:	Impact Fees Enabling Regulations	
	Chapter G:	Growth Incentive Zone (GIZ) Regulations	
*	Chapter H:	Municipal Application for Revision of DRI Thresholds (“Flexible Thresholds”)	1. Process for requesting Flexible Thresholds * 2. Criteria for approving Flexible Thresholds *

▲ = Revised * = New

NOTE: Revised and new codes are proposed to become effective at the same time.

Truro and Provincetown Endorse Watershed Management Plan for Pamet Groundwater Lens

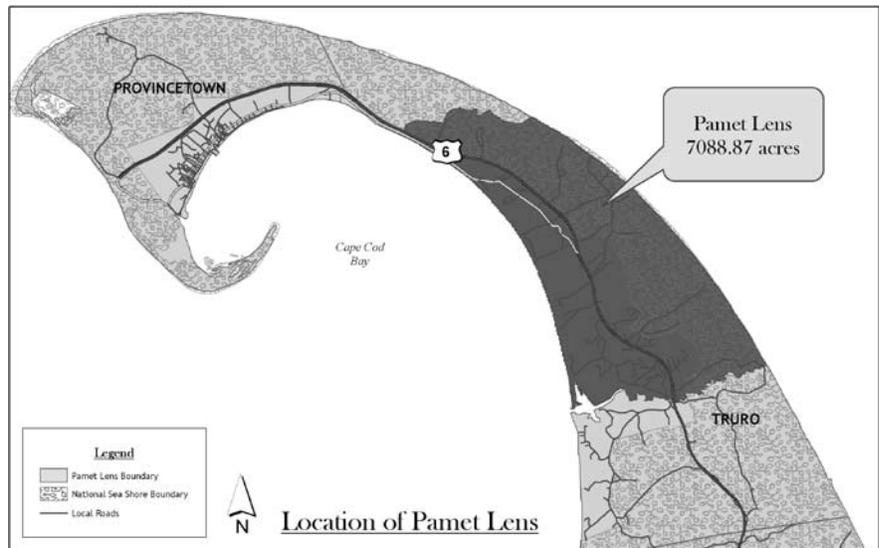
Two towns, one drinking water source, an opportunity for a collaborative, regional approach to natural resource management.

The Pamet groundwater lens, located entirely within the Town of Truro (see map at right), is the sole source of drinking water for both Truro and Provincetown. Management of the lens will now be guided by a selectmen-endorsed watershed plan developed for the Pamet Lens Oversight Group by the Cape Cod Commission this year.

The Commission's work was funded in part through the Massachusetts District Local Technical Assistance Fund, under a grant agreement between the Commission and the Massachusetts Department of Housing and Community Development.

Provincetown's public works director, Truro municipal staff, Cape Cod National Seashore staff, and a consulting engineer from Weston & Sampson, a firm hired by the Town of Truro, provided technical guidance.

In 2000, the Truro and Provincetown boards of selectmen jointly established the oversight group, which includes representatives from both towns, through an intermunicipal agreement that governs the taking of groundwater in Truro by Provincetown for use as drinking water. Provincetown is currently seeking additional municipal water supplies in the Pamet



Lens to create redundant supplies and potentially to replace existing supplies in the Cape Cod National Seashore.

The intermunicipal agreement, which the towns extended in 2004, recognizes (a) that land use guidelines can serve to protect drinking and surface water quality, and (b) that adverse ecological impacts on surface-water levels caused by municipal water withdrawals can be minimized if supplies are carefully managed.

The plan, presented as a draft, is a "working document" that will evolve and is the first phase of a comprehensive watershed management planning process, to be followed by an implementation phase. The plan makes recommendations for short- and long-term priorities. Three short-term priorities are:

- to develop a process to implement the plan's recommendations;
- to develop a stormwater and spill-prevention and -response plan; and
- for Truro to secure ownership of potential well fields and to evaluate land uses necessary for watershed management.

Questions about the plan may be addressed to Commission Hydrologist Scott Michaud by e-mail (smichaud@capecodcommission.org) or phone (508-362-3828).

A PDF report and more-detailed, colored map are available on the Commission's web site: www.capecodcommission.org/water/

2009 CCC Meeting Schedule

◆ = CCC Meetings (full board)
● = Standing Committee Meetings

Subject to Change: Call (508) 362-3828 to confirm.

2009 January 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	●	5	6	7	◆	8
9	10	11	12	13	14	15
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30	31					

2009 February 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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22	23	24	25	26	27	28

2009 March 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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29	30	31				

2009 April 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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12	13	14	15	16	17	18
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26	27	28	29	30		

2009 May 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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31						

2009 June 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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21	22	23	24	25	26	27
28	29	30				



2009 CCC Meeting Schedule

◆ = CCC Meetings (full board)
● = Standing Committee Meetings

Subject to Change: Call (508) 362-3828 to confirm.

2009 **July** 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	●	6	7	◆	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
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2009 **August** 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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2	●	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

2009 **September** 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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6	7	8	9	◆	10	11
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19	●	20	21	22	23	24
25	26	27	28	29	30	

2009 **October** 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

2009 **November** 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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8	●	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

2009 **December** 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	◆	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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.

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.
- ✓ **Capizzi Widow's Walk**—proposed construction of a widow's walk on the roof of an existing dwelling located in the Craigville Beach/Centerville Village Center District of Critical Planning Concern.
- ✓ **Excel Switching Corp. Corporate Facilities**—proposed construction of two office buildings totaling 64,000 square feet on the Excel Switching Corporate Campus.

BOURNE

- ✓ **Paesano Company Office Building (Raponi/123 Waterhouse Road)**—already constructed office building, consisting of a 9,400-square-foot first floor and a 9,400-square-foot concrete surface second level in the building. CCC asserted jurisdiction for the mandatory DRI on 10/2/08.

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.

DENNIS

No DRI projects at this time.

EASTHAM

No DRI projects at this time.

FALMOUTH

- **South Coast Watersheds Comprehensive Wastewater Management Plan**—proposed development of a Comprehensive Wastewater Management Plan to address water quality problems of Little Pond, Great Pond, Green Pond, Bourmes 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. Extension agreement to 9/18/09.

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

- **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

- **Dutra Residence**—proposed construction of six cottages to replace an existing residence. Formal withdrawal anticipated.

WELLFLEET

- **Herring River Tidal Restoration Project**—proposed reestablishment of tidal flow to the 1,100-acre Herring River estuary and flood plain. Joint MEPA/CCC review.

YARMOUTH

- **Cape Wind Energy Project**—proposed wind energy facility in Nantucket Sound, with 130 wind towers transmitting power via an underground cable with a proposed Yarmouth landfill. Joint MEPA/CCC review. MEPA issued FEIR certificate on 3/29/07. CCC denied the project without prejudice on procedural grounds on 10/18/07. Cape Wind Associates filed a petition with the state Energy Facilities Siting Board (EFSB) for a "Certificate of Environmental Impact and Public Interest" on 11/21/07. An EFSB hearing began in mid November 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, December 1
Monday, December 15

Regulatory Calendar

- **November 19:** HEARING: Excel Switching Corp. Corporate Facilities (Barnstable project), 6 p.m., Barnstable Superior Courthouse, Rooms 11/12
- **November 24:** HEARING: Paesano Company Office Building (Raponi/123 Waterhouse Road, Bourne project), 6 p.m., Jonathan Bourne Public Library
- **December 4:** 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, December 4
Thursday, December 18

Other Events

- **The Massachusetts Housing Market: Assessment of Current Conditions and Projection of Trends:** Friday, November 21, 2008, beginning at 1 p.m. in the Assembly of Delegates Chamber, First District Courthouse, Barnstable. The Cape Cod Commission will host Massachusetts Department of Housing and Community Development (DHCD) Undersecretary Tina Brooks, who will present DHCD's recent housing market study findings on housing conditions and trends on Cape Cod and the Islands. For more information, call (617) 573-1353.



Cape Cod Commission

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