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Minutes  
Cape Cod Commission  
Subcommittee Public Hearing  
March 28, 2019  
Cape Cod Commission Large Conference Room  
3225 Main Street, Barnstable, MA

Subcommittee Members: Richard Roy (Dennis – Chair), Fred Chirigotis (Barnstable), Charles McCaffrey (Falmouth), Jack McCormack (Yarmouth), and Len Short (Orleans)

The 3/28/19 Subcommittee hearing convened at 3 p.m. with all Subcommittee members present.

Richard Roy, Subcommittee Chair, read the hearing notice.

After Subcommittee introductions, the Town of Barnstable (“Applicant”; “Town”) gave a presentation on the proposed Chapter H designation, beginning with Mark Ells, Town Manager. Mr. Ells thanked the Commission for considering the Chapter H application, noting that it’s in line with the Town’s priorities in trying to attain sustainable year-round economic development. He said the Town recognizes the balance that is needed between growth and protection of the environment. The Town has worked to make sure the proposed Chapter H designation is in line with the recently updated Cape Cod Regional Policy Plan (“RPP”), the Town’s Local Comprehensive Plan (“LCP”), and other Town planning efforts. He said that he supports the proposed Chapter H designation on behalf of the Town and hopes the Commission will give it favorable consideration.

Elizabeth Jenkins, Barnstable Director of Planning and Development, then discussed why the Town thinks the Chapter H application is appropriate and beneficial to the Town and the region. The Town has a local goal to cultivate and attract economic development opportunities to the region’s established, year-round commercial center in a way that is consistent with the Act, the RPP, the goals set out in Chapter H, and the LCP. This effort is a priority and has received unanimous support from Town Council and the Planning Board.

She said that the area under consideration is designated as a regional commercial center on the strategic land use planning map consistent with the Town’s LCP. The Town’s request is to raise Development of Regional Impact (“DRI”) thresholds from 10,000 square feet to 20,000 square feet in the Economic Center and to 40,000 square feet in the Industrial and Service Trade Area (with this threshold increase only applying to clean industry – research and development/light manufacturing). The aim is to streamline the permitting process for businesses that would bring year-round, living wage jobs to Cape Cod. These are mostly established commercial areas; while they do have significant additional development potential, most is in the form of infill and redevelopment, which is important to the region’s smart growth strategy. There are no significant habitat values/historic resources in this area; it does overlap with water resources.

Ms. Jenkins said that this is an area that is well-served by public infrastructure. The existing infrastructure is backed by a robust Town capital plan and a commitment to invest in infrastructure in this area moving forward, including building roadway network capacity and multimodal infrastructure and connections. The Town is looking to increase municipal sewer capacity to serve existing and future growth and is committed to looking at water resources, including a current study on how to upgrade municipal water infrastructure. She said that the Town also has an existing regulatory framework in place to adequately address new growth. This area is almost entirely covered by the Town's Groundwater and Wellhead Protection Overlay Districts which prohibit any uses that utilize hazardous materials to protect the safety of drinking water wells and place limitations on lot coverage to promote groundwater recharge to the aquifer. Recent zoning changes modernize zoning and codify existing site plan review standards. All proposed projects undergo site plan review by the Town's planning and engineering staff to look at issues like stormwater management, site design, etc., and to ensure that all projects coming forward are designed to be the best projects they can be for Barnstable as well as for the region.

Ms. Jenkins said that this framework of regulatory streamlining, robust capital and infrastructure planning, and land use planning is a benefit both to Barnstable (by directing commercial and economic activity to this area) and the region (this is a contextually appropriate place to accommodate larger types of development).

Jon Idman, Chief Regulatory Officer, then reviewed the draft Decision prepared by Commission staff, noting that the staff recommendation is to approve the Town's request for the reasons as set out in the Decision. He said the two different areas have previously been designated and mapped through Commission and Town processes. The Economic Center and Industrial Service and Trade Area are shown on the Land Use Vision Map approved under the 2009 RPP. The 40,000-square-foot threshold increase in the Industrial and Service Trade Area is limited to two specific defined uses: light manufacturing and research and development. He said that the Town had met all the Chapter H process requirements, including holding appropriate public hearings. In Commission staff's opinion, the Town has also met the substantive requirements for Chapter H approval. Chapter H approval criteria include consistency with the applicable goals of the RPP and consistency with the Act itself.

Mr. Idman said that the Town has the regulatory system and infrastructure in place to handle growth in the two areas. Water is the primary sensitive resource in this area; the Town has a variety of regulations in place, including a Groundwater Protection Overlay District, to protect the water supply. Commission staff feel the Town's request is consistent with the RPP. The Decision provides some recommendations which deal with water resources, transportation, and community design. He reviewed Conditions of the Decision pertaining to discretionary referrals and the Conditions under which the Commission could consider Decision revocation. He said that in order to further regional economic interests, the Commission needs to work with towns to support the types of development necessary to the year-round economy.

Mr. Idman concluded by stating staff's position: that the Subcommittee recommends to the full Commission that it approve the Town's request for these DRI threshold increases and that the Commission adopt the draft Decision.

Mr. McCaffrey asked whether, as redevelopment/infill takes place, the Town will use this as an opportunity to require developers to reduce impervious surface within the Groundwater Protection Overlay District. Ms. Jenkins responded that as sites are redeveloped, they look for a reduction in impervious surface or an increase in level of stormwater treatment whenever possible.

Mr. McCaffrey asked about hazardous materials use. Ms. Jenkins said that local regulations (Industrial zoning and Groundwater and Wellhead Protection Overlay Districts) prohibit the use, generation, and storage of anything hazardous, in addition to this being a consideration in the proposed Chapter H Decision.

Mr. McCaffrey asked a question about building materials, relative to plastic building materials not being allowed under local zoning regulations. Ms. Jenkins responded that the new Highway Business ("HB") district zoning changes aim to promote the use of materials that are consistent with the designs that you would expect within the Cape Cod vernacular. Mr. McCaffrey asked about the recent zoning changes, as it appeared that the Town Council had differed on some of the proposed changes. Ms. Jenkins said that the objective of the HB district zoning amendments was to modernize some of the land uses allowed in this area. The area is a corridor commercial district, so it covers some of the neighborhood-based commercial areas as well as Route 132. The Town Council was looking to make sure the zoning was appropriate in those commercial areas that come into close contact with residential development, such as West Main Street.

Mr. McCaffrey noted that the Commission's draft Decision includes recommendations and asked whether the Town would take these seriously. Ms. Jenkins responded that there has been a long history of the Town working with Commission staff to look comprehensively at and plan for the Route 132 corridor/regional commercial district. The Town is working to put appropriate planning, zoning, and capital resources into the future of the corridor to ensure development occurs in a cohesive way, promotes the type of development we expect to see on Cape Cod, and supports businesses and capacity for new growth by improving roadway visual character and through transportation improvements.

Mr. Chirigotis said that this really is the commercial and industrial center of Cape Cod, and it's also a sensitive water resource area. The Town has been very protective of water quality. Transportation and access need to be addressed. Ms. Jenkins said that the Town has come a long way in addressing access challenges and increasing capacity, mentioning some specific examples. The approach from the local and state level has been to make improvements incrementally.

Mr. McCormack said that fiber optic access is also needed in this area. Ms. Jenkins said that the Town is working collaboratively with OpenCape on expansion of the network. The OpenCape fiber optic backbone follows 132 today; OpenCape is working on a project to extend fiber optics to Independence Drive in coordination with other Town infrastructure improvements. This will be a benefit to the industrial area and another incentive to attract clean industry.

Mr. Chirigotis said that any changes to Exit 7 would put a burden on a historic and residential area. Mr. Chirigotis and Mr. McCormack also mentioned reviving the concept of "Exit 6.5" to connect Independence Drive to Willow Street. Mr. Short sees Exit 7 as a major problem that will not be resolved easily or in a reasonable time period. Access to the hospital is challenging. Encouraging development downtown will put more of a burden on the downtown section of Hyannis. He doesn't feel that the transportation issues have yet been resolved in the Town's plan.

Ms. Jenkins said that it is an extremely complex transportation issue which impacts our entire region; any transportation solution will be multi-year and involve state and federal participation. Planning processes have resulted in the establishment of preferred alternatives for these roadways. There needs to be an awareness that Exit 7 is a critical regional public safety issue. She noted that the Exit 7 work in Yarmouth had been funded and completed several years ago, so further work in Yarmouth at Exit 7 itself was unlikely. Work is planned in the Barnstable portion of the Exit 7 corridor on Willow Street. Ms. Jenkins feels that limited accessibility is the biggest challenge to achieving the type of growth (economic and housing) that they want to see in downtown Hyannis. As they tackle the much larger issues, they continue to pursue a strategy to make smaller incremental changes. Examples include: reinforcing connections in and around the commercial center; improving safety and traffic flow; responding to new growth with appropriate infrastructure investment; multimodal thinking; and strengthening pedestrian connections. A continued commitment to pursuing these smaller improvements incrementally as well as a commitment to plan, fund, and advocate for the larger infrastructure investments that need to be made for the benefit of the region puts the Town in a good position moving forward.

Mr. Ells said that in the 29 years he has been with the Town of Barnstable, he has been involved with a number of transportation projects/improvements, providing some specific examples. He said that traffic and transportation have always been a priority. The design improvements at Willow Street and Route 28 will make the intersection more functional and safe. The next priority is the length of roadway between the Willow Street/Route 28 intersection and the airport rotary. They are working on specific locations to improve every aspect of transportation through the main corridors. He highlighted examples of where the Town is trying to address sections of roadway for carrying capacity; alleviate congestion; improve traffic flow; provide safer pedestrian and bicycle access; and improve signalization and signage. All of this is a priority for the Town Manager, Town Council, and the community as a whole. The Town has a robust capital program between federal TIP funding, Chapter 90, and local commitment by leadership. He feels confident they will address the transportation issues.

Mr. Short said that part of the problem he foresees is that transportation will change dramatically in the next few years, including autonomous vehicles/accommodations for them. He asked how the Town is going to guarantee that the water will be potable if you bring more people into downtown and the industrial area. Mr. Chirigotis said that the Town has had ~30 years of ongoing wastewater and clean water planning and study. The Town acquired the Hyannis water company; it's now a municipal business. The Town also has made improvements over the years, is looking for new well areas, and is studying the well areas they have. He doesn't have any concerns about the water issues given how much work the Town has done.

Mr. Ells said that the Town acquired a 100-year-old privately run water system in Hyannis. They knew it had quality and quantity issues; that's why the Town bought it. The Town doesn't only serve the residents of Hyannis; it serves Massachusetts as it is an economic center and a destination. Hyannis water is of good quality. The Town made a \$20-million investment in wells where there were concerns. The Town has been working with other towns in the region to share their successes and provide guidance based on their experiences. He is confident that the Town is responsibly managing this important resource.

Mr. Roy called for any comments from state or federal officials, other local officials, or members of the public; there were no public comments.

As the Subcommittee had no further questions, Mr. Chirigotis moved to recommend to the full Cape Cod Commission that it adopt the draft written Decision reviewed by the Subcommittee and approve the Town of Barnstable's request for revised DRI thresholds in Hyannis as set out in said Decision. The motion was seconded by Mr. McCormack.

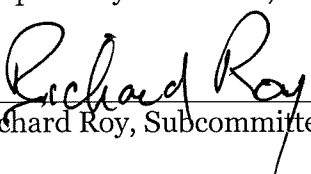
Mr. Roy called for any further discussion. Mr. McCormack commented that this was the kind of application the Commission was hoping for when the Commission instituted Chapter H.

The motion was approved unanimously.

Mr. Roy called for a motion to continue the hearing to the April 4, 2019 meeting of the Cape Cod Commission at 3 p.m., East Wing Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA. Mr. McCormack moved the motion, which was seconded by Mr. Chirigotis. The motion was approved unanimously.

Mr. Chirigotis made a motion to adjourn, which was seconded by Mr. McCaffrey. The motion was approved unanimously.

Respectfully submitted,

  
Richard Roy, Subcommittee Chair

7/11/2019  
Date