



TOWN OF YARMOUTH

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Planning
Division

MEMORANDUM

To: Cape Cod Commission

CC: Yarmouth Planning Board
Yarmouth Board of Selectmen
Karen Greene, Director of Community Development
Jack McCormack, Cape Cod Commission Representative

From: Kathy Williams, Town Planner

Date: November 19, 2018

Subject: Cape Cod Commission – Draft Regional Policy Plan (RPP) Comments

Thank you for the opportunity to comment on the Draft Regional Policy Plan (RPP) and for holding individual informational meetings with the Yarmouth Board of Selectmen, Planning Board and Town Staff. The Draft RPP outlines general Goals and Objectives for a wide variety of key areas that are consistent with responsible growth and redevelopment and it is obvious that a great deal of effort and thought has gone into this document. Specific comments are outlined below:

1. Public Review Process:

- The Commission has separated the planning and regulatory requirements into two documents with the Draft RPP being the planning portion and the *Cape Cod Commission Technical Guidance* being the regulatory portion which outlines how Developments of Regional Impact (DRI) projects will meet the goals and objectives of the Draft RPP. Although separating the planning and regulatory requirements has some benefits, the Draft RPP and the Draft Guidance Document should have gone out for concurrent public comment as they are so closely tied together. It is difficult to fully understand the implications and comment on the RPP when so many details are contained in the Guidance Documents.
- There is significant information contained within the Technical Bulletins and Placetype Maps which warrants a robust 60-day (minimum) review process, especially as the review period will occur during the end of year holiday season.

2. Placetype Maps:

- Based on the Draft RPP alone, it is unclear how important Placetype designations are relative to the DRI review process. For example, is it more beneficial for a project to be located in a Community Activity Area versus a Suburban Development Area? Most of the

DRI level projects in Yarmouth will likely occur in commercial Suburban Development Areas (as defined in the Draft RPP). Discussions with Commission Staff indicate that the Community Activity Area designation is less important in the Draft RPP than under the existing regulations which favor village and economic centers included in the Land Use Vision Map, although Placetypes may impact the strategies and methods outlined in the Technical Bulletins to meet the RPP goals and objectives. A full review of all the Technical Bulletins will be necessary to fully understand the impact of moving away from the Land Use Vision Map in favor of Placetypes.

- Although the Commission underwent a great deal of effort to develop parameters to define existing Community Activity Centers, there should be more coordination with the Towns to identify areas where they want to see redevelopment to create new Community Activity Centers (Land Use Vision Map/zoning initiatives). In Yarmouth, we want to see redevelopment of commercial properties along Route 28, especially within the Village Centers Overlay District, and not necessarily guide development to South Yarmouth Village (Yarmouth’s only designated Community Activity Area). These priorities are clearly reflected in our zoning. Much of the mapped Community Activity Center is located in Residential Zoning Districts, including our most restrictive RS-40 Residential District and also includes the South Yarmouth/Bass River Historic District (areas the Town is not encouraging significant development).
- With much of Route 28 likely being designated as Suburban Development Areas, we should be easing regulatory requirements in these existing commercial areas to promote redevelopment consistent with the strategies and ideals noted for Community Activity Areas. Consider breaking down the Suburban Development Area into Commercial Suburban and Residential Suburban Development Areas, as these are two very different areas which should have different development strategies.
- Relative to the DRI project review, only one dominant Placetype should be identified for each project to avoid having to meet conflicting Placetype strategies and objectives. For example, Yarmouth’s Industrial Activity Center overlaps with many Natural Areas.
- With the descriptions for the Placetypes set through the RPP, there is a concern with the flexibility of changing the Placetype Maps at a later date to incorporate more aspirational areas. Based on our meeting with Commission Staff, the Placetype Maps will be re-evaluated annually to reflect changes and new developments which may impact designated Placetypes in Town. The process for revising Placetype Maps should be clearly defined.

3. **Goals & Objectives:**

- The third Objective for the Community Design goal (RPP Page 45) is to “Guide new development to locate in Activity Centers”. As noted above, development should not be directed just to Community Activity Centers. It is unlikely that DRI level projects will be developed in Yarmouth’s only Community Activity Center in South Yarmouth Village. Development should also be directed to commercial Suburban Development Areas to promote redevelopment and improvement of existing commercial areas. It should be noted that the third Objective noted in the Draft Technical Bulletin for Community Design is inconsistent with the RPP Goal. In the Draft Technical Bulletin the objective says “Avoid adverse visual impacts from infrastructure to scenic resources”. During our meeting,

Commission Staff noted that the RPP Objective will be modified to reflect that shown in the Draft Technical Bulletin.

- Streamlined Local Comprehensive Planning (RPP Page 58), again notes activity centers as places to accelerate and coordinate the planning process, stimulate the production of more diverse housing types, and coordinate public infrastructure investment. These are unlikely to occur in the vast majority of the Yarmouth’s designated activity centers.
4. **DRI Process**: As developers look to Cape Cod for investment opportunities, the DRI process plays a significant role in their decision making. This can include how they define their projects (sized below DRI Thresholds), where they locate their project (i.e. in GIZ or Chapter H areas), how they develop (Chapter 40B), or whether they move forward at all. Having a clear understanding of the cost, timing and reasonable certainty of DRI permitting is an important component. This has been mentioned by members of the Yarmouth Board of Selectmen at numerous meetings with Commission Staff.

It appears that the changes in the regulations are meant to provide flexibility in the methods used to meet the Objectives rather than outlining prescriptive Minimum Performance Standards. Hopefully this will provide for an easier process for developers while protecting and enhancing our natural, built and community systems. However, it would be good if the Commission could provide some comparison to the current regulations regarding the ease of the process, the value of mitigation fees imposed, and the estimated timeline for approvals. Without an in-depth understanding of the current regulations and standards, and without having all Technical Documents available to review, it is difficult to know how the draft RPP and Technical Documents will impact the DRI Process.

5. **Recommended Actions**: The addition of Recommended Actions for planning and regulation are a particularly good addition, especially the following:
- **Streamlining Local Comprehensive Plan (LCP)**: It was encouraging to see that the CCC is hoping to streamline the LCP regulations to encourage more frequent update by lessening the requirements and level of analysis required and offering technical assistance. Yarmouth would be very interested in these changes and would like to see this done as quickly as possible to allow the Town to move forward with updating and certifying our LCP.
 - **Regional DRI Thresholds**: Review of the DRI Thresholds should consider lessening the thresholds for types of development we would like to see, such as compact mixed-use developments, affordable multi-family housing, not just located in Community Activity Centers, but other areas where the Towns are hoping to see such development.