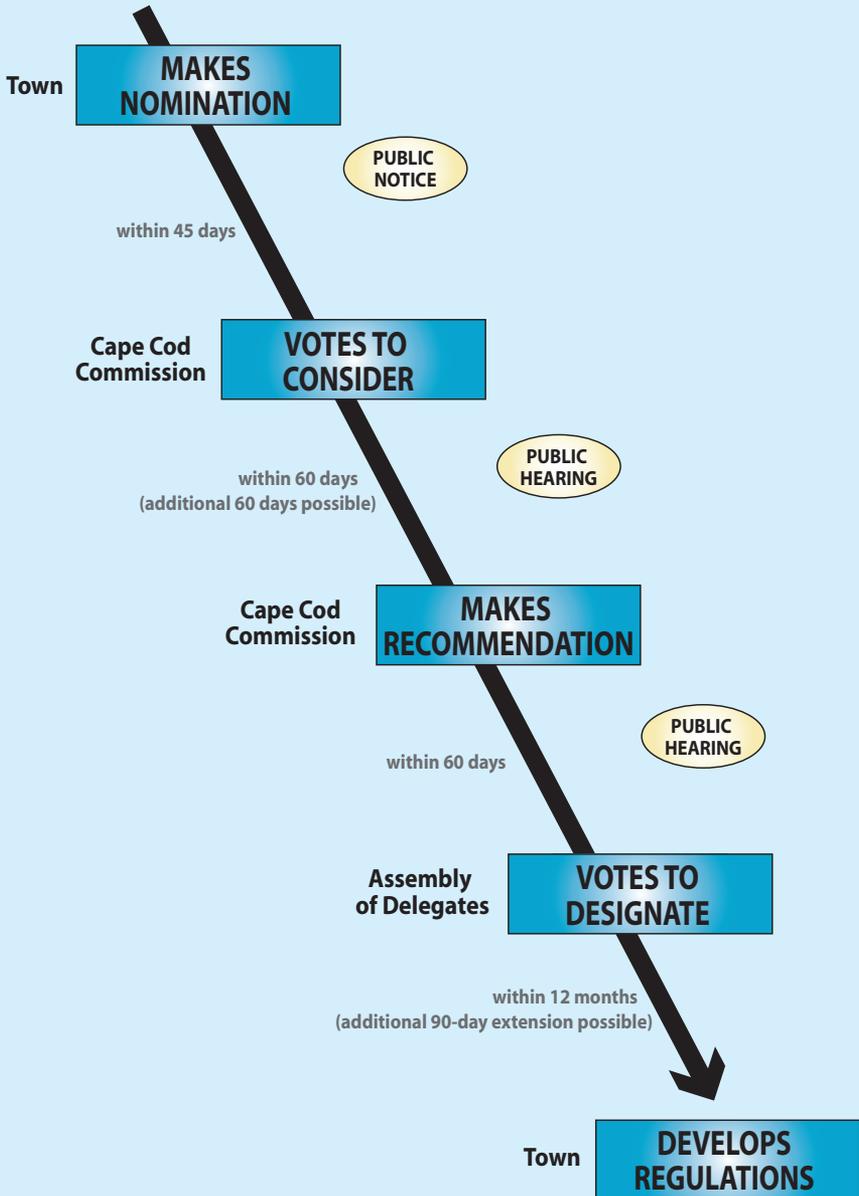


Districts of **C**ritical **P**lanning **C**oncern



Cape Cod • Barnstable County • Massachusetts

District of Critical Planning Concern MILESTONES





Barnstable County's regional planning and land use regulatory agency, the Cape Cod Commission, is charged with recommending the designation of Districts of Critical Planning Concern, or DCPCs.

DCPCs may cover areas in one or more towns and be designated for many purposes (see sidebar). When approved by the Barnstable County Assembly of Delegates, DCPCs allow a town or group of towns to adopt special rules (called "implementing regulations") to protect natural, historic, and economic resources of regional significance. Under the authority of town agencies, the new rules then govern all future development in the designated DCPC.

Types of Districts

The types of Districts of Critical Planning Concern that may be proposed include, but are not limited to, these or a combination of these:

- Water Resource District
- Shellfish Resource District
- Agricultural Resource District
- Wildlife, Natural, Scientific, or Ecological Resource District
- Cultural, Historic, Architectural, or Archaeological Resource District
- Economic Development District
- Growth Management District
- Public Investment District
- Hazard District
- Waterfront Management District
- Downtown Revitalization District
- Transportation Management District
- Mixed-income Housing District

Why Designate a DCPC?

A DCPC allows a community to promote its values or protect its resources, to achieve goals of its Local Comprehensive Plan, and to overcome local zoning constraints. A DCPC does so in unique ways:

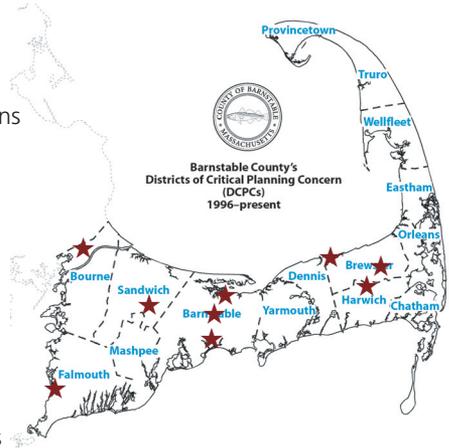
- **A DCPC initiates a time-limited moratorium on development in the district.** The moratorium provides a "time out" for the town to craft new regulations and management plans.
- **A DCPC is established and protected through a collaborative process.** The district's goals, guidelines, and implementing regulations are developed in a cooperative way with town officials, the affected land owners in the district, and the Cape Cod Commission.
- **A DCPC applies to all development within the district.** Regulations adopted under a DCPC are generally not subject to exclusions through "grandfathering" or zoning "freezes."

An area nominated as a DCPC should need a special regulatory or planning effort that otherwise cannot be adequately addressed through existing local regulations. It may therefore be controversial within a community but it can bring unique benefits as well. For example, a district may enhance economic development or promote the revitalization of village centers by providing incentives for more dense, mixed-use development.

DCPCs in Barnstable County

To date, Barnstable County has designated seven Districts of Critical Planning Concern that were nominated by their respective towns (listed in chronological order):

- Black Beach/Great Sippewissett Marsh in Falmouth
- Bournedale in Bourne
- Three Ponds in Sandwich
- Six Ponds in Harwich
- the town-wide Barnstable DCPC
- Quivet Neck/Crowe's Pasture in Dennis
- Pond Village in Barnstable



Each DCPC is described below, with a summary of the outcomes from the designation and planning process. In addition, two more DCPCs were nominated for consideration in February 2008 (one in Barnstable and one in Brewster); they are just beginning the review process.



DCPCs Make a Difference

Black Beach/Great Sippewissett Marsh DCPC

The Black Beach/Great Sippewissett Marsh DCPC was designated in January 1996 to prevent flood damage, improve the water quality, and protect the habitat of 340 acres of barrier beach and salt marsh in West Falmouth. Through the DCPC process,

the Town of Falmouth amended its wetlands bylaw and regulations, which are administered by the town's conservation commission, to limit land clearing, reconstruction of roads and driveways, shoreline structures, and docks and piers; to protect salt marsh and wetlands; to restore resource areas; and to control erosion, manage stormwater discharges, and prevent pollution. In addition to changing its regulations, the town developed a management plan for the DCPC that included public education efforts and signage about the area's ecological sensitivity and included measures to manage public access.

"The town found [the DCPC process] valuable as it explored, for the first time on Cape Cod, a different methodology. ...Perceptions about the role and involvement of the Cape Cod Commission were dispelled. The town was free to advance the nomination and designation of the DCPC as it perceived its interests to be."

—Brian A. Currie, Falmouth Town Planner

“ The DCPC is a great planning tool, giving towns the ability to step back and study the best options to manage growth in an area. The DCPC process also assures public input, allowing residents to be involved in the planning and in shaping the future.”

–Coreen Moore, Bourne Town Planner



Bournedale DCPC

The Bournedale DCPC was designated in December 1998 to protect drinking water, assure safe transportation, and preserve the historic and natural resources of nearly 2,000 acres north of the Cape Cod Canal in Bourne. Through the DCPC process, the Town of Bourne was able to change its zoning to reduce traffic generation and protect cultural resources and character, redefine its “scenic canal district,” create a new compact village business zone and change an extensive commercial zone to two-acre residential, create the Bournedale Overlay District, and preserve over 240 acres as permanent open space. The minimum lot size was changed for some

residential zones from one acre to two acres; setbacks to natural and cultural resources were added or increased; incentives to avoid curb cuts were added; transfers of development rights were allowed; and specific types of economic development, including technology campuses, were allowed. Non-zoning changes also included refinement of regulations to protect road access and character, private wells, wetlands and vernal pools, and to strengthen earth-removal and mining controls.



Three Ponds DCPC

The Three Ponds DCPC was designated in February 2000 to protect water quality, preserve open space, and maintain the character of nearly 700 acres of

land and more than 300 acres of surface water in southeastern Sandwich. Through the DCPC process, the Town of Sandwich purchased 83 acres of unfragmented forest for permanent open space, adopted the Three Ponds District Zoning Bylaw and a pond use bylaw that limits the horsepower and speed of watercraft on the ponds in the DCPC, and developed a management

“The DCPC process in Sandwich was not without contention (land owners are wary of such a powerful tool), so the Cape Cod Commission suggested the formation of a working group. ...The two major land owners in the Three Ponds district, who fully participated in that group, spoke at town meeting about their initial concerns with the DCPC nomination, their pleasure at being active and contributing members of the group, and their eventual unequivocal support. These important voices were key in persuading town meeting voters to adopt the Three Ponds District Zoning Bylaw without a single word of debate.”

–Jo Anne Miller Buntich, former Sandwich Director of Planning and Development

plan to educate residents and the public about the fragile coastal plain ponds, to formalize a septic betterment program, to foster the formation of pond associations, and to expand a natural resources inventory and study.



Six Ponds DCPC

The Six Ponds DCPC was designated in May 2000 to protect water quality and natural resources, to maintain the scenic character of the roads

and views, and to manage growth over more than 1,200 acres of land and 110 acres of surface water in northeastern

Harwich. Through the DCPC process, the town adopted the Six Ponds Special District Zoning Bylaw, which specified conditional uses in the district, increased minimum lot sizes and limits on lot coverage, set limits on the amount of clearing and grading allowed, enlarged buffer zones around the ponds, created regulations for existing sand and gravel mining operations, established regulations for setbacks and buffers along the scenic road corridors, and established regulations for flexible cluster developments.

“The ability to consider possible bylaw scenarios without development pressure...meant that new zoning had a much greater impact.”

*–Susan M. Leven,
Harwich Town Planner*

Barnstable DCPC

The Barnstable DCPC was designated in September 2001 to manage residential growth and encourage affordable housing over nearly 60 square miles. Similar to an overlay district, the DCPC includes all vacant, buildable parcels that are capable of being used for new residential development. Through the DCPC process, the Town of Barnstable adopted a rate-of-development ordinance, with a building rate and cap phased in over several years, to allow for adequate infrastructure (roads, wastewater, police, and more) and to support the implementation of the town’s affordable housing action plan.

The ordinance sets limits on construction permits for two types of dwelling units: affordable and market-rate. Although appealed through litigation, the DCPC was ultimately upheld by the state’s highest court, the Massachusetts Supreme Judicial Court. Through the DCPC, the town also adopted a health regulation that allows for the construction of shared and innovative wastewater disposal systems.



Quivet Neck/Crowe’s Pasture DCPC

The Quivet Neck/Crowe’s Pasture DCPC was designated in March 2002 to protect natural, historic, water, and coastal resources and to manage residential growth on nearly 250 acres in East Dennis. Through the DCPC process, the Town of Dennis adopted the Quivet Neck/Crowe’s Pasture Resource Protection District Zoning Bylaw that established three water recharge and soils

“To protect the critical resources within the Quivet Neck/Crowe’s Pasture area, the town nominated the DCPC to ensure appropriate development controls would apply equally to all land in the target area.”

*–Daniel Fortier,
Dennis Town Planner*

limitations areas that govern two- to four-acre minimum lot sizes and limit lot coverage. The bylaw also includes pond protection, sewage disposal restrictions, and erosion control measures, storm-water management, scenic vista, and shoreline conservation provisions. It also regulates grid-style and cluster-style subdivisions. In addition, the town purchased 33.5 acres that are highly sensitive and have significant historic and archaeological resources.

Pond Village DCPC

The Pond Village DCPC was designated in late January 2006 to protect the water quality of a freshwater pond and a portion of Barnstable Harbor and the historic and scenic character of a 115-acre area north of Route 6A near Barnstable village. The Barnstable Town Council voted to approve a zoning change for the district rather than adopt special implementing regulations.



New DCPC Nominations

Craigville Beach/Centerville Village Center DCPC

In February 2008, the Cape Cod Commission received and accepted for consideration a nomination from the Barnstable Town Manager to create a DCPC for the Craigville Beach area and the Centerville Village Center area. The areas are contiguous, encompassing about 380 acres of land and 66 acres of open water, but separate issues are to be addressed.

The nominated Craigville Beach area includes a barrier beach along Nantucket Sound, an estuary system behind it, and freshwater ponds. It encompasses many summer homes and cottages and a former “Christian Camp Meeting” area, which is recognized within a National Register Historic District. The town nominated the area for five DCPC purposes: a natural and ecological resource district; a cultural, historic, and architectural resource district; a hazard district; a wastewater management district; and a waterfront management district.

The nominated Centerville Village Center area includes an existing business zoning district and residential parcels including the Main Street National Register Historic District. The town nominated the area for two DCPC purposes: an economic resource district and a cultural, historic, and architectural resource district.

Brewster Water Protection DCPC

In mid February 2008, the Commission received a nomination from the Brewster Board of Selectmen to create a DCPC to protect “zones of contribution” (or watersheds) to public drinking water wells. The proposed DCPC encompasses 6,538 acres in several areas: one in the southeastern part of Brewster, another in the southwestern part of town, and all land in Brewster that is within the Pleasant Bay Water Recharge Area. The nomination is for two DCPC purposes: a water resources district and a major public investment district. Watersheds within the proposed DCPC include wellhead-protection lands for public wells in Brewster and for wells in Orleans, Harwich, and Dennis. The four Brewster wells in the DCPC provide about 95 percent of the town’s public water supply; the remaining need is met mostly from private wells. Brewster has invested millions of dollars in the development and protection of the public drinking water supply wells within the proposed DCPC.

Supporting Information

The following DCPC-related materials are available in print from the Cape Cod Commission. They are also available in digital format (text or PDF) on the Commission’s Web site: www.capecodcommission.org/DCPC/

- DCPC Regulations
- DCPC Guidance Document
- DCPC Nomination Form
- Detailed flow chart illustrating the DCPC process

For more information, contact:



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