

The meeting of the Cape Cod Commission was called to order on Thursday, August 6, 2009 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

### ■ EXECUTIVE DIRECTOR'S REPORT

Paul Niedzwiecki reminded Commission members that the landlord for the Commission's office building is in the process of renovating the building and apologized for any noise associated with the renovations. Mr. Niedzwiecki said the County had a visit from the Federal Economic Development Agency (FEDA) to discuss the Comprehensive Economic Development Strategy (CEDS) process. Mr. Niedzwiecki said the Commission's CEDS document has been approved by the FEDA and the projects listed in the document are now eligible for grants from the Federal Government. He said he is excited about the new collaboration with the Economic Development Council (EDC) and said the Commission would be meeting with the EDC to discuss updates. He said there has been some discussion about designating Cape Cod as an Economic Development District.

Mr. Niedzwiecki said the Assembly of Delegates voted yesterday, August 5, 2009, to remand Chapter H back to the Commission and said it's surrounded around a town meeting process. He said Chapter H will be going back to the Regulatory Committee soon and said he would keep Commission members apprised.

### ■ MINUTES

The minutes of the June 25, 2009 Commission meeting were reviewed. Roger Putnam moved to approve the minutes. Joy Brookshire seconded the motion. The motion passed with three abstentions.

### ■ CENTERVILLE VILLAGE CENTER DISTRICT OF CRITICAL PLANNING CONCERN (DCPC) IMPLEMENTING REGULATIONS

Elizabeth Taylor read the hearing notice and opened the hearing at 3:15 p.m.

Kristy Senatori, chief regulatory officer at the Commission, said the matter before the Commission today is the Centerville Village Center DCPC Implementing Regulations. Ms. Senatori reviewed the Commission's decision and said it relates only to the Centerville Village Center Area and not the Craigville Beach Area. She said the Commission's DCPC regulations call for protection of community character, moderate the scale of structures and viewsheds; protection of village character and enhance pedestrian activity; guide site development to protect natural resources and historic landscape settings; and allow the Town to support the locally-owned small scale economy of the village center and preserve character defining uses in the beach area. She said these guidelines are applicable to the Centerville Village District. Ms. Senatori said Commission staff agrees that the Town's Implementing Regulations conform to the Commission's DCPC guidelines.

Jo Anne Miller Buntich, Interim Director Barnstable Growth Management Department, said the Centerville Village Center portion of the DCPC encompasses a small historic village area. She said the Town of Barnstable believes the Implementing Regulations are good regulations. She said when they looked at Centerville Village's existing zoning they knew they had to make changes to the existing zoning and said the regulations contain a "formula" business ban as a provision. She provided an overview of the Implementing Regulations and said it supports the DCPC purposes as it promotes a location-appropriate scale and traditional mix of business, institutional and residential land uses that respects the historic character and neighborhood development patterns; it acknowledges the historic context of the Village including the National Register District which encompasses properties in the northern portion of the district; protects and preserves the historic and scenic streetscape and minimizes traffic congestion; provides a variety of functions that support residents' daily use of the district; supports and enhances the local economy and retains established village goods and services; preserves and protects the traditional New England village character of Centerville through architectural design replicating in

scale and character the best examples of traditional neighborhood design from the historic towns and villages of Cape Cod; it enables the Town of Barnstable to enter into development agreements within the Centerville Village District; and provides use limitations for commercial businesses. She said permitted retail establishments, lodging establishments, restaurants, or takeout food franchises shall not include a business which is required by contractual or other arrangements to maintain standardized “formula” business services or similar standardized features which causes it to be identical to more than 14 other businesses regardless of ownership or location and drive-up windows and/or drive-through facilities are prohibited. She said the regulations also include a provision for special permit for dimensional relief and a design guidelines provision to enhance the traditional small-scale village character currently found in the Centerville Village District through the use of compatible building materials, appropriate scale and architectural details currently found within the district or immediate surrounding area. She said new structures are encouraged to complement, but not necessarily duplicate, surrounding structures. Ms. Buntich said for these reasons the Town believes the Implementing Regulations support the purposes of the DCPC and she thanked Commission members for their consideration.

Paul Niedzwiecki referred to an article that appeared in the Boston Globe last week regarding a CVS in Chatham and said the article referred to the Centerville Village DCPC as an example of what can be done in a village center to protect community character.

Elizabeth Taylor said this is an excellent product. She asked when the Craigville Beach portion of the DCPC would be coming to the Commission.

Jo Anne Miller Buntich said the Craigville Beach Implementing Regulations are going before the Barnstable Town Council tonight (August 6<sup>th</sup>) and said it would be coming to the Commission following that.

Joy Brookshire asked about the sentiment of those people who were opposed to the DCPC.

Jo Anne Miller Buntich said they spoke to some of those people when the implementing regulations were being developed. She said it’s impossible to have 100% support but the Town did the very best they could.

Joy Brookshire inquired about the concerns of those individuals.

Jo Anne Miller Buntich said she couldn’t speak on their behalf and said they would have to speak for themselves. She said the “formula” business provision may have been one concern.

Chair John Harris inquired about the 14 other businesses referenced in the regulations and asked if they were businesses located on Cape Cod.

Jo Anne Miller Buntich said businesses located around the world. She said it’s a model that can be used anywhere. She said they started with seven businesses and then moved the number up to 14. She said the Town looked at what Nantucket did.

Roger Putnam moved to close the hearing and the record. Elizabeth Taylor seconded the motion. The motion passed with unanimous vote.

Joy Brookshire moved that the Commission find that the Centerville Village Center DCPC Implementing Regulations conform to the Commission’s guidelines and therefore be approved as presented with corrections as mentioned. Lynne Pleffner seconded the motion. A vote called on the motion passed with a unanimous vote.

■ **OTHER BUSINESS**

Chair John Harris said he received a letter from Rick Pruetz who is a planner in Hermosa Beach, California along with a copy of his recently published book *Green Legacy: Communities Worth Leaving to Future Generations*. He said his letter recognizes Cape Cod as one of 42 communities in the U.S. celebrated for outstanding achievement in open space preservation.

Sheila Lyons referred to the gentleman from the Federal EDA who visited the County and said this is a very exciting time. Ms. Lyons congratulated the Commission, and in particular, Leslie Richardson, Dan Dray and the EDC. She said it's a process that's going to be implemented and said it's good for the County.

Chair John Harris said the gentleman from the Federal EDA said out of all the applications/reports received by the their agency he said the Commission's document was the best they have seen.

Sheila Lyons concurred and said he acknowledged that it was one of the better documents he has seen.

A motion was made to adjourn at 3:30 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

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Elizabeth Taylor, Secretary