



# CAPE COD COMMISSION

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## Sandwich Local Comprehensive Plan

### Certification

**June 25, 2009**

#### Introduction

The Draft Sandwich Local Comprehensive Plan Update (LCP) has been reviewed by the Cape Cod Commission's (the Commission) Planning Committee and on January 20, 2009 was granted preliminary certification pursuant to the Commission's Local Comprehensive Plan Regulations. Subsequently, the Draft LCP was revised and forwarded to Sandwich Town Meeting where it was approved on May 4, 2009. The Commission Planning Committee reviewed the final LCP on June 8, 2009 and voted unanimously to recommend final certification with conditions to the full Commission.

The Sandwich Local Planning Committee (LPC Committee) has overseen development of the plan's elements, articulated the town's overall goals, provided direction to the consultant team, and facilitated public involvement. In addition to the considerable time invested by the LPC Committee, many others have been instrumental in the completion of the LCP, including town staff, consultants and members of the community. The LCP incorporates the principles and design techniques of smart growth and sustainable development and is aimed at guiding growth and conservation policies for the next five to ten years in a manner that is both accessible and useful to the people of Sandwich.

#### Procedural History

The 2009 Sandwich LCP provides an update of the LCP that was adopted by the town in 1996. This prior LCP had not been certified by the Cape Cod Commission.

In September 2007, the Board of Selectmen appointed a Local Planning Committee (LPC) made up of citizens with a broad range of backgrounds and interests representing the diversity of Sandwich. Committee members include representation from the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Historic Commission, Economic Development Committee, Recreation Committee, Finance Committee, and other local interest groups. The LCP update was funded through



a state grant from the Massachusetts Office of Travel and Tourism received by the Cape Cod Canal Region Chamber of Commerce (and in cooperation with the Sandwich Chamber of Commerce), a grant from Barnstable County acting through the Cape Cod Economic Development Council, and the Town of Sandwich. In February 2008, planning consultants (Stantec) were hired to conduct the update and to ensure that the LCP was consistent with the Cape Cod Commission and state policy requirements.

The LPC hosted three smart growth workshops in January and February 2008 in order to focus attention on the South Sandwich Village Center, an effort that was supported by the Cape Cod Commission as part of a local technical assistance initiative funded by the state. During these sessions the LPC and Director of Planning and Development received community input on the overall LCP vision statement and solicited citizen input on strategies for redeveloping this commercial area of Sandwich. The last of these workshops was used as a kick-off to the LCP public participation process and was followed by further workshops (a mix of evening and day-long sessions) in April and May of 2008. The product of these workshops are incorporated into the plan and is attached in the appendices.

The LPC met regularly throughout this process and guided the development of the document, which culminated in the LPC committee submitting their final draft to the town in the fall of 2008. The Sandwich Planning Board held a noticed public hearing on November 6, 2008, a hearing at which no comment was received. The Sandwich Planning Board voted at that November 6, 2008 meeting to forward the LCP to the Commission for certification.

On January 20, 2009, the Planning Committee held a public hearing to receive comment on, and review, the draft LCP. At that hearing, the Planning Committee voted unanimously to grant preliminary certification of the draft LCP and on January 22, 2009 sent a letter to the town identifying revisions that were needed before final certification by the Commission, and suggested edits to the LCP that were offered to strengthen the plan but not required for certification.

On May 4, 2009, Sandwich Town Meeting voted to approve the final LCP and on May 18, 2009 the Sandwich Town Clerk forwarded the LCP to the Commission Clerk for final certification under the Commission's Local Comprehensive Plan Regulations.

On June 8, 2009, the Commission Planning Committee reviewed the final LCP and voted unanimously to recommend that the full Commission conditionally certify the approved LCP.

On June 25, 2009 at a regularly scheduled meeting the full Commission voted unanimously to grant final conditional certification to the approved LCP.

## Findings

1. The Town of Sandwich has demonstrated that the goals and policies of its 2009 Local Comprehensive Plan are consistent with the goals of the 2002 Regional Policy Plan. Additionally, the Commission finds no internal inconsistencies throughout the LCP. The LCP includes a description of the town's history, demographics and growth trends and text and graphics that clearly articulate the community vision for the future.
2. The 2009 Sandwich LCP comprises 10 sections: Land Use and Growth Management; Natural Resources; Economic Development; Transportation and Circulation; Public Facilities and Services; Housing and Neighborhoods; Open Space and Recreation Resources; Historic Preservation and Community Character; Sustainability Plan; and an Implementation Plan
3. The Sandwich LCP Action Plan contained in the Implementation section recommends specific planning goals to be addressed for each issue area and establishes policies for each goal; the leaders, partners and stakeholders for implementation of each policy; and, a timeframe for implementation categorized as short, medium and long term efforts.
4. The Sandwich LCP has captured the elements of the RPP's overarching land use goals—including key regional issues such as identifying strategic planning areas in which the Town will focus future development and redevelopment. Specifically, the Sandwich LCP identifies four of the strategic planning areas (Route 6A/Tupper Road/Town Marina area, South Sandwich Village Center, the Historic Village/Route 6A, and Sandwich Industrial Park) as areas to direct commercial, industrial and mixed use development. The Sandwich LCP also adopts policies to discourage strip development, to protect and enhance agricultural uses, use capital infrastructure efficiently, to protect sensitive resources, and to encourage sustainable development consistent with the carrying capacity of the town. The LCP acknowledges the need for a review of the town's zoning bylaw with an aim of encouraging village and clustered development and smart growth and to consider regulatory tools to target growth in these areas such as transfer of development rights, design review regulations, natural resource protection measures and hazard mitigation. The LCP goals and policies taken together should sufficiently guide the town to revise its zoning bylaw in a manner that will strengthen village centers, protect open space and effectively prevent commercial sprawl along roadways.
5. The Sandwich LCP addresses issues related to water resources, coastal resources and wetlands and wildlife habitat in Section 2 of the plan. The LCP acknowledges the importance of these natural resources in planning for the future of the town and the quality of life of its residents. The LCP includes an assessment of the town's surface water bodies and ground water resources and incorporates goals aimed at improving water quality, conservation, treatment of wastewater and

stormwater management techniques. The LCP also includes goals to protect maritime industry, character and public access, to mitigate coastal hazards, and to preserve coastal water quality and habitat. Particularly, the plan goes a long way to identify and address the coastal flood hazards that are present in Sandwich and to present specific actions to mitigate those hazards, including implementation of the Pre-Disaster Mitigation Plan (which includes the town's Flood Hazard Mitigation Plan), and a focus on climate change adaptation. The LCP also describes the importance of protecting wetlands and rare species habitat, has a good inventory of natural resources in Sandwich, and provides a discussion of challenges to protecting those resources. In addition, the plan addresses the Cape Cod Pathways goal to connect walking trails throughout the Cape, tying that interest in with the local goal of preserving wildlife corridors along the ridge/moraine. Land Use goals LGM-6 and LGM-9 to protect camp lands and agricultural lands are also consistent with the 2002 RPP.

6. The Sandwich LCP Economic Development section identifies the town's goal to expand commercial and light industrial development in the town while recognizing that the town's historic and natural resources play an essential role in the success of the economy. The LCP provides a balanced picture of the development opportunities available to the town. The plan encourages the development of compatible businesses, appropriately located, that provide quality employment opportunities for residents.
7. The Sandwich LCP Transportation and Circulation section identifies actions and initiatives aimed at creating a safe and efficient transportation system. The LCP includes an inventory and capacity analysis, future projections and analysis and recommended improvements and actions. The LCP also identifies next steps to implement the actions, including assessing the impact of land use regulations in support of sustainable transportation improvements and appropriate structural mitigation measures that are consistent with the RPP. The plan also aims to encourage and enhance pedestrian and bicycle facilities and public transit services.
8. The Sandwich LCP Community Facilities section provides an inventory, analysis and plan for the town's land, buildings and facilities. The section provides an assessment of the town department's needs in order to provide adequate services for the population and incorporates the town's long range strategic plan. This section connects well with the other sections of the plan, including discussions of water resource related issues (water supply, protection and solid waste issues), the roles of various town boards and committees and linking the town's municipal facilities planning to expected buildout.
9. The Town has succinctly summarized the characteristics of both its overall and affordable housing inventory, its affordable housing needs, and recent trends. In addition, it has described how a variety of existing conditions and land use regulations pose a challenge to affordable housing creation as evidenced by the

fact that 97% of the town's affordable housing has been created via the Chapter 40B comprehensive permit process. Section 6 of the LCP satisfies the requirements of the LCP regulations to "include a basic inventory of existing resources, including benchmark data" and "an analysis of existing conditions, problems, and future needs" with respect to affordable housing. The Town should be commended for being one of the first in the region to complete a housing needs assessment (2002) and a housing action plan (2004) that met the requirements of DHCD's Planned Production regulations. The action plan formed the basis of much of what was included in the Implementation Plan.

10. The Sandwich LCP incorporates Sandwich's Open Space and Recreation Plan which was completed in 2006. The Commission staff wrote a letter of support to the Division of Conservation Services for that plan. The plan continues efforts to protect the town's natural resources, conserve open space and provide a variety of recreational opportunities.
11. The Sandwich LCP recognizes the importance of protecting the town's heritage resources throughout the plan, specifically mentioning historic resources in goals and action items in the Land Use, Economic Development, Transportation, and Community Character sections. This recognition of the inter-relationship between the plan's chapters is important to effectively preserving the town's heritage resources. The Heritage Preservation Chapter, largely taken from the 2002 Sandwich Historic Preservation Plan by Larson Associates, is thorough, addressing protection of resources through education, public relations, archival protection, tourism efforts, and regulations. Acknowledging that the Old King's Highway Historic District provides protection for many of the town's historic structures, the Plan focuses on additional tools such as demolition delay, conservation districts, and cultural landscape inventories to address gaps in protection.
12. The Sandwich LCP includes a chapter on Sustainability, which aims to integrate sustainable development practices throughout the LCP's policies and allows the town's desired growth to continue in a manner that protects the environment, encourages social and economic equality, conserves energy and the town's natural and water resources.

## **Conditions**

1. In order to be consistent with Section II.A. of the Commission's LCP regulations, the Town of Sandwich shall amend the LCP to include evidence that the municipality consulted adjacent municipalities regarding shared concerns, such as shared geographic features and resources, shared public facilities and services, and shared transportation systems. Where overlapping mutual interests exist, the LCP shall reflect inconsistencies between neighboring towns and the RPP. The LCP shall be amended to include a narrative of these shared resources in order to maintain this certification within one calendar year of this decision. In the event

that Sandwich town meeting does not vote to amend the LCP in accordance with this condition by this deadline, the Town of Sandwich may request an extension of this conditional deadline to maintain certification and the Commission shall consider such request at a regularly scheduled meeting. In the event that Sandwich town meeting does not vote to amend the LCP, and the Town of Sandwich does not seek an extension to the conditional deadline, then the Commission's conditional certification will lapse. This condition does not prevent the Town of Sandwich from imposing impact fees or executing Development Agreements in the intervening timeframe.

2. In accordance with Section 1E of the Commission's LCP regulations, an Action Plan Manager shall be appointed by the Board of Selectmen to carry out the duties of implementing and updating the LCP. The Board of Selectman shall notify the Commission of this appointment within 6 months of the date of this LCP Certification.

## **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 (DRI) within the Town of Sandwich. However, the Commission shall also consider the LCP goals and policies during a DRI review.
2. Pursuant to Section 9(c) of the Cape Cod Commission Act and Section V.B. of the LCP Regulations, in order to maintain certification of the LCP, the Town of Sandwich shall ensure that its development bylaws and regulations are consistent with its LCP 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.
3. Section VI.A of the LCP Regulations states that the Commission shall revoke an LCP certification if a town fails to implement that portion of the LCP that provides for the development of low and moderate income housing consistent with local needs within a reasonable period of time following this certification. The Commission will consider good faith efforts by the Town in making progress toward affordable housing goals and/or local standards.
4. Pursuant to Section VI.B of the LCP Regulations a town must provide the necessary capital facilities in accordance with its LCP's plan for capital facilities or decertification may result. Such provision of capital facilities in accordance with the LCP will be reviewed by the Commission at five-year intervals.
5. Pursuant to Sections 9, 14 and 15 of the Cape Cod Commission Act, The Town of Sandwich may enter into development agreements and may impose impact fees as

long as the town has a certified LCP and has a bylaw enabling them to enter into a development agreement.

6. Pursuant to Section VII of the LCP Regulations, the Town of Sandwich shall review and update the Action Plan of its LCP every five years, and shall review and revise its entire LCP every ten years.
7. Any substantive 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 Commission hereby certifies the 2009 Sandwich Local Comprehensive Plan.

  
Mr. John D. Harris  
Chairman

25 JUNE 2009  
Date

### COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

June 25, 2009

Before me, the undersigned notary public, personally appeared John D. Harris, in his capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness, or  personal knowledge of the undersigned.

  
Notary Public  
My Commission Expires:

10.13.11