



CAPE COD COMMISSION

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Eastham Local Comprehensive Plan Certification December 19, 1996

PROCEDURAL HISTORY

The Eastham Local Planning Committee (ELPC) was created in 1993 by the Eastham Board of Selectmen. The town of Eastham entered into an agreement with the Cape Cod Commission to develop a Local Comprehensive Plan (LCP) on August 18, 1993. The Town received \$41,573 from the Cape Cod Commission for development of their LCP. Funds received from the Commission were used to hire a consultant, Thomas Planning Services, to develop the Local Comprehensive Plan. In addition, the Town received a \$4000 matching grant from the Massachusetts Historical Commission to assist in the completion of an inventory of historic structures.

The ELPC conducted an extensive public outreach process during the development of its Plan including a citizen survey and a series of workshops on each of the Plan elements. Public hearings were also held on the preliminary and final draft Plans. The ELPC held meetings with the Cape Cod National Seashore and invited the Orleans and Wellfleet Local Planning Committees to several meetings to discuss mutual needs and interests. The Cape Cod Commission staff worked closely with the ELPC as the Plan was being developed and attended many of the public hearings and committee meetings during development of the Plan.

Thomas Planning Services produced a preliminary draft LCP in April, 1995. Commission staff assisted the ELPC in making further revisions to the Plan prior to submission to the Commission for certification review. The ELPC held a public hearing on the revised LCP on April 30, 1996. Based on testimony received at this hearing, further revisions were made to the Plan by the ELPC and Commission staff. The ELPC voted to transmit the final Draft Local Comprehensive Plan to the Commission on June 6, 1996 in accordance with Section V.B.1a-e of the Cape Cod Commission's Local Comprehensive Plan Regulations. The Commission transmitted comments to the Town on August 19, 1996. The Eastham Local Comprehensive Plan was adopted by Eastham Town Meeting on October 21, 1996.

The final approved Plan was transmitted to the Cape Cod Commission on November 13, 1996. In accordance with Section V.3.b.i. of the LCP Regulations, the Planning Committee conducted a duly noticed public hearing on the Plan on

December 12, 1996 in Barnstable, MA and received testimony regarding the Plan. The matter was brought before the Cape Cod Commission for final action on December 19, 1996.

FINDINGS

1. The Eastham Local Comprehensive Plan is consistent with the Cape Cod Commission Regional Policy Plan effective on September 6, 1991.
2. The town of Eastham has demonstrated through its Local Comprehensive Plan that the following Minimum Performance Standard (MPS) contained in the Regional Policy Plan is not applicable or appropriate to the town of Eastham: Water Resources MPS 2.1.1.2.B.1.
3. The Eastham Local Comprehensive Plan is consistent with the Local Comprehensive Plan of Wellfleet adopted by the town of Wellfleet and certified by the Cape Cod Commission.

CONDITIONS

1. The Cape Cod Commission shall continue to apply all of the Minimum Performance Standards in the Regional Policy Plan to projects reviewed as Developments of Regional Impact within the town of Eastham.
2. Pursuant to Section 9(c) of the Cape Cod Commission Act and Section VI(C) of the Local Comprehensive Plan Regulations, in order to maintain certification of the Local Comprehensive Plan, the town of Eastham shall insure that its development bylaws and regulations are consistent with its Local Comprehensive Plan within two (2) years of the date of certification of this Plan or as otherwise specified in this decision. Within this two (2) year timeframe, the Town shall provide the Commission with a final written report on implementation of actions contained in the Plan, including proposed revisions to bylaws and regulations. This period may be extended at the discretion of the Commission where the Town has made a good faith effort to comply with this requirement.
3. Pursuant to Section VI(A) of the Local Comprehensive Plan Regulations, the Eastham Board of Selectmen is responsible for implementation of the actions and recommendations contained in the ELCP. This authority may be delegated to another board or commission in accordance with the LCP Regulations. The town of Eastham may wish to establish an Implementation Committee which is responsible for coordinating implementation of the ELCP.
4. Pursuant to Sections 9, 14, and 15 of the Cape Cod Commission Act, the town of Eastham may enter into development agreements and may impose impact fees as

long as the Town has a certified Local Comprehensive Plan.

5. The town of Eastham shall review and update its LCP within five years of certification of the LCP. In the event of amendment of the Regional Policy Plan (RPP), the LCP shall be brought into conformance with the amended RPP pursuant to the Act and LCP Regulations.

6. Any revisions or amendments to the ELCP shall be reviewed and certified for consistency with the RPP in accordance with the Act and LCP Regulations.

SPECIFIC RECOMMENDATIONS

1. The town of Eastham should pursue development of a comprehensive open space protection program in order to reduce the buildout potential of the Town, protect community character, and to meet future open space and recreation needs as set forth in the ELCP.

2. The town of Eastham should investigate use of a Transfer of Development Rights Program on a regional or sub-regional basis and consider designating sending zones within the Town to decrease development intensity in sensitive areas.

3. The town of Eastham should investigate the feasibility of a limited and/or town-wide public water supply and/or municipal sewage treatment systems as set forth in the ELCP.

4. The town of Eastham should coordinate with Outer Cape communities as well as regional and state agencies to conduct further study of the Route 6 corridor, including: investigation of an access management bylaw for development; the development of collector roads linking individual commercial developments with Route 6; additional left-turn lanes along Route 6; and potential locations for future signalization.

5. The town of Eastham should research the feasibility of implementing an Impact Fee System for all types of future development to fund a variety of capital facilities and infrastructure, including a possible program for the purchase of land for protection of open space and for alternate modes of transportation.

CONCLUSION

Based on the conditions above, the Cape Cod Commission hereby certifies the Eastham Local Comprehensive Plan as consistent with the Regional Policy Plan effective on September 6, 1991.


Greg Silverman, Chair

12/19/96
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 19th day of December 19 96


Notary Name

My Commission expires _____