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Provincetown Local Comprehensive Plan Certification July 13, 2000

Summary

The Provincetown Local Comprehensive Plan (LCP) has been reviewed by the Cape Cod Commission's Planning Committee for final certification pursuant to the Local Comprehensive Plan regulations. The purpose of this report is to provide the Commission with the comments and recommendations of the Planning Committee. The Planning Committee's recommendations are based on the criteria in Section V.A.2.c of the Local Comprehensive Plan Regulations.

The Cape Cod Commission would like to recognize the time and effort that has gone into developing the Provincetown LCP. The Local Comprehensive Plan Committee (LCPC), with the assistance and support of Town Manager Keith Bergman, Permit Coordinator Judith Oset, and former Permit Coordinator Rex Peterson, has gone to great lengths to develop a plan that is consistent with the goals and standards of the Commission's Regional Policy Plan and ensures a high level of protection for the people and resources of Provincetown and Cape Cod.

Procedural History

The Provincetown LCP is the result of a process that began in 1994 with a community survey and vision project. The results of that survey were used to write a Local Comprehensive Plan (LCP) to guide future growth and development. The original plan was drafted in 1996, but public hearings were not held and the Plan was not presented to Town Meeting.

In 1999, the Local Comprehensive Plan Committee (LCPC) was re-established to update and finalize the draft Plan from 1996. The Committee worked through its representatives to ensure the input of a broad range of interests. Throughout the fall of 1999, the LCPC held public meetings on various sections of the LCP. On December 7, 1999, the LCPC voted to hold a public hearing on the draft LCP. The public hearing was held on January 11, 2000. More than 100 copies of the plan were distributed to citizens, and the Plan was posted on the Town's web site. It is evident as well that Town boards and departments



were consulted and provided their careful input. The LCPC incorporated the comments from the public, revised the plan and submitted it to the Cape Cod Commission for Preliminary Certification Review on January 28, 2000.

The Commission accepted public comments until February 26, 2000. In accordance with Section V.2.b., the Planning Committee met on February 14, 2000 to review the final draft LCP. On February 28, the Planning Committee reviewed and approved the Preliminary Certification Report and moved it to the full Commission. On March 2, 2000 the Commission voted to transmit the report to Provincetown. It was felt that there were no significant differences between the LCP and the Regional Policy Plan (RPP) such that would require an additional public hearing, although some amendments to the LCP were suggested.

The Town amended the LCP consistent with the recommendations of the Commission's report. On March 9, 2000, the Commission received a memorandum from the Town outlining the changes made to the plan. The Town held an additional hearing to finalize public input. The April 3, 2000 Provincetown Annual Town Meeting adopted the LCP by a large majority vote.

On June 1, 2000, the Commission received a Town-certified copy of the final plan and record of the Town Meeting vote. In accordance with Section V.3.b.i., the Planning Committee conducted a duly noticed public hearing on the Plan on June 29, 2000 in the Town of Provincetown and received testimony regarding the Plan. The matter has been brought before the Commission on July 13, 2000.

Findings

1. The Cape Cod Commission finds that the Town of Provincetown has demonstrated that the goals and policies of its Local Comprehensive Plan are consistent with the Minimum Performance Standards of the Regional Policy Plan.
2. The Town's growth management bylaw in conjunction with goals and policies of the LCP will restrict the growth in water use by linking future growth to Title V design flows. This, in combination with aggressive water conservation efforts and exploration of new water sources, will help to protect the Town's long-term water supply.
3. The Town has identified certain sites for the possible development of water supplies, but has not yet determined if those sites would be used for drinking water purposes. No Potential Water Supply Area (PWSA) designation has been placed on the sites.
4. The Town Meeting voted to establish an LCP Implementation Committee that will set timelines and assign lead parties for the achievement of all specific action items in the LCP and incorporation of any action items into bylaws, so that implementation of the Plan can be charted and monitored.

5. Due to the time constraints in having the LCP ready for April 2000 Town Meeting, creation of a "Levels of Service" section on Capital Facilities and Infrastructure has been added as an action item to be addressed by the Implementation Committee.

Conditions

1. The Implementation Committee shall, within six months of the date of certification of the LCP, develop an implementation schedule that shall include both timelines and local agencies responsible for implementation. The implementation schedule should include a matrix of activities and responsible parties. The schedule should also establish priorities for action. The action item to establish a "Levels of Service" section on Capital Facilities and Infrastructure should receive high priority.
2. The Town shall continue its exploration of potential water supply sites. By 2003, any site within the Pilgrim Lens that is found to be suitable for drinking water shall be designated as a PWSA and the Town shall implement all of the minimum performance standards that apply.
3. The Cape Cod Commission and the Town of Provincetown shall continue to collaborate on an Environmental Impact Statement/Report to establish future water supplies both inside and outside of the National Seashore and the ongoing USGS groundwater modeling study.

General Provisions

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 Provincetown. However, the LCP goals, policies and actions shall be considered by the Commission during any DRI review.
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 Provincetown shall insure that its development by-laws and regulations are consistent with its Local Comprehensive Plan within two years of the date of certification of this Plan. 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. Two years following the date of certification of the Plan, the Town shall provide the Commission with a written report on the status of implementation of actions contained in the plan, including the status of proposed revisions to the bylaws and regulations.
3. Pursuant to Section VI (A) of the Local Comprehensive Plan regulations, the Provincetown Board of Selectmen is responsible for implementation of the actions

and recommendations contained in the LCP. This authority may be delegated to another board or commission in accordance with the LCP regulations.

4. Pursuant to Sections 9, 14 and 15 of the Cape Cod Commission Act, the Town of Provincetown 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 Provincetown shall review and update its LCP within five years of certification of the LCP. In the event of amendment of the Regional Policy Plan, the LCP must be brought into conformance with the amended RPP pursuant to the Act and LCP regulations.
6. Any revisions or amendments to the LCP must be reviewed and certified for consistency with the RPP in accordance with the Act and LCP regulations.

Conclusion

With the conditions above, the Cape Cod Commission hereby certifies the Provincetown Local Comprehensive Plan.

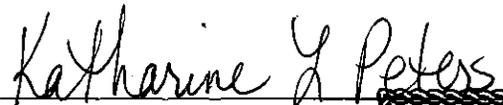


Frank Shephard, Chair

7/13/00
Date

COMMONWEALTH OF MASSACHUSETTS
Barnstable, ss.

Subscribed and sworn to before me this 13th day of July 2000



NAME, Notary

My Commission Expires _____

