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CAPE COD
COMMISSION

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WEST HARWICH DISTRICT OF CRITICAL PLANNING CONCERN STAFF REPORT

DATE: August 26, 2020

RE: West Harwich District of Critical Planning Concern
Implementing Regulations Consistency

INTRODUCTION

In the fall of 2019, the Town of Harwich nominated an area in West Harwich along Route 28 between the Dennis town line and the Herring River as a District of Critical Planning Concern. That area was subsequently approved by the Cape Cod Commission and adopted by the Barnstable County Assembly of Delegates on December 4, 2019. Barnstable Ordinance 19-18 establishes the West Harwich DCPC and identifies the goals and purposes of the district, as well as Guidelines for creating Implementing Regulations to protect the District's important resources. In accordance with the Commission Act, the town has 12 months from the date of the Ordinance to adopt Implementing Regulations. The Town of Harwich submitted proposed Implementing Regulations for the West Harwich District on August 20, 2020 for consideration by the Cape Cod Commission. The Implementing Regulations take the form of a zoning overlay district with specific dimensional regulations, allowed uses, and review procedures. The Commission must now determine whether the proposed Implementing Regulations are consistent with the Guidelines set out in the DCPC Ordinance.

Commission staff have reviewed the proposed Implementing Regulations and recommend that they conform to the Guidelines as required by the Ordinance.

DEVELOPMENT OF IMPLEMENTING REGULATIONS

Early in 2020, town staff began work drafting Implementing Regulations for the West Harwich District. To support their efforts, Commission staff prepared a March 31st memorandum that explored existing building setback patterns, facade widths, and other character-defining features

of the district, and suggested potential zoning changes to promote preservation of the district's historic resources and character and improve access standards. Commission staff also developed several graphics to illustrate existing features in the district and help interested parties visualize alternatives to existing dimensional regulations. A GIS illustration showing the existing setback of each building in the district was useful in clarifying the district's historic development patterns.

A town workshop about the DCPC Implementing Regulations, originally scheduled for March 19, 2020, was postponed due to Covid-19 but town staff continued to provide information to interested parties via email, posting on a West Harwich DCPC page on the town website, and through local press coverage. At a virtual workshop held on August 4, 2020, staff from the Town and Commission presented a draft of the proposed "West Harwich Special District" zoning overlay and solicited public feedback. Following the workshop, several changes were made to the draft implementing regulations in response to public feedback about the appropriate building setback range and the appropriate scale of new buildings.

The Harwich Planning Board included the proposed Implementing Regulations on their July 14, July 28, and August 11, 2020 meeting agendas and voted to recommend the proposed "West Harwich Special District" implementing regulations to the Board of Selectmen on August 11, 2020. The Harwich Board of Selectmen considered the draft Implementing Regulations at their August 17, 2020 meeting and voted to support placing the Implementing Regulations on the Town Meeting warrant and to return them to the Planning Board for a public hearing. The Harwich Board of Health considered the draft Implementing Regulations at their meeting on August 18, 2020 and voted their unanimous support. The Harwich Conservation Commission considered the draft Implementing Regulations at their meeting of August 19, 2020 and voted their unanimous support. A public hearing on the draft Implementing Regulations is scheduled for September 22, 2020, and Town Meeting is scheduled for September 26, 2020.

GOALS AND INTERESTS OF THE DISTRICT

The DCPC Ordinance spells out the goals and interests of the West Harwich District. They are to:

- Protect the historic resources in the District
- Respect traditional development patterns that support neighborhood and village development styles
- Enhance and protect the character of the West Harwich District
- Support and enhance the small-scale local economy in West Harwich
- Manage traffic congestion and improve access management along Route 28, and
- Improve bicyclist and pedestrian safety and access along the Route 28 corridor

DISTRICT GUIDELINES FOR DEVELOPMENT

The DCPC Ordinance sets out Guidelines to help meet the goals of the district and to serve as the basis for establishing Implementing Regulations to be adopted by the Town. The Ordinance requires two actions within the Guidelines to be specifically addressed in the town's Implementing Regulations, which are to:

- 1) change dimensional regulations to be consistent with traditional development patterns, and
- 2) develop regulations to promote site access management.

The following section restates the Guidelines from the Ordinance and describes how each is addressed in the proposed Implementing Regulations/West Harwich Special District zoning overlay district. As both of the required elements stated above are included in the proposed Implementing Regulations, staff recommends that the Commission vote to find the implementing regulations' consistent with the District.

Guideline #1: Historic and Cultural Resources. Consider incentives to protect and preserve historic resources such as flexibility in dimensional regulations, allow additional uses, or increased lot coverage on lots with historic structures; explore ways to prevent demolition of historic resources such as establishing a local or National Register historic district or strengthening the demolition delay bylaw; consider design guidelines for additions and alterations to historic structures.

The Town of Harwich's proposed Implementing Regulations are consistent with Guideline #1 by creating the following incentives to re-use historic structures within the West Harwich Special District:

- Section 325-148 allows additional uses (multifamily, retail sales, restaurants, mixed use commercial/residential developments) by right in identified historic structures but otherwise requires a Special Permit
- Section 325-152.A establishes a staff review process to facilitate permitting for small expansion of existing structures (up to 250 square feet) provided they do not include demolition of significant parts of an historic structure
- Section 325-152.B allows a waiver of review for moderate expansion of existing structures (up to 1,000 square feet) provided they do not include demolition of significant parts of an historic structure
- Section 325-154.A.5 gives the Planning Board authority to waive or modify dimensional requirements only on properties that maintain or reuse historic structures provided they support the purpose and intent of the bylaw
- Section 325-154.B.1.b allows shared or reduced parking at the discretion of the Planning Board

In addition, the town intends to develop design guidelines in the coming year that will include guidance for work on historic properties, and the Historical Commission is identifying ways to strengthen the town's Demolition Delay bylaw.

Guideline #2: Community Design. Change dimensional regulations to be consistent with traditional development patterns, including building setback, parking location, and building massing; Consider developing architectural and site design guidelines to protect community character.

The Town of Harwich's proposed Implementing Regulations are consistent with Guideline #2 by requiring all new construction to meet the following new dimensional regulations of the West Harwich Special District:

- Section 325-154.A.2.a establishes a front building setback range of 20-40 feet, with flexibility for existing historic structures as noted under Guideline 1 (existing front setback is 25 foot minimum); Side and rear setbacks are a minimum of 20 feet
- Section 325-154.A.2.d allows parking to the side or rear only, and any side parking must be at least 10 feet further setback than the front building façade line
- Section 325-154.A.2.e establishes a maximum site coverage of 80% (existing is 70%)
- Section 325-154.A.6 establishes a maximum principle building façade length of 50 feet, and adjacent street-facing building facades must be stepped back at least 10 feet
- Section 325-154.A.7 establishes a maximum building footprint of 2,000 square feet for street-facing buildings, and maximum building footprint of 3,000 square feet for buildings sited behind them
- Section 325-154.B.1.a establishes visual buffering requirements for parking areas that adjoin streets or residential uses

As noted under Guideline 1, the town also intends to develop architectural and site design guidelines to support development consistent with the district's community character.

Guideline #3: Transportation Management and Safety. Develop regulations that promote site access management best practices such as shared driveways and the minimization of number and width of curb cuts; Work with MassDOT to explore ways to improve pedestrian, bicyclist, and transit accommodations along the Route 28 corridor; Consider regulations that promote pedestrian connections to sites within the district; and Consider adopting regulations to limit high traffic generating uses within the district to improve traffic safety.

The Town of Harwich's proposed Implementing Regulations are consistent with Guideline #3 by including the following access management standards in the West Harwich Special District:

- Section 325-154.B.2 limits the number of driveways to one per street frontage, and encourages shared driveways
- Section 325-154.B.1.c limits the width of access drives to no greater than 24 feet
- Section 325-154.B.2 requires driveways be situated to provide optimal site distance along Route 28

- Section 325-154.B.3 requires clearly marked pedestrian walkways that connect to the street and to parking areas
- Section 325-150 removes the potential for some high traffic-generating uses by prohibiting use variances within the district

In addition, the town is working with MassDOT on the design of improvements for pedestrians and bicyclists along the Route 28 corridor.

Guideline #4: Balanced Local Economy. Explore options for encouraging mixed use and multifamily development in forms consistent with the District's character; Consider focusing density in one part of the District to create a village center focal point; Review allowed uses and permitting processes and consider modifying them to support small-scale businesses, a diverse local economy, and reuse of historic properties; and Consider modifying lighting and signage regulations for the District to support its unique character.

The Town of Harwich's proposed Implementing Regulations are consistent with Guideline #4 by including the following in the West Harwich Special District:

- Sections 325-148 and 325-149 allow multifamily and mixed use commercial/residential developments by right in historic structures in the district and by special permit in new construction or change of use in non-historic buildings
- Section 325-154.A.2.e increases the site coverage allowance to 80% in the district
- Section 325-154.B.1.b allows shared or reduced parking at the discretion of the Planning Board
- Section 325-152.A-B creates a simpler review pathway for small and moderate changes to existing structures as noted under Guideline 1
- Section 325-154.A supports the district's distinctive character by establishing new dimensional regulations that are consistent with its predominant features as noted under Guideline 2

CONCLUSION

Commission staff recommends that the Commission vote to find the proposed implementing regulations for the West Harwich District of Critical Planning Concern are consistent with the Guidelines for the District as outlined in Barnstable Ordinance 19-18 adopted by the Barnstable County Assembly of Delegates on December 4, 2019.