



Cape Cod Commission and the TOWN OF DENNIS

April 17, 2007

Representation on the Cape Cod Commission provides each Cape Cod town with opportunities to participate in setting regional policy and to advocate for the town's interests in land use planning and regulatory matters at regional, state, and federal levels.

The Cape Cod Commission provides services and coordinates activities in these major areas:

- **planning and community development**, which includes community character, design, and historic preservation; economic development; natural resources and land protection; and solid and hazardous waste management;
- **affordable housing;**
- **geographic information systems;**
- **transportation;** and
- **water and coastal resources.**

The Cape Cod Commission also reviews and regulates **Developments of Regional Impact** (DRIs); recommends designation of **Districts of Critical Planning Concern** (DCPCs) that allow communities to protect resources of significant regional value; and prepares and oversees the implementation of the **Regional Policy Plan**, the set of planning policies and objectives that guide development on Cape Cod.

DENNIS NOTES:

The Town of Dennis benefits from its membership in the Cape Cod Commission by being able to take advantage of the Commission's planning and technical expertise (see specifics that follow).

The town also benefits by being able to influence the outcome of development proposals that occur both within its boundaries and outside of them, for example, in the nearby towns of Brewster, Harwich, Yarmouth, and Barnstable.

Regional Planning and Technical Assistance

Planning and Community Development

- The Cape Cod Commission prepares, revises, and implements the Cape Cod **Regional Policy Plan** and supports the development, revision, and implementation of **Local Comprehensive Plans**. The Commission also recommends designation of **Districts of Critical Planning Concern** (DCPCs) that allow communities to protect resources of significant regional value.
- To support local planning and growth management efforts, the Commission prepared 14 **model bylaws** for towns to consider adapting to their needs. In addition, the Commission developed the **Route 6A Corridor Management Plan** and an American Planning Association award-winning manual, **Designing the Future to Honor the Past**, to guide the design of developments in communities.
- After passage of the Cape Cod Land Bank bill in 1998, the Commission provided support for local Land Bank committees by organizing regular meetings and special workshops, collecting and sharing land-acquisition data, and providing a Web site of related information. The Commission is now providing a similar service for **local Community Preservation Act committees**. Recent activities have included workshops related to historic preservation issues, including one on the Secretary of the Interior's Standards for the Treatment of Historic Properties and one on preservation restrictions.
- The Cape Cod Commission coordinates **Cape Cod Pathways** and organizes Cape Walk and Walking Weekends to highlight Cape Cod's natural and scenic resources.

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DENNIS NOTES:

- *The Cape Cod Commission has worked with the Town of Dennis on the town's **Local Comprehensive Plan (LCP)** and its certification process for consistency with the Regional Policy Plan. The Commission awarded Dennis \$55,433 for LCP development in June 1994. The town also remains eligible to receive \$25,000 from Barnstable County's 2002 LCP Implementation Grant program, which is administered by the Commission (see next item).*
- *The Cape Cod Commission is working with the Town of Dennis to encourage the **revitalization of Dennisport**. In 2004, the Commission provided assistance with the Dennisport village bylaw and design guidelines and an explanatory brochure. More recently, work has focused on a potential Growth Incentive Zone (GIZ) for Dennisport to encourage economic development and mixed use in that area. The GIZ proposal includes a traffic study conducted with funds from the LCP Implementation Grant program (mentioned above).*
- *The Cape Cod Commission has provided **assistance with historic preservation issues** to the Dennis Old King's Highway Historic District Committee, generally helping the committee with difficult review projects and identifying ways to avoid demolition of historic buildings. The Commission is currently working with graduate students from Boston University's Historic Preservation Program to create **an inventory of cultural landscapes** in the towns of Dennis, Brewster, and Harwich.*
- *The Cape Cod Commission has provided special planning and technical assistance for the **Quivet Neck/Crowe's Pasture** area of East Dennis. In 2001, the Commission reviewed the town's proposed zoning bylaw revisions to guide development and protect natural resources in the area. In August of that year, the town decided to*

Planning and Community Development, cont.

- The Cape Cod Commission coordinates the region's involvement in **natural hazards pre-disaster mitigation planning**. As part of that effort, the Commission developed a regional plan to keep the area eligible for possible future state and federal funds and has helped many Cape towns develop a local plan.
- In cooperation with other economic development and business groups, the Commission prepares the annual **Comprehensive Economic Development Strategy (CEDS)** for Cape Cod, which helps make Cape towns eligible for funds from the US Economic Development Administration to support job-creating infrastructure projects. The vision set forth in the strategy document is for community sustainability.
- The Cape Cod Commission provides support to Cape towns on **solid and hazardous waste** management issues. The Commission is currently encouraging a review of and planning for **new long-term solid waste disposal options for Cape communities**. The goal is to prepare for the possible renegotiation of contracts with the SEMASS waste-to-energy facility in Rochester, Massachusetts, before current town contracts expire, and to explore feasible alternatives, if any.

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nominate 250 acres as a District of Critical Planning Concern (DCPC). The Commission reviewed the nomination and recommended its designation, and the Barnstable County Assembly of Delegates approved the DCPC in March 2002. 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 soil-limitation 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, stormwater management, scenic vista, and shoreline conservation provisions; it also regulates grid-style and cluster-style subdivisions. In 2003, the Cape Cod Commission supported the town's pursuit of a grant from the US Fish and Wildlife Service/National Coastal Wetlands Conservation Grant Program to purchase some of the Crowe's Pasture property. In 2004, the Commission provided technical comments on the state Environmental Notification Form for the Quivett Creek Marsh Restoration Project.

- *The Cape Cod Commission has supported the town's application for state **Self Help Grant** funds for the acquisition of several properties in Dennis, including the Paddock Farm (2006), the Welch property in Quivet Neck (2005), the Howland property on Bass River (2005), and the Johnson property (2001).*
- *The Cape Cod Commission has provided a variety of assistance to the Town of Dennis for **solid and hazardous waste management**. Since 1995, the Commission has helped out at the town's household hazardous waste collection events. (The town also benefits from participation in the county's joint bid for hazardous waste collection services.) In addition, the Commission has advised the town on private initiatives for the collection and transport of recycled materials to an off-Cape paper-processing facility, on an alternative mattress-recycling program, and on Pay-As-You-Throw solid*

Planning and Community Development, cont.

waste management programs. Earlier this year, the Cape Cod Commission's solid waste planner discussed **SEMASS contract issues** with the Dennis Board of Selectmen. A regional contract committee representing each Cape town is being planned.

- Working closely with local planning officials, in 2000 the Cape Cod Commission completed a **buildout analysis** for the town. The analysis, funded by the Massachusetts Executive Office of Environmental Affairs, made extensive use of the Commission's Geographic Information System (GIS) mapping and data analyses to project existing zoning into the future to assess the final impacts of residential, commercial, and industrial growth when all remaining developable land is built. The analysis allowed the town to examine the cumulative potential impacts of growth and to reconsider zoning and other bylaws.

Affordable Housing

- The Cape Cod Commission coordinates **Barnstable County's special affordable housing programs**; the **HOME Consortium**, which was established in 1993 to attract federal and state funds to the region through the HOME Program, the Down Payment Closing Cost Assistance Program, and the Homeowner Repair Program; the **Soft Second Loan Program**; and a **Technical Assistance Program**.

- The Commission also monitors **Chapter 40B developments** Capewide and provides technical comments to local boards reviewing Chapter 40B proposals in their communities. The Regional Policy Plan provides a framework for supporting local decisions. For example, in a recent Barnstable case, the Massachusetts Housing Appeals Committee indicated that it will respect regional

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DENNIS NOTES:

- Between July 1994 and January 2007, the HOME Program had provided a total of **\$336,200 to four affordable rental projects** in Dennis, two of which were completed in 2005–2006: the seven-unit all-affordable rental project (“top of the shop”) in Dennisport, and the 46-unit all-affordable senior rental housing project (“Northside Village”) on Route 6A.

- Forty-eight Dennis households have received housing assistance totaling \$294,276 from the **HOME Down Payment/Closing Cost Assistance Program** since 1994. Seven Dennis households have also received assistance totaling \$44,520 from the **HOME Homeowner Repair Program** in that period.

- In 2003, the Cape Cod Commission's **Technical Assistance Program** awarded \$3,000 to Dennis to develop its affordable housing action plan.

Affordable Housing, cont.

planning concerns when reviewing an appeal from a town's denial of a 40B project.

Geographic Information System (GIS)

- The Cape Cod Commission is a service center for regional Geographic Information System (GIS) data and maps. The Commission also processes **data updates** and contributes to regional programs. Technical assistance for Cape Cod towns ranges from copies of **data layers** to more-involved **maps with drafts and revisions**. Towns with their own systems often request Commission-created data, especially for neighboring towns. Towns without their own systems often request printed maps to be used for educational purposes (such as posters at town meetings) or GIS data to be used by hired consultants.

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- *The Cape Cod Commission has provided technical assistance and comments to the town on several **Chapter 40B housing proposals** in Dennis, including Northside (2002 and 2000), 729 Route 134 Realty Trust (2001), Dennis Commons (1998), and Searsville Acres (1991).*

DENNIS NOTES:

- *The Cape Cod Commission's GIS department has worked extensively with the Town of Dennis to **digitize thematic maps** and utilize them for analysis and to create new maps for many projects.*
- *A major project has been the conversion of paper assessor's maps that show property boundaries into **digital parcel layers** ("parcels") for use in the GIS. The parcels combined with an assessor's database enable a GIS user to calculate areas, types of land use, location of protected open space, and more. Detailed analysis was done for each of the 15,000 parcels in Dennis, representing approximately \$30,000 to \$40,000 in Commission staff time at no cost to the town. The current work to update the assessor's parcel maps will be as accurate as the state-produced aerial orthophotos and more precise than previous digital parcel maps.*
- *The Cape Cod Commission has prepared 14 thematic maps for the Dennis **Local Comprehensive Plan** (LCP) effort, at the request of the town planner. Maps covered zoning, town-owned properties, and vacant land. The Commission has also provided 34 thematic data layers for use with the town's GIS software.*
- *The Cape Cod Commission's GIS Department installed **Pictometry** aerial images and processing software on computers in the Dennis Management Information Systems, Assessing, Engineering, Planning, Natural Resource, Police, and Fire departments in October 2005 at no cost to the town.*

Geographic Information System, cont.

- *In 1998, the Cape Cod Commission and the state agency MassGIS produced a **Cape Cod GIS CD-ROM** to help towns handle much of their own custom map production. The CD-ROM combined all the Commission's GIS data and all the MassGIS data, including new state Department of Environmental Protection wetlands delineation, topography, and digital aerial photos. Several copies of the CD-ROM were provided to Dennis departments.*
- *The Cape Cod Commission has worked with the Dennis Natural Resource Officer to produce **trail maps for conservation areas and for off-road vehicle trails** for inclusion in public-information brochures. The Commission has also provided the Dennis Conservation Trust with maps showing protected open space.*
- *Dennis has also benefited from the Commission's GIS services for these **regional projects**:*
 - *Regional Open Space Update (2007), on-going work to add records to digital maps of protected open space parcels and to update their attribute tables. The project reflects Registry of Deeds data and input from local conservation commissions and The Compact of Cape Cod Conservation Trusts. Parcels obtained by the Dennis Land Trust have been added to the digital map.*
 - *Pre-Disaster Mitigation Plan (2003), which included a Risk and Vulnerability Assessment map of the Town of Dennis;*
 - *Priority Land Acquisition Assessment Project (1999), which ranked vacant parcels for potential public water supply;*
 - *Cape Cod Coastal Embayment Project (1998), which included maps and statistical analysis;*
 - *Cape Cod Wildlife Conservation Project (1998), which included maps for biologists to locate significant natural habitat;*
 - *Old King's Highway/Route 6A Corridor Management Plan (1995) and the Old King's Highway Regional Historic District Bike Map (1999);*

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Geographic Information System, cont.

- *Monomoy Lens Project (1993), which included statistical analysis, digitization of five towns' parcels, and mapping of private well locations and fresh water recharge; and the Monomoy Capacity Study, which included statistical analyses for traffic modeling, buildout, nitrogen loading, and land use;*
- *Cape Cod Heritage Attractions map (annually from 1992 through 1999); and*
- *Cape Cod Rail Trail sign and Cape Cod Pathways maps.*

Transportation

- The Cape Cod Commission **helps address local and regional transportation needs through its regulatory process**, guided by the goals and standards in the Cape Cod Regional Policy Plan.
- The Commission conducts **specialized transportation studies** for Cape Cod towns, for example, to analyze traffic congestion and safety problems and help communities respond to their concerns.
- The Cape Cod Commission provides staff support to the **Cape Cod Metropolitan Planning Organization (MPO)**, a collaboration of local, regional, state, and federal officials and members of the private sector with an interest in improving Cape Cod's year-round transportation needs.
- The Cape Cod Commission maintains and updates the **Regional Transportation Plan** and prepares the annual **Transportation Improvement Program (TIP)**, which are the primary means by which federal and state funds are allocated to the Cape's transportation projects. The Cape Cod MPO votes on federally required documents.

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DENNIS NOTES:

- *The Cape Cod Commission's review of Developments of Regional Impact (DRIs) makes **funds for roadway improvements and transportation mitigation** available to both the towns in which the projects occur and the neighboring towns on which the projects have an impact. For example, the Commission's 2001 review of the Crowell Golf Driving Range DRI resulted in about \$3,000 in transportation mitigation for intersection improvement design work at Route 134 and Upper County Road in Dennis. The town was also allocated a share of the required transportation mitigation for the 2003 BJ's Wholesale Club project in Barnstable; the town has decided to commit these funds (\$18,600) to the design of the proposed westerly extension of the Cape Cod Rail Trail.*
- *The Cape Cod Commission completed a regional **traffic congestion and safety study of a portion of Route 28** through Chatham, Harwich, Dennis, and Yarmouth last year. The report provides analyses of traffic flow volumes and conditions, analyses of crash data (broken down by severity, manner, time of day-week-month, weather, etc.), and preparation of a 'Synchro-SIM' model of traffic operations showing signal operations,*

Transportation, cont.

- The Cape Cod Commission provides staff support to the **Cape Cod Joint Transportation Committee** and the **Cape Cod Transit Task Force** for additional input into the transportation planning process.
- The Commission conducts **annual summer traffic counts** in all Cape towns. These data are particularly valuable to planners, engineers, departments of public works, and police.

queueing, delays, etc. Preliminary recommendations specific to Dennis include changes in traffic patterns in Dennisport, removal of the signal at Upper County Road, and installation of short turning lanes at the Route 28/Route 134 intersection. The report also recommends the optimization of signal timing, lane markings, pedestrian accommodations, and access management along the entire Route 28 corridor.

- *The Cape Cod Commission worked with the Massachusetts Department of Conservation and Recreation to **reconstruct portions of the Cape Cod Rail Trail**. Work was completed in early summer 2006.*
- *The Cape Cod Commission has provided assistance in obtaining state and federal funds for transportation projects through the annual **Transportation Improvement Program (TIP)**, including:*
 - *\$1.5 million for Route 28 work in Dennis and Harwich (2003)*
 - *\$3 million for the Route 6 Interchange 9 work at Route 134 (2003)*
 - *\$0.7 million for work on Setucket Road from Old Bass River Road to Route 134 (1999)*
 - *\$1.4 million for bridge work across Route 6 in Dennis and Yarmouth (1996)*
- *The Cape Cod Commission has performed **traffic counts on road segments and intersections** in Dennis each year since 1990. Road segments and intersections have included portions of Access Road, Airline Road, Bob Crowell Road, Bridge Street, Crestwood Lane, Depot Street, Division Street, Great Western Road, Hall Street, Hibbards Road, Highbank Road, Hokum Rock Road, Lighthouse Road, Lower County Road, Main Street, Market Place, Mayfair Road, Mill Street, New Boston Road, Old Bass River Road, Old Chatham Road, Old Main Street, Old Wharf Road, Olde Dennis Road, Scargo Hill Road, School Street, Sea Street, Searsville Road, Setucket Road, Shadhole Road, South Gages Way, Swan River Road, Telegraph Road, Theophilus Smith Road, Trotting Park Road, Upper County Road, Woodbine Drive, and Routes 6A, 6, 28, and 134.*

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Water and Coastal Resources

- Informed by its coastal and freshwater water-quality studies, the Commission participates in **regional and local wastewater planning**. The Commission supports Barnstable County's Cape Cod Water Protection Collaborative and its Technical Advisory Committee (formerly called the Wastewater Implementation Committee) to help explore regional opportunities for effective wastewater management and to help develop a regional wastewater management plan for Cape Cod.

- The Commission is a technical partner in the **Massachusetts Estuaries Project**, a state, regional, and local collaboration to address water quality in the Cape's embayments. The project will determine embayment-specific nitrogen-loading management criteria and provide preliminary restoration scenarios. The School of Marine Science and Technology at the University of Massachusetts–Dartmouth is conducting the project for the Massachusetts Department of Environmental Protection.

- The Commission coordinates the Cape Cod **Pond and Lake Stewardship Program** to study and protect freshwater water quality and, in 2003, published the *Cape Cod Pond and Lake Atlas*, the most comprehensive count of ponds and review of pond depth and water quality ever completed for the region.

- The Commission works to identify future **public water supplies** and protect existing and future ones. As part of this effort, the Commission monitors groundwater levels in wells across the Cape each month.

- Through the Cape Cod Groundwater Guardian Team, the Commission conducts **water-education activities** in area schools and on the Web.

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DENNIS NOTES:

- *The Cape Cod Commission has provided assistance with **wastewater planning** in Dennis, recently coordinating a county-funded Cape-wide US Geological Survey groundwater modeling project to evaluate existing and potential future wastewater disposal sites and to quantify potential impacts of wastewater flows on wells, estuaries, and ponds. The regional modeling technique helped to lay groundwork for Dennis's future Comprehensive Wastewater Management Planning efforts. It also helped the Dennis Water District review the impacts of clay layers found in an area being considered for future drinking water supply wells.*

- *Through the county's partnership in the **Massachusetts Estuaries Project (MEP)**, the Cape Cod Commission has studied water quality and nitrogen loading issues across the Cape. This year, the Commission began MEP watershed analysis work on Sesuit Harbor in Dennis.*

- *In 1994, the Cape Cod Commission provided \$23,000 to Yarmouth for a **tidal flushing study of the Upper Bass River**. The study was coordinated with Dennis and led to a watershed-based nitrogen-loading analysis in the 1998 Cape Cod Coastal Embayment Project report. (The project was funded under a \$131,000 state Clean Water Act grant.)*

- *The Cape Cod Commission has coordinated **water quality "snapshots"** (sampling and analyses) for many ponds and lakes in Dennis, as follows:*

- *In 2006: 11 ponds, for a total of 45 samples*
- *In 2005: 12 ponds, for a total of 50 samples*
- *In 2004: 11 ponds, for a total of 48 samples*
- *In 2003: 11 ponds, for a total of 24 samples*
- *In 2002: 2 ponds, for a total of 4 samples*
- *In 2001: 10 ponds, for a total of 22 samples*

The total number of samples to date is 193; the lab analysis alone is valued at \$100 per sample, so the total value to Dennis is at least \$19,300 over the six years. The value of the actual in-the-

Water and Coastal Resources, cont.

field sampling activities and the organizational effort, all managed by Cape Cod Commission staff with the help of a network of volunteers, is above and beyond that estimate.

- *The Cape Cod Commission has recently worked to interpret five years of **Dennis pond data** from the Pond and Lake Stewardship Program and the Cape Cod National Seashore at an estimated cost of \$25,000 from Barnstable County's Growth Management Initiative. The Commission's work has included review of data and preparation of detailed assessments of water quality. A report detailing the review is planned for August 2007. The Commission has also worked to prepare maps and parcel databases to help town volunteers reviewing septic records for properties abutting ponds. Pending final Barnstable County approval (expected April 18, 2007), Dennis will receive a **Pond and Lake Stewardship grant for \$3,600** for laboratory analysis of water samples collected in 2007.*

- *The Cape Cod Commission's 2003 **Cape Cod Pond and Lake Atlas** contains preliminary reviews of the environmental condition of two Dennis ponds (with an estimated value of \$1,000 per assessment). The atlas also provides an overall regional context for review.*

- *The Cape Cod Commission has organized several **water education festivals** for Dennis students and teachers in the last several years. In 2002, 360 students from Yarmouth and Dennis enjoyed a festival. In 2006, 100 students from the Ezra Baker School and 100 Dennis Girls Scouts participated in water education festivals. The most recent festival (January 2007) involved 110 students from the Ezra Baker School.*

Regulation of Developments of Regional Impact

Dennis projects that have completed the DRI review process:

Type of Review	Approved	Denied
DRIs and Major Modifications	4	2
Exemptions	2	-
Hardship Exemptions	1	1
Settlement Agreements	-	-
Development Agreements	-	-
Procedural Denials	-	1
TOTALS:	7	4

Listed in reverse chronological order by date of Cape Cod Commission decision:

- **Dunkin Donuts/Retail Development** - In October 2006, the Cape Cod Commission approved with conditions a Hardship Exemption for the replacement of a 2,700-sq.ft. bookstore and real estate office on the corner of Routes 28 and 134 in West Dennis with a 2,050-sq.ft. Dunkin Donuts restaurant and 1,500-sq.ft. of retail space. The Commission accepted the discretionary referral from the Town of Dennis and reviewed only the transportation impacts of the project.
- **Cape Cod Regional Transit Authority Operations/Maintenance Center** - In April 2005, the Cape Cod Commission approved a DRI Exemption for the construction of a bus/vehicle operations/maintenance center in two buildings (24,100 sq.ft. and 21,450 sq.ft.) on 10 acres at 40 American Way.
- **Sprint Spectrum** - In June 2004, the Cape Cod Commission approved with conditions a DRI for the construction of 100-ft.-tall monopole wireless communications tower at the Northern Paving site in Dennisport. The Commission placed limits on height, design, color, hazardous materials, and lighting, required space for town communications systems, and required reports over time.
- **Dennis Filled Tidelands (Howland Site)** - In January 2003, the Cape Cod Commission approved with conditions a DRI for the reconstruction of a 3,800-sq.ft. restaurant, 4,200-sq.ft. retail space, boat ramp and piers, and removal of mini golf on 2.5 acres at 40 West Main Street, West Dennis. In July 1996, the Commission had denied on procedural grounds the reconstruction of the mini golf course at the site.
- **Great Atlantic & Pacific Tea Company** - In April 2001, the Cape Cod Commission denied a DRI for the construction of a 39,388-sq.ft. supermarket and demolition of a horse farm and apartments on 19 acres on Route 134.
- **Eagle Pond Assisted Living Facility** - In February 1999, the Cape Cod Commission denied a DRI for a 47-unit, 34,651-sq.ft. assisted living facility on 5.1 acres at 5 Love Lane.
- **Bass River Dredging Project** - In January 1998, the Cape Cod Commission approved with conditions a DRI for the dredging of Bass River over 10 years.
- **Lighthouse Road Bridge** - In April 1993, the Cape Cod Commission approved a DRI Exemption for the reconstruction of an existing bridge on Lighthouse Road.
- **Crowell Golf Driving Range** - In October 1990, the Cape Cod Commission approved with conditions a DRI for a golf driving range on 19 acres at Great Western Road, South Dennis. (Two months earlier, the Commission had denied a Hardship Exemption for the project.) The town received about \$3,000 for transportation mitigation, which was used for intersection design improvements at Route 134 and Upper County Road.