

CAPE COD COMMISSION REPORTER



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

CONTEXTUAL DESIGN ON CAPE COD: DESIGN GUIDELINES FOR LARGE-SCALE DEVELOPMENT

Massachusetts APA Calls It 'Outstanding'!

The Cape Cod Commission's newest manual, *Contextual Design on Cape Cod: Design Guidelines for Large-scale Development*, has just received the 2009 Outstanding Award for a Planning Project, awarded by the Massachusetts Chapter of the American Planning Association (MA APA).

Executive Director Paul Niedzwiecki received notice of the award on November 30.

"We are pleased to receive this recognition for the excellent work of our planning staff," he says. "The new design manual is a valuable resource for Cape Cod's developers of large projects and for municipalities managing their review. It will help the region retain what is best suited for—and best loved about—Cape Cod buildings and sites."

The document is an addendum to the Commission's design manual, *Designing the Future to Honor the Past*, first published in 1994 and an APA winner for comprehensive planning in 1995. *Contextual Design on Cape Cod* provides specific guidance to developers and designers of

large-scale buildings on the Cape to ensure that new construction respects and responds to its surroundings and the region's traditional development patterns.

The document represents the culmination of a significant amount of research and practice by Cape Cod Commission planning staff members. Sarah Korjeff, Philip Dascombe, and Sharon Rooney were the principal authors of the award-winning publication. Former planning staff member Tana Watt also worked on the publication. Ten architects with experience in large-scale developments in the region assisted the staff by reviewing various stages of the publication.

The Commission also received an honorable mention from MA APA for "Outstanding Comprehensive Planning" for the 2009 Cape Cod Regional Policy Plan.

The awards will be presented at a joint luncheon of the MA APA and the Massachusetts Association of Planning Directors on December 18, 2009, in Boston.



The Commission staff has begun to distribute the *Contextual Design on Cape Cod* document to town planners and local permit review boards. Both the *Contextual Design* manual and the Regional Policy Plan are available as color PDF files from links on the Commission's web site: www.capecodcommission.org

• INSIDE •

Personnel Notes.....	2
Chapter H Regs Approved	3
Yarmouth Road/Willow Street Meeting in January.....	4
Affordable Housing Notes	5
2010 CCC Meeting Calendar	6



CCC Personnel Notes

Christenberry to Speak at National APA Conference

Cape Cod Commission Planner **Ryan Christenberry** will be a speaker at the American Planning Association's 2010 National Planning Conference in April. Her session will focus on regulations for renewable energy and efficiency, using the 2009 Cape Cod Regional Policy Plan as a model.

Billed by the APA as "the world's premier planning event," the conference will take place April 10–13, 2010, in New Orleans.

Christenberry will be one of several speakers conducting a session on April 13, from 10:30 to 11:45 a.m., entitled "Sustainability, Carbon Reduction, and Renewable Energy." The session will describe how to conduct a sustainability audit and explore strategies for reducing greenhouse-gas emissions through land use and transportation planning. Christenberry will focus primarily on the development of regulations for renewable energy projects.

To learn more about the conference and to register for it (the deadline is February 18, 2010), visit the APA web site: www.planning.org/conference

Orleans Rep Appointed

The Orleans Board of Selectmen recently appointed **Peter Monger** as the town's representative to the Cape Cod Commission (CCC). Monger will replace Frank Hogan, who resigned in October after 7.5 years of service. The term expires in April 2011.

New Staff Members

This fall the Commission filled a number of staff positions:

- **J. Andrew "Andy" Walsh** joined the staff in late November as coastal resources specialist, a position that had been vacant since Stacey Justus resigned from it in April. Walsh most recently served as regional steward for the Maine Coast Heritage Trust and previously held positions as regional ecologist with The Trustees of Reservations, as wetland scientist with ENSR International, and as geologist with Briggs Associates. He earned a Bachelor of Science degree in earth science from Bridgewater State College and a Master of Science degree in geology from the University of Maine.

- The economic development staff of the Commission expanded this fall as a result of a major collaboration funded by \$350,000 from the Cape Cod Economic Development Council (EDC) to pursue the implementation of the five-year Comprehensive Economic Development Strategy (CEDS) for Barnstable County. Joining Leslie Richardson, the Commission's economic development officer, are **Dan Dray**, former EDC administrator and now CCC economic development officer; **Sandra Perez**, special projects coordinator; and **Ryan Ellison**, data center research analyst.

- The Commission also hired two administrative assistants: **Teresa "Taree" McIntyre**, who is supporting the economic development staff as well as providing other administrative services; and **Stacey Brudno Drange**, who is providing administrative services to the entire staff.



Encouraging Growth Where Infrastructure Supports It

Two “chapters” of the overall set of regulations that govern the Cape Cod Commission’s process for reviewing Developments of Regional Impact (DRIs) passed their final test for becoming Barnstable County ordinances earlier this month. Now they must pass the implementation “test,” to see how effective they are in helping towns attract the kind of growth they want where their infrastructure can support it.

The regulations, combined with the 2009 Cape Cod Regional Policy Plan and the Regional Land Use Vision Map adopted earlier this year, aim to guide future, desired development toward suitable locations (that is, areas adequately supported by infrastructure) and away from areas with resources that need to be protected for ecological, historical, or other reasons.

The Chapter A Enabling Regulations and Chapter H Regulations of the “Code of Cape Cod Commission Regulations of General Applications” were adopted by the Assembly of Delegates, approved by the Barnstable County Commissioners, and recorded at the Registry of Deeds, making them effective December 3, 2009.

The full title of Chapter H reveals its primary aim: *Municipal Application for Revisions to DRI Thresholds*. Chapter H works in tandem with the Regional Land Use Vision Map that accompanies the 2009 Regional Policy Plan. The intention is to allow towns

that have completed their portions of the regional vision map the opportunity to seek changes to DRI review thresholds, raising or lowering them based on the specific categories of land use delineated on the regional map (Economic Centers, Industrial Service and Trade Areas, Villages, Resource Protection Areas, and Other).

A board of selectmen (or town council) and planning board may propose within one or more of the mapped areas a revision to one or more of the DRI square-footage thresholds within the ranges specified in the table below. Each area proposed for a revised DRI threshold must be a contiguous geographic area with clear boundaries.

THRESHOLD RANGES ELIGIBLE FOR APPLICATION

<i>Regional Land Use Vision Map – RPP Mapped Areas</i>	Economic Centers (EC)	Industrial Service and Trade Area (ISTA)	Village	Resource Protection Areas (RPA)	Other
Commercial (square feet)	Zero to 30,000	Zero to 40,000 (Industrial uses only)	Zero to 10,000	Zero to 7,500	Zero to 10,000
Residential (units/lots)	Zero to 30	Zero to 10	Zero to 15	Zero to 15	Zero to 30
Mixed Use (Minimum 40% Residential):	Zero to 60,000 Total Mixed Use Cap (square feet)	Zero to 40,000 Total Mixed Use Cap (square feet)	Zero to 20,000 Total Mixed Use Cap (square feet)	Zero to 15,000 Total Mixed Use Cap (square feet)	Zero to 20,000 Total Mixed Use Cap (square feet)

If, through Chapter H, a town seeks and the Cape Cod Commission approves a higher regional review threshold than the standard 10,000-square-foot one that has been in place since 1990, individual development proposals in that specific area may be larger without Cape Cod Commission regulatory review. (This differs from the regional regulatory relief within Growth Incentive Zones, a separate Commission tool, that applies thresholds more globally to a zone as opposed to individual DRIs.)

Among other requirements, with its application for a higher threshold under Chapter H a town must describe capital facilities and infrastructure improvements and the funding mechanisms that will support them to address anticipated growth for the area. A higher regional review threshold must be consistent with the town’s Local Comprehensive Plan, the goals of the Regional Policy Plan, and Section 1 of the Cape Cod Commission Act, in addition to Chapter H.

If a town seeks and the Commission approves a lower threshold than the existing standard, development proposals in that specific area that would not now be required to undergo Commission review must

...to page 4

Chapters A and H, from page 3...

then do so. Lower thresholds must be consistent with the goals of the Regional Policy Plan, Section 1 of the Act, and Chapter H.

Any appeal of a Commission decision about a threshold change (either higher or lower) would be made to the Barnstable County Assembly of Delegates. An Assembly vote could let the Commission's decision stand or could remand the matter to the Commission for subsequent review. A town may also ask for a revised DRI threshold to be repealed.

The December 3, 2009, Chapter A and Chapter H regulations have joined the remaining chapters of the Code of Regulations as PDF files on the Commission's Regulatory Program web site: www.capecodcommission.org/regulations.htm



Next Public Meeting Set for Yarmouth Road/Willow Street Corridor

The next public information meeting for the Yarmouth Road/Willow Street Corridor Study is scheduled for January 6, 2010, at Barnstable Town Hall from 6 to 8 p.m. Cape Cod Commission transportation staff members will provide an update on the study's progress and will recommend that four of the original 12 concept plans for Yarmouth Road/Willow Street be advanced.

A 30-member task force has met monthly during the study. The group includes municipal staff and officials from the towns of Barnstable and Yarmouth, area businesses and residents, representatives from chambers of commerce, representatives from transportation providers (transit, bus, rail, and ferry), staff and directors of state and regional transportation agencies, and several other stakeholders.

After hearing from the public at the January 6 meeting, the Yarmouth Road/Willow Street Task Force will meet to discuss recommending a preferred alternative from the remaining four concepts. With direction from the task force, Cape Cod Commission staff will then produce a draft report for the group and the public to review.

Notice of the public information meeting will be on the web site www.gocapecod.org/yarmouthroad. It will also appear on the web sites of the towns of Yarmouth and Barnstable.

SEASONS *Greetings*

Cape Cod Commission Executive Director Paul Niedzwiecki (right side of photo) kicked off the holiday season as the honorary chairman of The Salvation Army/Hyannis Corps 2009 "Kettle Campaign" at the Cape Cod Mall in mid November. He was the first bell ringer of the season. (On the left in the photo is Hyannis Corps Commanding Officer Major Ralph Hansen.)

The Salvation Army/Hyannis Corps sponsors holiday programs such as "Dress A Live Doll" and "Teens Love Christmas" and other activities throughout the year for homeless individuals and financially disadvantaged families.



Photo: Elizabeth Hude/CCC

Affordable Housing Notes

TAP Awards

The Cape Cod Commission made four affordable housing Technical Assistance Program (TAP) awards this year:

- \$2,500 to the Wellfleet Housing Authority for drilling to locate a feasible site for a well on a housing authority parcel;
- \$3,000 to the Barnstable Housing Authority for a feasibility analysis for the best use of a dozen housing authority parcels;
- \$3,000 to the Town of Barnstable to hire a development consultant for town-owned property on Pearl Street in Hyannis; and,
- \$3,000 to the Mashpee Wampanoag Tribe for legal assistance for a Chapter 40B development on tribe-owned land.

The Commission established its TAP program in 1995 to provide assistance to local housing authorities, housing nonprofit organizations, and Cape municipalities. The program's purpose is to enhance the ability of those groups to address the affordable housing needs of low- and moderate-income residents on Cape Cod more effectively. The Commission awards program funds for capacity building, resource development, and short-term strategic planning.

A history of the TAP awards is available from the "CCC Technical Assistance Program" page on the Affordable Housing web site: www.capecodcommission.org/housing/techasst.htm

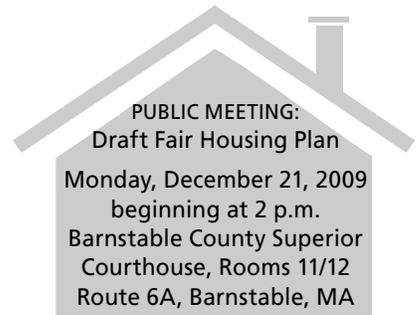
"Fair Housing Plan"

The Barnstable County HOME Consortium is updating the region's Fair Housing Plan. As a condition for continuing to receive an annual allocation of HOME funds, the county is obligated to "affirmatively further fair housing."

The plan, last updated in 1997, analyzes any impediments to fair housing that may exist in the region for any of the classes of people protected under federal and state fair-housing statutes and recommends actions that Barnstable County and others should take to address any barriers that are identified. Barnstable County has engaged Consultant Dan Cahill to draft the plan and present his findings and recommendations at the December 21, 2009, meeting.

Annual Report on Barnstable County Affordable Housing

On December 2, 2009, Cape Cod Commission Affordable Housing Specialist Paul Ruchinskas made his annual report on affordable housing to the Barnstable County Commissioners. A copy of the report is available from the "Resources" page on the Commission's Affordable Housing web site: www.capecodcommission.org/housing/resources.htm



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

November 2009

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	22.3	20.5	26.6	2.1	1.3
Barnstable	A1W 247	23.0	20.5	28.6	2.0	1.4
Brewster	BMW 21	10.2	6.9	13.6	0.4	-0.1
Chatham	CGW 138	24.4	20.9	26.6	-0.5	-1.4
Mashpee	MIW 29	8.0	5.6	10.0	1.1	0.4
Sandwich	SDW 252	46.9	45.8	48.2	0.6	0.3
Sandwich	SDW 253	49.3	45.8	55.1	1.3	0.7
Truro	TSW 89	12.0	10.2	13.0	0.2	0.0
Wellfleet	WNW 17	11.5	7.3	12.8	-0.4	-1.0

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



Cape Cod Commission Meeting Schedule



Standing Committees

Full Commission

Monday, January 4
*Tuesday, January 19

Thursday, January 7
Thursday, January 21

Monday, February 1
*Tuesday, February 16

Thursday, February 4
Thursday, February 18

Monday, March 1
Monday, March 15

Thursday, March 4
Thursday, March 18

Monday, April 12
Monday, April 26

Thursday, April 15
Thursday, April 29

Monday, May 10
Monday, May 24

Thursday, May 13
Thursday, May 27

Monday, June 7
Monday, June 21

Thursday, June 10
Thursday, June 24

Monday, July 19

Thursday, July 22

Monday, August 2
Monday, August 16

Thursday, August 5
Thursday, August 19

Monday, September 13
Monday, September 27

Thursday, September 16
Thursday, September 30

*Tuesday, October 12
Monday, October 25

Thursday, October 14
Thursday, October 28

Monday, November 29

Thursday, December 2

Monday, December 13

Thursday, December 16

*** Tuesday standing committee meeting day due to Monday Holiday:**

Monday, January 18 — Martin Luther King Jr. Day

Monday, February 15 — Presidents' Day

Monday, October 11 — Columbus Day

This year Veteran's Day is on Thursday, November 11



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

- **Hyannisport Club/2 Irving Avenue**—proposed demolition of the 18th century “Marchant House” on the grounds of the Hyannisport Golf Course. On 12/3/09, CCC accepted the project as a discretionary DRI referral from the Barnstable Historical Commission. The review is limited to historic preservation/community character 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

No DRI projects at this time.

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.

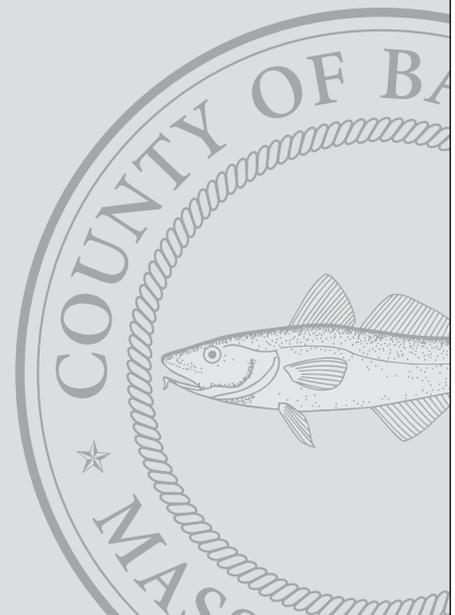
YARMOUTH

- **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.

• **Siddharth Siddharth Lot Clearing**—more than 2 acres of land in Yarmouthport cleared without a clearing permit.



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, January 4
Tuesday, January 19

Full Commission Meetings

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

Thursday, January 7
Thursday, January 21

Regulatory Calendar

• **January 7:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:
- Sandwich LCP Modification (tentative)
- Discretionary referral for the Orleans Stop & Shop Gas Station

Other Events

• **Public Meeting on the Barnstable County Fair Housing Plan:** Monday, December 21, 2009, beginning at 2 p.m. in the Barnstable County Superior Court-house, Rooms 11/12, Route 6A, Barnstable, MA. See story, page 5.



• **Office Closings:** All Barnstable County offices will close at 12 noon on Thursday, December 24, 2009, for the Christmas holiday, and will reopen on Monday, December 28. In addition, all Barnstable County offices will be closed on Friday, January 1, 2010.

• **Yarmouth Road Corridor Study Public Meeting:** January 6, 2010, beginning at 6 p.m., at Barnstable Town Hall. See story, page 4, and check the web site: www.gocapecod.org/yarmouthroad



Cape Cod Commission

• FISCAL YEAR 2010 OFFICERS •

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Royden Richardson

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Elizabeth Taylor

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Michael Blanton

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Lynne Pleffner

Dennis:

Brad Crowell

Eastham:

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Falmouth:

(vacant)

Harwich:

Robert Bradley

Mashpee:

Ernest Virgilio

Orleans:

Peter Monger

Provincetown:

(vacant)

Sandwich:

Sue Pommrehn

Truro:

Peter Graham

Wellfleet:

Roger Putnam

Yarmouth:

Jack McCormack

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Sheila Lyons

Minority:

John D. (J.D.) Harris

Native American:

Mark Harding

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Herbert Olsen

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