

BARNSTABLE COUNTY

In the Year Two Thousand and Nine

Ordinance 09-12

To establish a District of Critical Planning Concern pursuant to the Cape Cod Commission Act ("the Act") for the Craigville Beach area, Barnstable, Massachusetts.

Barnstable County hereby ordains:

SECTION 1.0 Source of Authority and General Purposes

As authorized by Section 10 of the Cape Cod Commission Act, the Barnstable County Assembly of Delegates hereby designates the Craigville Beach District as hereinafter described, a District of Critical Planning Concern ("District" or "DCPC"). The purposes of this District shall be the protection of natural resource interests including mapped habitat according to the Commonwealth's Natural Heritage and Endangered Species Program, shoreline habitat suitable for shellfishing, preservation of vegetation to decrease damage from flooding, preservation of kettle ponds; protection of groundwater quality and water quality due to nitrate concerns; protection and preservation of the waterfront from inappropriate uses; maintain scenic views of Nantucket Sound from public view in Craigville, preservation of the character of historic homes and development patterns; protection of cultural, historic and architectural character; and to manage growth in a manner that is compatible with the resource protection goals of the District.

SECTION 2.0 Effective Date

The Ordinance shall take effect upon the effective date of this ordinance or upon recording of this Ordinance at the Barnstable County Registry of Deeds, whichever occurs later.

SECTION 3.0 Written Description of the Area

The area nominated for District designation is as follows:

The Craigville Beach area is bounded on the south by Nantucket Sound; on the east by the eastern boundary of the Covell's Beach property, Craigville Beach Road, Marie Avenue and Old Craigville Road and Red Lily Pond; the northern boundary is delineated by boundaries of parcels that have frontage on the Centerville River and/or are of elevation that provide landward views from Nantucket Sound and Craigville Beach, with the exception of map 207, parcels 091-002 and 104, and map 227, parcels 116, 117, and 118, properties south of Horseshoe Lane, properties south and west of Craigville Beach Road and most properties south of South Main Street to the Centerville River Bridge; and to the west by Bumps River. The western boundary on Long Beach extends to and includes parcel 185-040. The exact boundaries are shown on the map attached to this ordinance as Exhibit A that is incorporated by reference.

The proposed district encompasses 445.2 acres of land area, of which approximately 65.6 are open water.

The land and water within the proposed Craigville Beach District reasonably belong within the District because, among other things: 1) they are part of a historic village, 2) a large number of properties drain directly to the Centerville River, 3) the roadways are part of a contiguous scenic landscape with shared views to Nantucket Sound, and, 4) a portion of the area is part of contiguous area mapped as habitat according to the Natural Heritage and Endangered Species Program. Land and water within the District form a critical area and this area needs further protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. The boundaries of the proposed Craigville Beach District, as established, are easily identifiable and appropriate given the purpose of the designation.

SECTION 4.0 Type of District/Reasons for Designation

The proposed Craigville Beach District as described above qualifies under Section 10(a) of the Cape Cod Commission Act for designation as a District due to the following factors:

a) The presence of significant wildlife, natural, coastal, cultural, architectural, historic, archaeological and recreational resources, as well as values of regional, statewide and national significance as described below.

As the Town of Barnstable identified, this area is designated as the following:

1. Wildlife, Natural, Scientific, or Ecological Resource District
2. Cultural, Historic, Architectural, or Archaeological Resource District
3. Hazard District
4. Waterfront Management/Watersheet Zoning District
5. Other- Wastewater Management District

SECTION 5.0 Reasons for the District's Designation

The area is of Critical concern to the region because of its historic and scenic value; and its visible location in a distinctive coastal habitat that includes sensitive freshwater resources, sensitive coastal resources; flood hazard protection; and its natural, historic, cultural, archaeological and architectural resources.

The potential for uncontrolled or inappropriate development exists within the district. Increases in the height and bulk of dwellings often increase wastewater flows and require expansion of on site septic system capacity. This in turn, further impairs water quality in the Centerville River, where shellfishing is currently prohibited due to nutrient loading and bacteriological impacts from on site systems. The threat posed by the siting and massing of redeveloped residences could affect the historic character of the area, and viewsheds to Nantucket Sound may be lost. The resources of this district will be better protected if development proceeds in a more controlled manner.

The proposed district will preserve and maintain values and resources intended to be protected by the Act. Controlled development within the proposed Craigville Beach District is important for the protection of surface and coastal water quality; protection of shellfish resources; preservation of the area's unique scenery, cultural, historic, archaeological, architectural resources and community character; protection of habitat mapped by the Natural Heritage and Endangered Species Program; for flood hazard protection; and for protection of scenic landscapes and views. There are planning and regulatory tools available which are likely to be effective in protecting or otherwise meeting the objectives of the District and that current regulatory mechanisms are not in place to control growth and development in a manner that would protect the resources within the proposed District.

Set forth below are the reasons why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner.

SECTION 5.1 Water/Coastal/Flood Hazard Resources

Craigville Beach is a south facing barrier beach created by wave action that carries sand along the coast to form a long spit of land. The beach is dynamic, re-shaped by waves, storm surge, and winds. The Centerville River is located to the north of the barrier beach and contains a complex system of streams and salt marshes. The river flows out to Nantucket Sound near East Bay. This is a fragile environment, subject to erosion. Manmade structures prevent the natural process that moves sand along the barrier beach. As a result the beach has been starved and the shoreline has changed, especially at the west end. Properties along Long Beach Road and on the south side of the beach, including the Town's bathhouses are in or close to the FEMA Velocity Zone, vulnerable to damage by storm waves. Development on the Centerville River on the north side of the barrier beach is located in the FEMA Velocity Zone, vulnerable to damage by storm waves. Development on the Centerville River on the north side of the barrier beach is located in the FEMA A and B flood zones, subject to flooding during major storms.

The landscape of the Craigville Beach District is low lying and interspersed with estuaries, streams, and wetlands. The soils are predominantly coarse sands and gravels laid down as part of glacial outwash plains. Saltwater embayments reach far inland, surrounded by an extensive marsh system. These embayments were originally glacial streams that have become tidal with a rise in sea level. Kettle ponds surrounded by higher bluffs are found at Lake Elizabeth and Red Lily Pond. The Centerville River is actually a groundwater fed stream that receives drainage from surrounding shallow watersheds and serves as an anadromous fish run used by some saltwater species for breeding and spawning.

Craigville and Covell's Beaches total almost 18 acres of beach and provide 0.36 miles of public shoreline on Nantucket Sound. The protected open waters and the horseshoe beach are highly utilized for both active and passive beach activities within the town during the summer months. In addition, the Town has recently funded a Coastal Access Plan to improve existing town owned coastal access parcels. Private interests own the remainder of Craigville Beach, including Long

Beach. Inappropriate use of the shoreline, including motorized watercraft uses, can adversely affect the barrier beach system.

Much of the area adjacent to the beach, estuaries and wetlands, has a low depth to groundwater where septic system effluent and surface water run-off are a potential source of contamination to surface waters and groundwater. Many buildings are still served by septic systems that do not meet Title 5 requirements.

The principal source of nitrate nitrogen loading on coastal embayments is residential development. On the south coast of Barnstable, these embayments and watersheds stretch inland towards the Mid-Cape Highway to the north. Title 5 septic systems do not remove significant amounts of nitrate nitrogen from effluent discharge. Wastewater management to remediate and prevent further contamination of coastal waters is subject to on-going study through the Massachusetts Estuaries Program. Implementation of the recommendations of these studies will be very costly. There is a limited capacity to expand the existing wastewater treatment facility, but sewers can be extended outside of Hyannis into the adjacent Centerville/Craigville area. The map "Existing & Potential Server Coverage Area, Wastewater Facilities Plan" shows most of the CBD as an area needing sewerage.

All these problems are exacerbated as this area transitions from a seasonal community to a more year-round community, and as re-development results in increased structure size and wastewater effluent. With a change in ownership, or the expansion or redevelopment of buildings, new septic systems will need to be raised above grade, at substantial expense to the homeowner and also impacts to community character. Areas with less than 10 feet depth to groundwater are vulnerable to this type of development and are in need of protective action, and when available, installation of sewers or alternative wastewater treatment systems.

Flooding hazard is the specific natural hazard of concern in the Craigville Beach area. Nearly the entire district is encompassed by FEMA 100 year Flood Zones, both A and V zones. Damages to property, risk to residents and public safety personnel increase as structures increase in size and number.

The Division of Marine Fisheries has mapped much of the district shoreline as suitable habitat for shellfish. The Town of Barnstable has also ranked some shellfish habitat areas in the Centerville River estuarine system. Development and associated vegetation removal and alteration of natural landforms have increased the potential for flood damage.

SECTION 5.2 Community Character/Historic/Archaeological Resources

In the late 19th Century, a Christian Camp Meeting of small cottages was developed on a bluff overlooking Nantucket Sound, bordering Red Lily Pond and Lake Elizabeth at the east end of the harbor. Streets were laid out and small lots were developed with cottages. Some of these lots have an area less than 5,000 square feet. Many of the cottages were built in the Gothic Revival style. The Craigville Christian Camp Meeting cottages are recognized within a National Register Historic District. The National Register designation by itself does not provide protection for

these structures. The Main Street National Register District does not cover other 19th Century properties along Craigville Beach Road.

At the beginning of the 20th Century, summer homes were built in traditional cape styles and in prominent waterfront locations, some were built in a grander Shingle, Arts and Crafts or Italianate styles. Construction of Craigville Beach Road along the barrier beach occurred in stages beginning in 1885, connecting the west and east sides of the harbor and developments occurring there, providing a connection to Scudder Avenue in Hyannis.

Later in the 1950's cottages were built in colonies and on small lots in subdivision near the beach. Many were rental units, providing affordable vacation opportunities for a larger, post war population. Near the beach, low-lying, small-scale cottages surrounded by blowing sand at the edge of the marshes and interrupted by seasonal snack bars form a distinctive Cape Cod summer vacation landscape.

Building heights have been generally low in the Craigville Beach area. Cottages located on small lots are generally one or more and a half stories high. The early 20th Century summer resort developments along Long Beach Road and the waterfront at the east end of the harbor are higher. In these areas, buildings are more commonly two and occasionally, two and a half stories high. Some recent re-development however, is much higher. Buildings that have been elevated above the floodplain and are two and a half stories high tower over adjacent buildings built at lower heights.

The 2005 Town of Barnstable Open Space and Recreation Plan lists this district, including Long, Craigville and Covell's Beaches as a scenic area. The district also provides a scenic viewshed from vistas at Shoot Flying Hill Road looking over Lake Wequaquet to Centerville Harbor and Nantucket Sound. Another from the Craigville Conference Center looks out to the Centerville River estuarine system over wetlands.

Landward views from Nantucket Sound and the Centerville River are also important to community character in this area. In some instances inappropriate vista pruning interrupts the treeline.

SECTION 6.0 Regulatory Framework

The principal existing regulatory framework within the district consists of the Barnstable Zoning Ordinances, Subdivision Rules and Regulations, Wetlands Regulations and Barnstable Board of Health Regulations. There are no regulatory historic districts within the DCPC boundaries.

SECTION 6.1 Suggested Guidelines for Development

The following guidelines shall serve as the basis for future establishment of implementing regulations to be adopted by the Town pursuant to Section 11 of the Cape Cod Commission Act to control development within the Craigville Beach District.

SECTION 6.2 Introduction to General Guidelines

The Town of Barnstable and stakeholders shall develop and review Implementing Regulations consistent with the Guidelines described herein. Implementing Regulations for the District may take the form of zoning ordinances, regulations, management initiatives, or other means identified in the Town of Barnstable, which helps to achieve the goals and interests of the District. Commission staff will assist the Town of Barnstable in drafting appropriate regulations.

The Town of Barnstable shall propose Implementing Regulations for the District to the Cape Cod Commission. In order to be approved, Implementing Regulations adopted by the town of Barnstable must be found by the Commission to be consistent with these Guidelines, pursuant to Section 11(d) of the Act.

Upon adoption of certified Implementing Regulations, the local permitting previously stayed by the DCPC nomination may proceed consistent with the newly adopted Implementing Regulations.

SECTION 6.3 Goals and Interests

Based on the findings related to critical concerns in the area, the objective of these Guidelines is to ensure full protection of the following goals and interests of the District through the establishment of implementing regulations by the Town of Barnstable. The goals and interests of this District shall be:

- Improve groundwater quality within the recharge areas to the Centerville River, Red Lily Pond and Lake Elizabeth and water quality in the Centerville River, Red Lily Pond and Lake Elizabeth;
- Preserve and enhance flood hazard protection provided by the barrier beach, estuarine and tidal marsh systems for coastal properties in the Craigville Beach District;
- Maintain and enhance scenic views of Nantucket Sound and landward views from Craigville Beach;
- Preserve cultural, architectural, and historic character;
- Protect key natural resources including but not limited to mapped habitat, barrier beach and shell fisheries;
- Manage structures, impervious area and uses in a manner that will not result in adverse impacts on cultural, architectural, historic, visual, or natural resources;
- Manage development and redevelopment to limit storm damage to structures and flood hazard risks to residents and public safety personnel.

SECTION 6.4 Guidelines

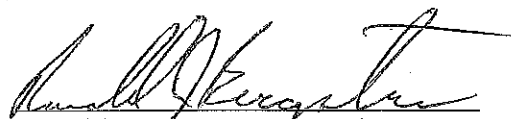
- 6.4.1** Implementing regulations should be developed to protect community character, moderate the scale of structures and preserve viewsheds.
- 6.4.2** Implementing regulations should be developed to guide site development to protect natural resources and historic landscapes and settings.

- 6.4.3 Implementing regulations should be developed to allow the Town to support the locally owned small scale economy of the village center and preserve character defining uses in the beach area.
- 6.4.4 The Town should consider and determine if the implementing regulations are necessary to protect community character and viewsheds in the event of land division.
- 6.4.5 The Town should consider and determine if implementing regulations are necessary to protect natural resources and the barrier beach.
- 6.4.6 The Town should consider and determine if implementing regulations are necessary for wastewater management near sensitive coastal waters. Consistent with the Wastewater Facilities Plan, implementing regulations should comply with sewer neutral policy.

SECTION 7.0 Review of Developments of Regional Impact (DRI) within the DCPC

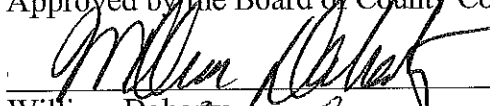
The regulations adopted pursuant to these Guidelines in no way alter the process for the referral and review of the Developments of Regional Impact according to the Cape Cod Commission Act and Regulations of the Cape Cod Commission.

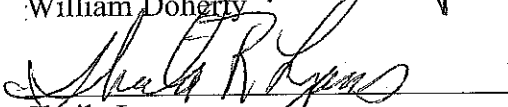
Adopted by the Assembly of Delegates on November 4, 2009

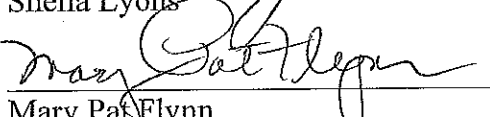

 Ronald J. Bergstrom, Speaker
 Assembly of Delegates

Approved by the Board of County Commissioners _____ Date 11/4/09 at 4:30 pm

 Date _____ Time _____


 William Doherty


 Sheila Lyons


 Mary Pat Flynn