

CAPE COD COMMISSION REPORTER



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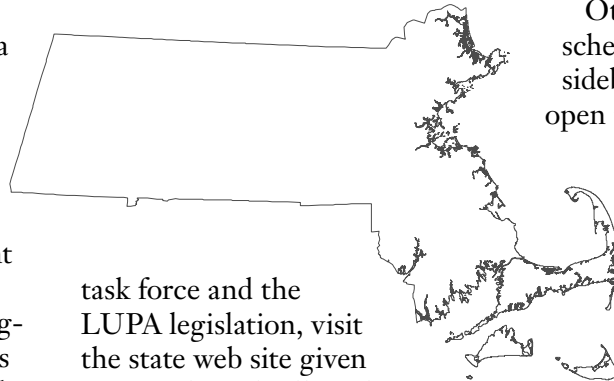
The newsletter of the regional planning and regulatory agency serving Barnstable County since 1990.

Statewide Regional Meetings on Zoning Reform Set for May 2009

At the direction of Massachusetts Governor Deval Patrick, a state-wide zoning reform task force has been meeting since 2007. According to the state web site www.mass.gov/mpro/, the task force was formed “to examine the current zoning and planning system in the state and work with the Legislature to develop amendments that would improve zoning and planning in Massachusetts.”

Gregory Bialecki, undersecretary for business development in the state’s Executive Office of Housing and Economic Development (EOHED), chairs the task force on behalf of the Patrick Administration. Affordable Housing Specialist Paul Ruchinkas of the Cape Cod Commission, one of nearly 40 participants on the task force, represents Barnstable County’s regional planning agency.

The group’s deliberations have resulted in the proposed Land Use Partnership Act (LUPA), a bill filed for consideration during the 2009–2010 Massachusetts legislative session. (For information about the



task force and the LUPA legislation, visit the state web site given previously and follow the links for “Zoning Reform.”)

During May 2009, EOHED will hold a series of regional sessions across the state to hear from professional and citizen planners, local officials, and other concerned individuals about the Land Use Partnership Act and its impact on existing zoning and land use statutes.

A joint session with the Cape Cod and Islands’ regional planning agencies is planned for Friday, May 8, from 12 noon to 2 p.m. at the Cape Cod Commission offices in Barnstable. The Cape Cod Commission, Martha’s Vineyard Commission, and Nantucket Planning and Economic Development Commission will host Bialecki’s visit.

Other regional meetings are scheduled across the state (see sidebar, next page). They are open to the public.

For more information about the joint Cape and Islands session, contact Ruchinkas (pruchinkas@capecodcommission.org) or Cape Cod Commission Chief Planner Sharon Rooney (srooney@capecodcommission.org).

For information about the sessions in other regions of the state, contact Robert Mitchell, special assistant for planning in the Massachusetts Permit Regulatory Office (phone 617-788-3658 or e-mail robert.mitchell@state.ma.us).

...to page 2

• INSIDE •

CCC Personnel Changes.....	2
10 Years of AmeriCorps Cape Cod	3
CEDS Working Groups.....	4
Rain Barrel Sale.....	5
Water Quality Presentation at International Conference.....	5

Statewide Regional Zoning Meetings*

- **Tuesday, May 5, 2009**, from 10 a.m. to 12 noon in Tewksbury Public Library, 300 Chandler Street, Tewksbury, MA. Co-hosts: Merrimack Valley Planning Commission and Northern Middlesex Council of Governments
- **Tuesday, May 5, 2009**, from 2 p.m. to 4 p.m. at Needham Public Library, 1139 Highland Avenue, Needham, MA. Host: Metropolitan Area Planning Commission
- **Wednesday, May 6, 2009**, from 10 a.m. to 12 noon at Dartmouth Town Hall at 400 Slocum Road, Dartmouth, MA. Host: Southeast Regional Planning and Economic Development District
- **Thursday, May 7, 2009**, from 9 a.m. to 11 a.m. in Brockton (details to be determined). Host: Old Colony Planning Council
- **Friday, May 8, 2009**, from 12 noon to 2 p.m. at the offices of the Cape Cod Commission (see story on page 1)
- **Monday, May 11, 2009**, from 8 a.m. to 10 a.m. in Berkshire County (location to be determined). Host: Berkshire Regional Planning Commission
- **Monday, May 11, 2009**, from 2 p.m. to 4 p.m. at Holyoke Community College, Frost Building Room 309 at 303 Homstead Avenue, Holyoke, MA. Co-hosts: Pioneer Valley Planning Commission and the Franklin Regional Council of Governments
- **Wednesday, May 13, 2009**, from 2 p.m. to 4 p.m. at Union Station, Worcester, MA. Co-hosts: Central Massachusetts Regional Planning Commission and Montachusett Regional Planning Commission

* As of April 7, 2009. Please check www.mass.gov/ipro/ for updates to this list.



CCC Personnel Notes

New Staff Member: Elizabeth Hude, Special Projects Coordinator

In mid March, Cape Cod Commission Executive Director Paul Niedzwiecki filled the administrative staff position of special projects coordinator by appointing Elizabeth Hude.



Hude served as interim town planner (2009) and assistant town planner (2006–2009) for the Town of Harwich before joining the Commission. Her previous experience includes work as administrative assistant to the director of the Growth Management Department of the Town of Barnstable (2006), and as community programs manager for the Broward Center for the Performing Arts in Fort Lauderdale, Florida (1997–2005).

Hude earned a Bachelor of Arts degree in Urban and Regional Planning/Public Management from Florida Atlantic University, and an Associate of Arts degree in Applied Arts–Dance from Lansing Community College in Michigan.

As she begins her work for the Cape Cod Commission, Hude will initially work on the region's Comprehensive Economic Development Strategy (CEDS) five-year update (see story on page 4) and support regional planning activities such as municipal solid waste disposal, public safety, affordable housing, and technology.

Departing Commission Member: Florence Seldin, Town of Chatham

The Cape Cod Commission members and staff extend gratitude to Florence Seldin for her participation in the work of the agency as the representative from the Town of Chatham since November 2006. She resigned from the position following her election to the Chatham Board of Selectmen this year. Her last Commission meeting was April 2, 2009.



During her tenure with the Commission Seldin served on many subcommittees reviewing Developments of Regional Impact (DRIs) and was an active member of the standing Planning, Regulatory, and Executive committees of the agency. In Fiscal Year 2009, Seldin also served as chair of the Planning Committee, seeing the final version of the Cape Cod Regional Policy Plan through to its adoption by the Barnstable County Assembly of Delegates in December. She was also an officer of the board, serving as secretary for the fiscal year.

The Chatham Board of Selectmen have appointed Lynne Pleffner to replace Seldin.

SERVICE TO CCC, MUNICIPALITIES, AND OTHERS:

AmeriCorps Cape Cod Celebrates 10 Years

This year, the Barnstable County AmeriCorps Cape Cod program is celebrating 10 years of service to the 15 towns on Cape Cod.

AmeriCorps Cape Cod is a full-time residential program that performs community service in the areas of natural resource management and disaster services. Over the past 10 years, 232 members have contributed 420,000 hours of free service to communities in the region. For example, the Cape Cod Commission, one of the participating placement agencies, has enjoyed AmeriCorps assistance for groundwater education, open space protection, and Cape Cod Pathways activities.

To celebrate the program's accomplishments, current AmeriCorps Cape Cod members and staff are organizing a week of service during National AmeriCorps Week, May 11–15, 2009. During those five days, members and volunteers will be at the Taylor Bray Farm in Yarmouthport performing land-management projects on the property and engaging local students in service learning activities. A 10-year celebration ceremony will be held Friday, May 15, in the afternoon.

AmeriCorps Cape Cod is funded by Barnstable County and through grants from the Corporation for National and Community Service and the Massachusetts Service Alliance. Housing for members is provided by Barnstable County and the National Park Service/Cape Cod National Seashore.

For more information about the AmeriCorps Cape Cod program visit the web site www.rdoac.org/ameriCorps or call (508) 375-6869.



Barnstable County's AmeriCorps Cape Cod members have helped the Cape Cod Commission conduct many water education festivals for school teachers and students (above) and walking and hiking events for the public (to the left) for the past 10 years.

Cape Cod Commission file photos

ECONOMIC DEVELOPMENT:

CEDS Working Groups Roll Up Their Sleeves

The second phase of the five-year update of the regional planning effort known as the Comprehensive Economic Development Strategy (CEDs) began on March 31 with the initial meeting of the “working groups” formed to recommend regional priorities related to economic development in the next five years.

The working groups include representatives from business, government, and nonprofit organizations. The groups are organized around the subjects of infrastructure, workforce development, industry clusters, business development, and business climate.

Information about the working groups, their responsibilities, worksheets and fact sheets about the CEDs process, and the presentations made at the March meeting are now available on the web site:

www.capecodcommission.org/econdevel/CEDS/CEDS2009/

Led by the Cape Cod Commission and the Cape Cod Economic Development Council, the CEDs process will result in a report to be submitted to the US Economic Development Administration (EDA) by the end of June 2009. The report helps make Cape towns and Barnstable County eligible for EDA planning and infrastructure development funds in the future. For information, contact Commission Economic Development Officer Leslie Richardson (lrichardson@capecodcommission.org).

Cape Cod Commission Executive Director Paul Niedzwiecki discusses the five-year update to the Comprehensive Economic Development Strategy (CEDs) for Barnstable County. Niedzwiecki made the presentation at the kick-off meeting for CEDs working groups on March 31.

Photo by Dan Dray/Cape Cod Economic Development Council



MassBike Cape Cod Bicycling Forum



May 1, 2009

Hyannis Transportation Center

The Cape Cod and Islands Chapter of MassBike will sponsor a forum on Friday, May 1, to explore new and proven approaches to some of the problems faced by Cape Cod bicyclists. Speakers will address the ways communities can work for bicycling accommodations and acceptance, as well as the new Massachusetts law meant to improve the bicyclists' environment (see proposed program below). The forum is open to interested persons free of charge, but seating is limited (50). Register online: www.massbike.org/capecod/

Morning Session: PAVING THE WAY FOR BIKES

9 a.m. to 9:30 a.m. – **Greetings and Introduction** – Rob Miceli, President, Cape Cod and Islands Chapter, MassBike

9:30 a.m. to 10:15 a.m. – **The Rails-to-Trails Network in New England and Beyond: Inspiring People to Do Things Beyond Their Wildest Dreams** – Craig Della Penna, Executive Director, Northeast Greenway Solutions

10:30 a.m. to 11:15 a.m. – **Designing Bicycle-friendly Roads** – Nick Jackson, Senior Planner, Toole Design Group

11:15 a.m. to 12 noon – **Open Forum** with speakers and invited panelists

12 noon to 1 p.m. – Lunch on own

Afternoon Session: GETTING ALONG SAFELY

1 p.m. to 1:45 p.m. – **Ingrained and Difficult Problems, Creative Solutions** – Nicole Freedman, Director of Bicycling Programs, City of Boston, MA

2 p.m. to 2:45 p.m. – **Same Roads, Same Rules** – David Watson, Executive Director, MassBike

2:45 p.m. to 4 p.m. – **Open Forum** with speakers and invited panelists



Annual Rain Barrel Sale

The Cape Cod Commission will once again sponsor a sale of rain barrels to Cape Cod residents to capture and reuse rain for garden and lawn irrigation. Available at a discounted price of \$72.95 (regularly \$119.95 retail), the barrels are made from 55-gallon blue recycled plastic containers with a six-inch diameter screened inlet, two brass spigots to connect hoses, and a five-foot hose with a shut-off valve.

The barrels, manufactured by The New England Rain Barrel Company, may be ordered and paid for in advance by calling toll free (877) 977-3135 or ordering online at www.nerainbarrel.com before May 10, 2009. Buyers will have a choice of a pick-up location and date.

MICHAUD-CAMBARERI TECHNICAL PAPER ACCEPTED FOR INTERNATIONAL CONFERENCE:

Using Ozone Technology to Treat Soil, Groundwater

Cape Cod Commission Hydrologist Scott Michaud and Water Resources Program Manager Tom Cambareri will make a presentation at the North American Regional Conference of the International Ozone Association (IOA) in Boston in early May. The conference, sponsored in cooperation with the International Ultraviolet Association (IUVA), will address how ultraviolet and ozone technologies are being used in municipal drinking water, wastewater, and water-reuse systems.

The Michaud-Cambareri presentation, "Ozone Oxidation for Source Removal and a Prevention Barrier at a Fire Training Academy," will focus on the containment and clean-up of petroleum-based contamination of soils and groundwater near the Barnstable County Fire and Rescue Training Academy.

Petroleum products have not been used at the site since 1986.

Various types of "pump-and-treat" contaminant-removal systems have been used successfully for more than 20 years to contain and clean the groundwater, and the site presently poses no imminent threat to human health and the environment. Some contaminants, however, continued to be released from soil at the water table.

To correct that situation, Cambareri, who is a licensed hazardous waste site professional (LSP) and manages the clean-up on behalf of Barnstable County following state regulations, proposed and then Barnstable County funded the installation of a C-Sparge/Perozone® system manufactured by Kerfoot Technologies, Inc., to treat the so-called "residual smear zones." The system, fully operational at the site since April 2006, uses ozone-amended air and peroxide to treat contaminated soils. The Michaud-Cambareri paper describes how the system works.

According to Michaud, "The system provides flexibility for targeting specific contaminant areas, and has had measured success contributing to the overall cleanup."

More information about the International Ozone Association conference is on the web: www.io3a.org/boston2009.html

An ozone-amended air and peroxide system installed in 2006 to treat soils.



CCC Technical Data Digest

USGS Observation Well Data

The groundwater-level measurements below are taken monthly by the Cape Cod Commission's staff from nine US Geological Survey (USGS) index wells. The data are also online at: www.capecodcommission.org/wells.htm

Traffic at Route 137 and Route 39, East Harwich

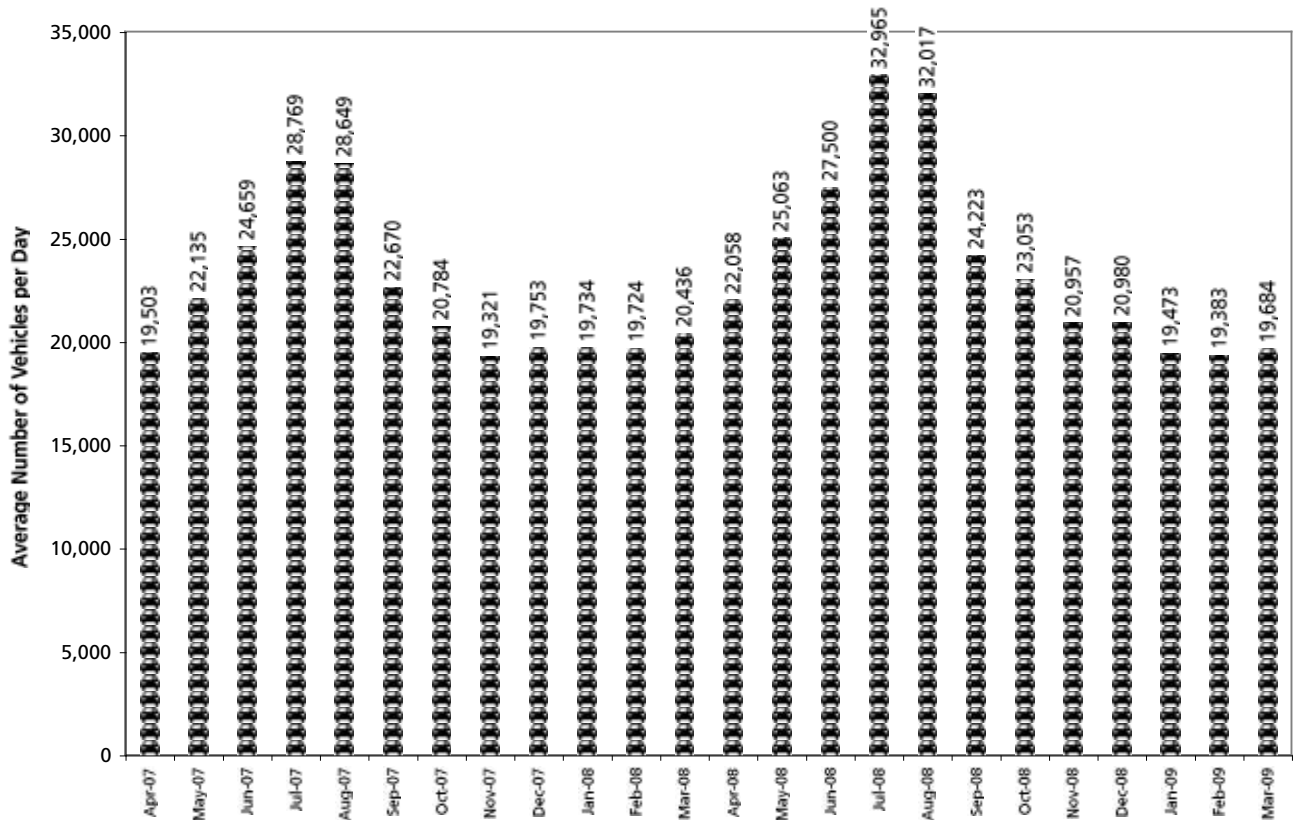
The chart below shows the average daily traffic at the intersection of Routes 137 and 39 in Harwich for each month over the past two years. The data are collected continuously on all approaches to the intersection using in-pavement vehicle-detection methods. The Cape Cod Commission's transportation staff remotely retrieves the collected data via telephone modem. The chart indicates changes in traffic during the year and the growth in traffic from last year to this year when comparing individual months.

March 2009

Location	Well Number	Level*	Record High*	Record Low*	Departure from Average**	
					Monthly	Overall
Barnstable	A1W 230	23.2	20.5	26.6	-0.2	0.4
Barnstable	A1W 247	23.7	20.5	28.6	0.5	0.7
Brewster	BMW 21	10.2	6.9	13.6	-0.1	0.0
Chatham	CGW 138	23.9	20.9	26.6	-0.4	0.0
Mashpee	MIW 29	7.8	5.6	10.0	0.2	0.7
Sandwich	SDW 252	47.1	45.8	48.2	0.0	0.2
Sandwich	SDW 253	49.7	45.8	55.1	0.2	0.3
Truro	TSW 89	11.7	10.2	13.0	0.0	0.3
Wellfleet	WNW 17	11.0	7.3	12.8	-0.8	-0.5

*Feet below land surface. **Feet above mean sea level. †New monthly high. ‡New record high.

Average Daily Traffic - Intersection of Routes 137 and 39, Harwich, MA



Cape Cod Commission • DRI Status Report

Developments of Regional Impact (DRIs) currently under consideration by the Cape Cod Commission are listed below. A check mark (✓) are listed below. A check mark (✓)

in front of a project's name indicates that Commission regulatory activity is scheduled for that project in the next month. Details about those

activities are listed in the calendar on the back cover and as hearing notices in the Regulatory section of the Web site: www.capecodcommission.org

DRI Projects in the CCC Regulatory Queue

BARNSTABLE

✓ • **Dalby ANR**—proposed division of land in excess of 30 acres to split an existing lot into two lots.

• **F.W. Webb**—proposed 22,550-sq.ft. footprint, two-story addition, to include warehouse and office space, to an existing 22,500-sq.ft. footprint, two-story building that formerly housed a mill store.

• **Haseotes Addition**—proposed construction of a 2,900-sq.ft. three-bedroom addition to a dwelling within the Craigville Beach/Centerville Village Center DCPC.

BOURNE

No DRI projects at this time.

BREWSTER

No DRI projects at this time.

CHATHAM

• **Chatham Wastewater Plan**—wastewater study and implementation plan. Joint MEPA/CCC review. Extension agreement to 6/18/10.

DENNIS

No DRI projects at this time.

EASTHAM

No DRI projects at this time.

FALMOUTH

• **South Coast Watersheds Comprehensive Wastewater Management Plan**—proposed Comprehensive Wastewater Management Plan to address water quality problems of Little, Great, Green, Bourne, and Eel ponds, and Waquoit Bay. Joint MEPA/CCC review.

• **The Golf Club at Cape Cod/Ballymeade**—proposed construction of an 18-hole golf course on approximately 183.41 acres within Ballymeade Estates. Extension agreement to 9/29/13.

HARWICH

No DRI projects at this time.

MASHPEE

• **Holland Mills Well and Pumping Station**—proposed installation of new public water supply well/pump station. Joint MEPA/CCC review.

• **Mashpee Commons**—proposed master plan. Extension agreement to 2/1/10.

• **Mashpee Watershed Plan**—proposed watershed nitrogen management plan.

• **Mashpee Woods ANR Plan**—proposed Approval Not Required subdivision plan with two commercial lots and seven industrial lots. Extension agreement to 9/18/09.



ORLEANS

• **Daniels C&D Facility Expansion**—proposed expansion of a construction and demolition debris-processing facility. Formal withdrawal anticipated.

PROVINCETOWN

• **Provincetown Airport Capital Improvements Plan**—proposed safety and facility improvements to the Provincetown Municipal Airport. Joint MEPA/CCC review.

SANDWICH

• **Sandwich Beach Nourishment and Dredging**—proposed beach nourishment and maintenance dredging. Joint MEPA/CCC review.

TRURO

No DRI projects at this time.

WELLFLEET

• **Herring River Tidal Restoration Project**—proposed reestablishment of tidal flow to the 1,100-acre Herring River estuary and flood plain. Joint MEPA/CCC review.

YARMOUTH

• **Cape Wind Energy Project**—proposed wind energy facility in Nantucket Sound, with 130 wind towers transmitting power via an underground cable with a proposed Yarmouth landfall. Joint MEPA/CCC review. MEPA issued FEIR certificate on 3/29/07. CCC denied the project without prejudice on procedural grounds on 10/18/07. Cape Wind Associates petitioned the state Energy Facilities Siting Board (EFSB) for a "Certificate of Environmental Impact and Public Interest" on 11/21/07. EFSB held a hearing in mid November 2008.

• **Parker's River Marine Park**—proposed marine park on the 22-acre site of the former Yarmouth drive-in theater. Joint MEPA/CCC review.

Commission Meetings and Events

Cape Cod Commission meetings and hearings are open to the public. Call (508) 362-3828 to confirm times and check for last-minute changes.

Standing Committees

Regulatory, Planning, and Executive committee meetings held at the Commission offices. Call for times.

Monday, April 27
Monday, May 11

Full Commission Meetings

Held at the Barnstable County Assembly of Delegates Chamber at 3 p.m., unless otherwise noted.

Thursday, April 16
Thursday, April 30
Thursday, May 14

Regulatory Calendar

• **April 30:** CCC MEETING: 3 p.m., Assembly of Delegates Chamber, Barnstable. Agenda tentative; please call to confirm:

- Amendment to the Regional Land Use Vision Map
- Dalby ANR (Barnstable DRI project)
- Draft revisions to the Open Space Technical Bulletin
- Draft Energy Technical Bulletin

Other Events

• **Cape Cod Joint Transportation Committee Meeting:** Friday, May 1, 2009, beginning at 8:30 a.m. at CCC.

• **MassBike Cape Cod Bicycling Forum:** Friday, May 1, 2009, beginning at 9 a.m. at the Hyannis Transportation Center. (See story, page 4).

• **Regional Meetings about State-wide Zoning Reform:** See story, pages 1 and 2. Cape and Islands Joint Session will be held Friday, May 8, 2009, beginning at 12 noon at CCC.



Cape Cod Commission

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Vice Chair:

Jay Zavala

Secretary:

(vacant)

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Jay Zavala

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(vacant)

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