

TO: E. Suzanne McAuliffe, Chair, Assembly of Delegates
Barnstable County, Barnstable, MA

FROM: Felicia Penn, Hyannis, MA

RE: Comments: Public Hearing Chapter G, March 21, 2018
A REQUEST TO SEND THE DOCUMENT BACK TO COMMITTEE

Date: March 16, 2018

On February 20, in advance of the Cape Cod Commission's hearing on Chapter G, I submitted four pages of comments and questions. During the hearing on February 22, I listened to staff's presentation and offered additional comments. No changes or recommendations were incorporated in the proposed Chapter G language.

NOTE: at the Cape Cod Commission meeting of 2/22 the Harwich delegate informed the Chair that she wished to make a motion to refer the document back to committee because it needed more work. The Chair conveniently 'forgot' her request to make her motion, and the document passed 7-5, as written, with not one single word changed. The 7-5 vote indicates this document is a long way from receiving unanimous support as written.

I am a strong supporter of the concept of Growth Incentive Zones, which help implement smarter land use and economic development goals described in both the RPP (Regional Policy Plan) and the CEDS (Comprehensive Economic Development Strategy). It is through the actual implementation and execution of a Growth Incentive Zone that the very principles and vision of both the RPP and CEDS are fulfilled at the local level. It's critical that Chapter G language epitomizes these principles so it can serve as the appropriate instrument for implementation.

→As proposed, Chapter G deviates too far from RPP and CEDS policies and ideals. I hope you take the time to modify this document to bring it into conformance with existing CCC policy, or at least send it back to committee to be edited.

The proposed Chapter G is a total re-write from the existing language. There is no similarity between the two documents including their purpose. The purpose of a Growth Incentive Zone is to define an appropriate area within which to implement the economic and land use policies of the RPP. Here is the stated Growth Policy from the RPP as depicted in the CEDS:

THE GROWTH POLICY FOR CAPE COD

The growth policy for Barnstable County, expressed throughout the 2009 Regional Policy Plan, is to guide growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

The proposed Chapter G purpose is: *"Pursuant to the powers and authority conferred to the Cape Cod Commission under, without limitation, Sections 4 and 12 of the Act, these regulations set out a process whereby the Cape Cod*

*Commission and Cape Cod Municipalities may coordinate their efforts to identify and designate Growth Incentive Zones (GIZs), areas particularly desirable and appropriate for concentrated growth and development, and establish corresponding Development of Regional Impact review thresholds unique to and in support of such designated areas. Such a designation furthers values and interests set out in Section 1 of the Act: to maintain and enhance sustainable and balanced year-round economies; to provide opportunities for economic development and growth; to maintain and enhance a variety of housing types and opportunities; to maintain and enhance the availability of desired goods, services and amenities; and to direct and incentivize development to locate into areas with a system of existing or planned synergistic uses, capital facilities, amenities, infrastructure and compact development and **away from areas less appropriate or undesirable for this type of development.**"*

Absent any definition of 'less appropriate or undesirable', the phrase: "away from areas less appropriate or undesirable for this type of development" **is too subjective to leave to interpretation by town planning boards or boards of selectmen.** This document must be consistent with its 'parent documents', which set the policy.

I, and others, object to this departure from the RPP and from existing Chapter G language and request that it be changed to read: *The purpose of the GIZ is to direct development, redevelopment and infill into areas with existing development supported by adequate infrastructure and away from sensitive resource or historical areas, while simultaneously establishing corresponding Development of Regional Impact review thresholds unique to the designated area.*

Here, for the record, is the stated purpose of the Cape Cod Commission:

The Cape Cod Commission was established in 1990 through an Act of the Massachusetts State Legislature (1989) and a countywide referendum. The Cape Cod Commission Act outlines the agency's role as follows:

The purpose of the Cape Cod Commission shall be to further: the conservation and preservation of natural undeveloped areas, wildlife, flora and habitats for endangered species; the preservation of coastal resources including aquaculture; the protection of groundwater, surface water and ocean water quality; as well as the other natural resources of Cape Cod; balanced economic growth; the provision of adequate capital facilities, including transportation, water supply, and solid, sanitary and hazardous waste disposal facilities; the coordination of the provision of adequate capital facilities with the achievement of other goals; the development of adequate supply of fair affordable housing; and the preservation of historical, cultural, archeological, architectural, and recreational values.

Note the emphasis on the environment and preservation of historical, cultural, archeological, architectural and recreational values. The proposed Chapter G language does not represent the same meaning; it appears to steer away from any reference to environmentally or historically sensitive areas and should be modified to come into conformance with the CCC, the RPP and the CEDS.

Excerpted from the CEDS 2017 annual report: *The Cape Cod Commission Act calls for the development of a Regional Policy Plan (RPP) to outline a coherent set of land use policies and development standards to guide growth on Cape Cod and to protect its resources. The RPP establishes the basis for economic development planning on Cape Cod, envisioning synergy between economic development and the protection and preservation of the Cape's resources and heritage. The CEDS incorporates the regional growth policy and economic development goals of the RPP.*

Chapter G is the document that provides for implementation of this concept at the local level and therefore should directly emulate its language and intent.

Offsets:

What is completely lacking in the proposed Chapter G regulation is the concept of “offsets”. This concept is best described as follows: if dense growth exists within the designated GIZ, then there should be areas in town that remain undeveloped—creating a balance or an offset to the density. I realize that in the very first GIZ in Hyannis, the numbers assigned to the “offsets” were unattainable and difficult to manage. But the concept of defining an area where there is dense growth within the GIZ to the benefit of other areas outside of the GIZ, meaning that development will not occur there, is sound planning practice. There is no reason to abandon the theory of offsets conceptually because it was difficult to manage. If there is no designation of offset areas, what’s to prevent simultaneous rapid growth outside of the designated GIZ? If this is allowed to happen, then what’s the point of a GIZ? Is the purpose of a GIZ only focused on managing projects that qualify for DRI designation in downtown areas? I think not.

➔ **The newly proposed Chapter G language, absent the concept of offsets, appears to be contrary to the CEDS: the CEDS clearly indicates that smart growth on Cape Cod includes a decrease in development outside Activity Centers. The proposed Chapter G language doesn't support the CEDS' Smart Growth Pattern:**

“CEDS Vision & Goals: Economic development on Cape Cod begins with the protection of the natural, built, and cultural assets of the area that make it unique.”

LOW-IMPACT AND COMPATIBLE DEVELOPMENT		
To promote the design and location of development and redevelopment to preserve the Cape’s environment and cultural heritage, use infrastructure efficiently, minimize adverse impacts, and enhance the quality of life		
Benchmark	Measures	Trend Desired
Smart Growth Pattern	Number & share of New Development in Activity Centers	increase
	Number & Share of total residential units n activity centers	increase
	Number & Share of total commercial SF in activity centers	increase
	Housing Density in Activity Centers (units/acre)	increase
	Un-development outside Activity Centers	increase

Page 8 Cape Cod Comprehensive Economic Development Strategy – Annual Report June 2017

LOW-IMPACT AND COMPATIBLE DEVELOPMENT		
To promote the design and location of development and redevelopment to preserve the Cape’s environment and cultural heritage, use infrastructure efficiently, minimize adverse impacts, and enhance the quality of life		
Benchmark	Measures	Trend Desired
Quality of Life	New Development in Priority Protection Areas	decrease
	Alternative Transportation/Transit Use	increase
	Average Commute to Work Duration	decrease

	Acres of Recreational Open Space	increase
	Land Use Diversity in Activity Centers	increase
Environmental Quality / Resource Protection	Drinking Water Quality	improve
	Surface Water Quality	improve
	Impervious Surface	decrease
	Manicured Lawn	decrease
	Tree Coverage	increase
	Number of Historic Structures (Pre-1950)	stable

➔ Please consider amending the proposed Chapter G regulations by including language that supports offsets (un-development) outside of Growth Incentive Zones.

Chapter G is the tool that addresses the essential question of how to manage our land use in a way that will bring us the greatest economic return without harming our key asset, the natural environment.

Proposed Additional Edits:

Section 2: D1: Proposed Language: may versus shall

Proposed language: *“The Commission’s Committee on Planning and Regulation may meet to review and make a recommendation to the Commission regarding a proposed GIZ designation “*

Existing Chapter G regulations require the Committee on Planning and Regulation to meet to review and make a recommendation to the Commission regarding a proposed GIZ designation. **Please change the wording back to ‘shall meet’, instead of ‘may meet’.**

Section 2: D2: please add section (d):

“Shall be in compliance with the Regional Policy Plan and the Comprehensive Economic Development Strategy”

If you choose to not add the phrase above to this section, please add the CEDS to Section 3, #6D.

Section 5. Modification to GIZ Designation Decisions

2. *Without limitation, a modification Modifications may be requested to authorize changes to the geographic boundary and extent of an approved GIZ designation when and if development, redevelopment and infill have reached a satisfactory level within the GIZ. Conditions the conditions in a GIZ designation decision, or DRI thresholds revised under a GIZ designation decision may be modified without limitations.*

The suggested edits in the above paragraph are crucial to maintaining the integrity of a Growth Incentive Zone.

Section 7: A&B: please add the Planning Board to the list of bodies within a town to be notified.