



Truro Planning Board Agenda

Remote Public Meeting – Work Session

Wednesday, September 8, 2021 – 5:00 pm

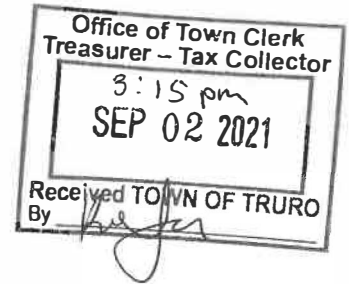
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Open Meeting

Remote Meeting Access Instructions: Citizens can join the meeting to listen by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at **1-866-899-4679** and entering the access code **568-274-397#** when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://global.gotomeeting.com/join/568274397>

1. Planner Report
2. Chair Report
3. Potential Bylaws for 2022 ATM
 - ◆ Development Agreement
4. Questions/Information/Resources for Local Comprehensive Plan
5. Review ANR for infrastructure information/checklist review



Workshops: (Tentative)

- ◆ September 15:
 - A) Feedback on Handbook draft
 - B) Potential Bylaw Changes
 - Street – Review definition, corrections, and recommend changes
 - Definitions – Apartments and more
 - Driveway slope?
 - Other miscellaneous
 - C) Continue Subdivision Regulation discussion
- Subdivision Regulations
 - Lot coverage
 - Addressing impact of climate change:
 - ❖ Cape Cod Commission – OneCape Summit
 - Addressing the CSP and RSP Review Criteria
- Review for packet inclusion: DRI – Mandatory and discretionary referral standards of the CCC

Adjourn

Model Development Agreement Bylaw

Background

This model bylaw/ordinance was prepared by the Cape Cod Commission to assist Cape Cod Towns that wish to incorporate development agreement authority into their local regulations. This model was prepared in conformance with the Cape Cod Commission Act and the Code of Cape Cod Commission Regulations of General Application, as revised.

A development agreement is a voluntary, binding contract. It is a tool that may be used by the Cape Cod Commission, municipalities, state agencies and developers to define the scope and substance of proposed developments. As empowered by the Cape Cod Commission Act, the Cape Cod Commission has the opportunity to enter into development agreements with the private sector. In addition, and provided that their Local Comprehensive Plans have been certified by the Cape Cod Commission, the Cape's fifteen towns are authorized to execute development agreements directly with a land owner or with a land owner, the Cape Cod Commission and other governmental agencies, including abutting Cape towns.

In addition to having their Local Comprehensive Plans certified by the Cape Cod Commission, towns wishing to execute development agreements must adopt this bylaw, or a reasonably related substitute, as a general or zoning bylaw or ordinance. Once adopted, Towns are free to execute development agreements in accordance with the regulations noted below.

Finally, as with the execution of any contract, it is strongly recommended that no development agreement be pursued and executed without advice from counsel.

01.0 Purpose and Intent: This bylaw/ordinance enables the Town of ____ to enter into development agreements consistent with the provisions of the Cape Cod Commission Act and Chapter D - Code of Cape Cod Commission Regulations of General Application.

02.0 Definitions: In this bylaw, the following terms shall have the following meanings:

02.1 Act: An Act Establishing the Cape Cod Commission, Chapter 716 of the Acts of 1989, as amended.

02.2 Local Building Official: The local building inspector or building commissioner for the municipality(ies) in which the proposed development is located.

02.3 Commission: The Cape Cod Commission.

02.4 Executive Director: The Executive Director of the Cape Cod Commission.

02.5 Lead Community: When the Commission is not a party and a proposed development agreement involves more than one municipality, the Lead Community shall be the municipality that the involved municipalities agree shall be the Lead Community. Where all involved municipalities cannot agree upon a Lead

Community, the Lead Community shall be the municipality having the largest area encompassed by the proposed development.

02.6 **Qualified Applicant:** A person who has a majority legal or equitable interest in the real property which is the subject of the development agreement. A Qualified Applicant may be represented by an authorized agent.

02.7 **Participating Parties:** Those entities who have been selected by a Qualified Applicant to consider a particular Development Agreement, including the Qualified Applicant, and a municipality(ies), and/or a state agency(ies). Unless otherwise provided in a Town's bylaws, a municipality through its Board of Selectmen/ or for the town of Barnstable through its Town Manager, may appoint a negotiating board composed of members of its municipal boards and commissions as the Selectmen/Town Manager believe may best represent their town's interests.

03.0 Authority: Notwithstanding provisions to the contrary, the Town of _____ is hereby authorized to enter into a development agreement with a Qualified Applicant provided the following conditions are met:

03.1 The Town's Local Comprehensive Plan has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan and said certification has not been revoked;

03.2 The Town has adopted, either through an amendment to its zoning bylaw/ordinance or as a general Town bylaw, the enabling regulation contained in Sections 01.0 through Section 10.0, herein.

04.0 Who may participate in a Development Agreement

04.1 The Commission, municipality(ies), state agency(ies), and Qualified Applicants may enter into a development agreement.

04.2 A Qualified Applicant may choose to participate with:

- (a) the Commission; or
- (b) the Commission and a municipality or municipalities within which the development is proposed; or
- (c) the Commission and a municipality or municipalities within which the development is proposed and with a state agency or agencies; or a municipality or municipalities within which the development is proposed; or
- (d) a municipality or municipalities within which the development is proposed and a state agency or agencies.

04.3 Those parties selected to participate are referred to within this bylaw as "Participating Parties".

05.0 Negotiation and Execution of Development Agreements:

05.1 Negotiation of the elements of a development agreement between Participating Parties (Section 04.0) and a Qualified Applicant shall follow all pertinent rules of due process currently required for public meetings, public hearings, and ratification of board/council decisions.

05.2 Negotiation of the elements of a development agreement between Participating Parties (Section 04.0) and a Qualified Applicant shall be led by the Planning Board or its designee, and may include representatives from other municipal boards, departments and commissions where said joint participation will assist the negotiation process.

05.3 No development agreement may be executed by the Board of Selectmen/ Town Manager prior to an affirmative, majority vote by the Planning Board recommending the execution of the development agreement.

05.4 The Board of Selectmen/Town Manager may make minor amendments to the development agreement recommended by the Planning Board and execute said development agreement as amended, provided that such amendments do not alter the use, intensity or mitigation stipulations of the development agreement. However, in no instance may the Board of Selectmen/ Town Manager make substantial amendments to the development agreement recommended by the Planning Board without first receiving written concurrence from the Planning Board and Qualified Applicant that said substantial amendments are agreed to.

05.5 The Board of Selectmen/Town Manager or their designee shall be authorized to execute, on behalf of the town, a development agreement. Prior to executing said development agreement, the Board of Selectmen shall, at a public meeting, vote to authorize said execution. The Board of Selectmen/Town Manager shall, within seven (7) days of the vote authorizing the execution of the development agreement, cause said development agreement to be so executed and forward the same to the Qualified Applicant by certified, return receipt mail. Within twenty-one (21) days of the date said development agreement has been mailed by the Board of Selectmen/Town Manager, the Qualified Applicant shall execute the agreement and return either by certified mail or hand delivery, the fully executed development agreement.

06.0 Elements of Development Agreements:

06.1 Proffers by a Qualified Applicant: A development agreement may include, but is not limited to, the provisions whereby a Qualified Applicant agrees to provide certain benefits which contribute to one or more of the following:

- (a) infrastructure;

- (b) public capital facilities;
- (c) land dedication or preservation;
- (d) fair, affordable housing, either on-site or off-site;
- (e) employment opportunities;
- (f) community facilities;
- (g) recreational uses;
- (h) other benefits intended to serve the proposed development, municipality, and county, including site design standards to ensure preservation of community character and natural resources.

06.2 Proffers by a Lead Community: A development agreement may include the provisions whereby a Lead Community and other municipality agree to provide certain protection from future changes in applicable local regulations and assistance in streamlining the local regulatory approval process. Streamlining may include, where not in conflict with existing local, state or federal law, holding of joint hearings, coordination of permit applications and, where possible, accelerated review of permit approvals. A development agreement may also provide for extensions of time within which development approvals under state, regional and local laws may be extended to coincide with the expiration of the development agreement established in Section 09.0, below. When the Cape Cod Commission is not a party to the development agreement, no land use development rights shall vest with respect to Cape Cod Commission regulations and decisions and the property shall be subject to current as well as subsequent changes in the Commission's regulations and decisions.

07.0 Procedural Requirements for Development Agreements Where the Cape Cod Commission is a Party to the Agreement:

07.1 Where the Cape Cod Commission is to be a party to a development agreement, the procedural requirements established in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised, shall be followed and no such development agreement shall be valid unless and until the requirements of said Section 5 of Chapter D have been complied with in full.

08.0 Procedural Requirements for Development Agreements Where the Cape Cod Commission is Not a Party to the Agreement:

08.1 Where the Cape Cod Commission is not to be a party to a development agreement a Qualified Applicant shall complete a Development Agreement Application Form. The Development Agreement Application Form shall include:

- (a) A fully completed Development Agreement Application Form or a substantially equivalent form, including a certified list of abutters prepared by the Assessors in the town or towns where the abutters are located;
- (b) A legal description and a survey of the land subject to the agreement and the names of its legal and equitable owners;
- (c) The proposed duration of the agreement;
- (d) The development uses currently permitted on the land, and development uses proposed on the land including residential/population densities, and building densities and height;
- (e) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities will be constructed, and a schedule to assure public facilities adequate to serve the development are available concurrent with the impacts of the development;
- (f) A description of any reservation or dedication of land for public recreation, conservation, agricultural, aquacultural, or historic purposes;
- (g) A description of all local development permits needed for the development of the land;
- (h) A statement acknowledging that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the Qualified Applicant or Participating Parties of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions;
- (i) A Final Environmental Impact Report, certified as adequate by the Secretary of Environmental Affairs, if required under sections 61-62h of Chapter 30 of the General Laws;
- (j) Additional data and analysis necessary to assess the impact of the proposed development, as determined by the Municipality or Lead Community.

08.2 All Qualified Applicants seeking to enter into a development agreement without the Commission as a party shall submit the proposed development to the Local Building Official for a determination of whether the proposed development qualifies as a Development of Regional Impact. If the Local Building Official determines that the proposed development is not a Development of Regional Impact, the Local Building Official shall forward his or her determination, together with the reasons for such determination and a copy of the development agreement application, to the Commission Clerk within five (5) business days. If the Chief Regulatory Officer or his/her designee determines that the proposed development exceeds a DRI review threshold pursuant to the Act and the Enabling Regulations, then the project shall be subject to DRI review or the Qualified Applicant should follow the Procedure for adopting Development Agreements as

outlined in Section 7 of this bylaw. The Chief Regulatory Officer or his/her designee shall notify in writing the Qualified Applicant, the Local Building Official, and the Town Clerk(s) of the municipality(ies) in which the development is located of his/her decision within ten (10) days of receipt of the Local Building Official's determination. If the proposed development is not a Development of Regional Impact, then the Qualified Applicant may pursue a development agreement without the Commission as a party pursuant to Section 8 of this bylaw.

08.3 The municipality which is a party, or when more than one municipality is a party, then the Lead Community shall oversee the development agreement process. The Municipality or Lead Community shall hold a public hearing after receipt of a fully completed application from a Qualified Applicant for consideration of a proposed development agreement. At least one public hearing shall be held in at least one of the municipality(ies) in which the proposed development is located. The public hearing regarding review of a development agreement shall not exceed ninety (90) days, unless extended by mutual agreement of the parties. Failure to close the public hearing within ninety (90) days shall not result in a constructive grant of the proposed development.

08.4 When more than one municipality is a party to the agreement, the Lead Community shall oversee the development agreement process as specified in this bylaw. Conflicts between the Lead Community and other municipality(ies) which are a party to the agreement shall be resolved through negotiation by the relevant parties. Because a development agreement is a voluntary process, unresolved disputes may result in one or more parties making a determination not to remain a party to the proposed negotiation of the development agreement.

08.5 The municipality or Lead Community shall provide notice of the public hearing to consider a development agreement by publication as required by Sections 5(d)(1-3) of the Cape Cod Commission Act. The municipality or Lead Community shall also provide notice to the Commission at least fourteen (14) days prior to such hearing.

08.6 The qualified applicant shall pay the cost of providing notice of the public hearing to consider the proposed development agreement.

08.7 The municipality or Lead Community shall review proposed development agreements for their consistency with local zoning and Local Comprehensive Plans. A development agreement that is inconsistent with local zoning shall require either a zoning amendment or shall be subject to the grant of such zoning relief as may be needed under the zoning bylaws of the Town as may be needed to resolve the inconsistency, unless the development agreement is approved by the same entity and the same quantum of votes as would be required to amend the zoning bylaws/ordinances of the Town. Thereupon, any departure from zoning expressly and specifically authorized by the development agreement shall be deemed effective.

08.8 The municipality or Lead Community shall file its development agreement with the Clerk of the Cape Cod Commission and with the town clerk(s) of the municipality(ies) in which the development is located. Notices of development agreements shall be published

in a newspaper of general circulation in the municipality(ies) in which the development is located, including a brief summary of the contents of the development agreement and a statement that copies of the development agreement are available for public inspection at the town clerk's office during normal business hours of any municipality which is a party to the agreement. In addition, the Lead Community shall provide the Cape Cod Commission with a summary of the development agreement, which the Cape Cod Commission shall publish in its official publication pursuant to section 5(i) of the Cape Cod Commission Act.

08.9 The town clerks of the contracting town or towns shall issue a certificate, which certifies the effective date of the development agreement. The certificate shall be issued in a form suitable for recording in the Barnstable County Registry of Deeds. The municipality or Lead Community shall record the certificate, to which the development agreement shall be attached as an exhibit in the Barnstable County Registry of Deeds and shall submit proof of such recording to the Commission Clerk within 14 days of such recording. The Qualified Applicant shall bear the expense of recording.

08.10 The municipality or Lead Community may, by separate resolution, establish the fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations. Any other municipality or state agency which is also a party to the development agreement may, by separate resolution, establish additional fees and charges to be imposed for the filing and processing of each application and document provided for under these regulations.

09.0 Duration of the Development Agreement:

09.1 Nothing in this bylaw/ordinance may be construed to permit a municipality to require a Qualified Applicant to enter into a development agreement.

09.2. A development agreement will commence and terminate as agreed by the parties, in writing, except as otherwise provided in this section and section 5(q) of Chapter D, of the Code of the Cape Cod Commission Regulations of General Application, as revised. When the Commission is not a party, a development agreement shall not exceed ten (10) years, however, provisions in the development agreement pertaining to the preservation of open space and park areas, and agreement to pay for maintenance of utilities and other infrastructure may exceed such ten-year limitation. When the Commission is a party, a development agreement may be adopted for a longer period of time, in accordance with Section 7 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised.

09.3 A development agreement may not be used to prevent a Lead Community or other governmental agency from requiring a Qualified Applicant or Participating Party to comply with the laws, rules and regulations and policies enacted after the date of the development agreement, if the Lead Community or governmental agency determines that the imposition and compliance with the newly effective laws and regulations is essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

10.0 Amendment and Rescission:

10.1 A development agreement may be amended or rescinded as provided below. Requirements for hearings, notice, costs and filing and recording of the amendments and rescissions of development agreements shall be followed as provided in sections 7 and 8 above.

10.2 Modification categories

(a) Minor Modification:

Amendments that are de minimus changes or technical corrections, as determined by both the Commission and/or the Lead Community, may be made without following the notice and public hearing requirements provided in Sections 7 and 8 above. Such changes may be authorized by the Regulatory Committee of the Commission, a majority vote of the Board of Selectmen or for the Town of Barnstable by signature of its Town Manager, and endorsement of the Head of a State Agency.

(b) Major Modification:

When the Commission is a party to the development agreement, any party to the development agreement may petition to amend the development agreement. The Participating Parties may petition to rescind the development agreement; the Commission may petition to rescind the development agreement only in the event of failure of consideration. Such petition shall be made in writing and shall state, in specific detail, the petitioner's reasons for amendment or rescission. The petitioning party shall provide notice to all parties to the development agreement

When the Commission is not a party to the development agreement, any other party to the development agreement may petition the municipality or Lead Community to amend or rescind the development agreement. The petitioning party shall provide notice to all parties to the development agreement and to the Commission of its intention to amend or rescind the agreement by providing such parties and the Commission with a copy of the petition seeking such amendment or rescission. When the municipality or Lead Community initiates an amendment or rescission, it shall provide notice, in writing, to all other parties to the agreement and to the Commission.

10.3 Amendments and rescissions must be ratified by all parties to the original development agreement. Any development agreement may contain provisions further regulating the amendment and/or rescission of a development agreement.

11.0 Enforcement:

11.1 A development agreement is a binding contract, which is enforceable in law or equity by the contracting parties only and their successors and assigns in the appropriate Massachusetts courts.

12.0 Severability:

12.1 If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the town's zoning bylaw.



CAPE COD
COMMISSION

Local Comprehensive Plan Guidance

**FREQUENTLY ASKED QUESTIONS AND
SUPPLEMENTAL RESOURCES**

AUGUST 12, 2019

LCP Guidance Document

Local Comprehensive Plan Guidance

FREQUENTLY ASKED QUESTIONS AND SUPPLEMENTAL RESOURCES

Cape Cod Commission (Commission) staff has prepared the following list of questions and answers related to the 2019 Local Comprehensive Plan (LCP) Regulations. It is intended to help communities as they develop new LCPs or update old plans. A Supplemental Resources section follows the questions and answers and provides detailed references from the 2018 Cape Cod Regional Policy Plan (RPP), including RPP goals and Placetypes. Cape Cod Commission staff is available to assist towns as they develop their LCPs and answer questions about Commission certification.

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CAPE COD COMMISSION

US Mail: P.O. Box 226 (3225 Main Street), Barnstable, Massachusetts 02630

Phone: 508-362-3828 • Fax: 508-362-3136 • Email: frontdesk@capecodcommission.org

www.capecodcommission.org

Frequently Asked Questions

Cape Cod Commission (Commission) staff has prepared the following list of questions and answers related to the 2019 Local Comprehensive Plan (LCP) Regulations. It is intended to help communities as they develop new LCPs or update old plans.

1. Why is it important to prepare and update a Local Comprehensive Plan?

It is through the LCP that each town defines its vision for how to plan for growth and change and protect shared resources on Cape Cod. In addition to articulating a vision and growth policy, the LCP is a source of information about existing and expected conditions within a town that will change over time as the values and expectations of the community evolve. Preparing and updating an LCP helps to ensure that Cape communities respond to changing needs in a sustainable manner. It can also serve as a guide and resource for elected officials, board members, and community residents for future decision making.

2. What content does the LCP need to include for Cape Cod Commission certification?

An LCP is required to include the following six parts:

1. **Vision Statement**—A “vision” statement expresses the shared values of the community for future growth and development and resource protection and represents a growth policy for the community. The vision statement should align with and support the regional vision articulated in the “Growth Policy” of the RPP, with consideration given to the Cape Cod Placetypes concept identified in the RPP.
2. **Existing Conditions**—An LCP needs to provide a basic inventory and overview of existing conditions and assets in the town. The existing conditions inventory and overview should guide the LCP’s discussion about future growth and development and resource protection in the town. Some examples of data to include are: population, housing units, significant community resources and assets (cultural, infrastructural, environmental), top employment sectors, median household income or other economic data, amount of open space in the community, beaches, pedestrian and bicyclist amenities.
3. **Goals**—The LCP shall identify planning and land use goals that are consistent with those contained in the RPP. LCP goals may be tailored to suit local needs as necessary and desirable, among other purposes, to address key challenges identified by the town. Towns may adopt additional, more specific or different LCP goals than those included or as articulated in the RPP, so long as such LCP goals are consistent and not contrary to RPP Goals. Note that goals may vary by Placetype. (A discussion of strategies for addressing development in each Cape Cod Placetype is included in the Supplemental Resources at the end of this document.)

4. **Capital Facilities Plan**—A capital facilities plan outlines the key capital facilities and infrastructure needed to accommodate anticipated future growth and development and protect resources in the town (and as coordinated with other towns). The plan should include:
 - a. Description of the town’s existing infrastructure systems and any challenges or constraints those infrastructure systems face;
 - b. Identification of capital facilities and infrastructure projects needed to support growth or redevelopment in areas identified by the community through the LCP process as appropriate and desirable for such purposes;
 - c. Description of funding sources and strategies to support planned capital facilities;
 - d. Description of how the identified and planned capital facilities projects will support the community’s LCP vision and growth within the region; and
 - e. Description of how the local capital facilities plan aligns with and supports the regional capital plan, as applicable.

5. **Housing Plan**—Either a Housing Production Plan adopted by a town and approved by the Department of Housing and Community Development (DHCD), defining certain annual increases in a town’s number of Subsidized Housing Inventory (SHI) Eligible Housing; or, for towns that do not have a Housing Production Plan, an assessment of housing demand based on current data; an analysis of constraints and limitations; and housing goals and actions. A town is also encouraged to identify priority areas for compact and multi-family housing, including infill and redevelopment.

6. **Targeted Action Plan**—Action items and an implementation schedule with timeframes for completion of the actions, plus the responsible party that will take the lead in implementation. A Targeted Action Plan lays out the steps needed to achieve an action and functions like a road map to implementation. The LCP regulations do not prescribe a timeframe for completion, as the conditions for implementation in each community are different. Each town will need to determine the steps necessary to achieve each action and provide a realistic schedule for implementation. The Targeted Action Plan shall include the following:
 - a. Proposed new or amendments to existing municipal development bylaws/ordinances intended to advance the goals and vision of the LCP;
 - b. Implementation schedule and budgeting for proposed capital facilities projects that will support achieving the community’s vision;
 - c. Implementation schedule for proposed private or non-municipal infrastructure in or affecting the town, to the extent known by the town;
 - d. Implementation schedule for proposed actions intended to advance fair, low- and moderate-income affordable housing consistent with local needs, including anticipated housing starts that meet identified supply targets;
 - e. Anticipated meeting schedule to update Commission staff on LCP implementation actions; and

- f. Performance measures to assist in determining whether identified actions have been met or achieved their purpose.

3. What should be included in a vision statement? Does the Commission have an example?

The vision statement provides a growth policy that expresses the shared values of the community for future development and resource protection. It defines what the town is today and what the community wants and envisions it to be in the future. The RPP growth policy and vision for Barnstable County provides one example.

The Town of Brewster's 2018 Community Visioning Process may provide a useful example for other communities developing an LCP. The town undertook a grassroots effort to complete a community visioning process to explore community values, identify key issues confronting the community now and into the future, and build consensus around priority actions. With the help of a consultant, a series of community workshops was held in which participants indicated what they value about the community, challenges and opportunities facing their community, and their vision for the future.

To view Brewster's Visioning Plan, go to: <http://records.brewster-ma.gov/weblink/0/doc/90826/Page1.aspx>

4. What is the timeframe for the LCP and how often does it need to be updated?

A town may update its LCP at any time. The LCP regulations do not provide a prescribed timeframe for LCP actions as the conditions for implementation in each community are different and are best determined by the local community. To retain LCP certification, the LCP needs to be consistent with the RPP and may need to be updated when the RPP is updated.

5. Do we need to include all the RPP goals in our LCP?

The 2018 Regional Policy Plan (RPP) adopted 14 goals to guide and plan for the future of the region in a manner consistent with the vision and growth policy of the RPP. The LCP goals should reflect the regional goals and address the issues and needs that are most relevant to the community. The LCP goals do not need to identically match the RPP goals. They must, however, be consistent with the RPP goals.

6. What are placetypes and how are they used in the LCP?

Cape Cod is comprised of different types of places. To recognize and support these areas, the 2018 RPP identifies areas with similar natural and built characteristics as distinct "Placetypes." There are eight

Placetypes across the region, each with its own vision: Natural Areas, Rural Development Areas, Suburban Development Areas, Historic Areas, Maritime Areas, Community Activity Centers, Industrial Activity Centers, and Military and Transportation Areas. The Placetypes serve as a conceptual framework for appropriate context-sensitive planning and regulation.

Towns are encouraged to consider the Cape Cod Placetypes identified in the RPP in development of their Vision Statement and Growth Policy. Additionally, a community may find it useful to identify which areas of its town fit into which Placetype to help develop goals, visions, or strategies for those areas. For example, by identifying rural development areas in the community, it may help the community further think about how it would like to preserve the character of that area and what strategies may be most useful and effective in that location. The LCP and its vision statement and goals may also address additional strategic planning areas not identified in the regional Placetypes, as appropriate.

For more information on the characteristics and vision for each Placetype, see page 8.

7. What topics are required to be in an LCP?

The LCP should cover the natural, built, and community systems that the RPP addresses, but the Commission recognizes that some topics will be more relevant and discussed more than others, depending on the community.

8. How should the LCP be organized?

It is up to the town to decide how to organize the LCP based on what works best for the community. In the past, towns organized their LCPs by chapter and included a substantial amount of data, graphics, and background information, sometimes several hundred pages. This material may be useful for a community to include and is appropriate in an LCP, but with the updated and more streamlined LCP regulations, the Commission encourages communities to use the LCP Certification Template included at the end of this document and which provides a streamlined framework to incorporate the certification requirements. The LCP Template provides placeholder spaces for the required content and helps create a concise document that features the key elements for Commission certification. Communities that prefer to continue the organizational format and content of their older LCPs are encouraged to create a separate document for LCP certification that follows the LCP template, similar to an executive summary.

Regardless of the organizational style, the LCP should reference, but not duplicate, information and material from other town plans such as master plans, open space and recreation plans, etc. (See the section on other plans below.)

9. Does the Commission certify the LCP before or after Town Meeting/Town Council adoption?

The Commission votes on certification after LCP adoption at the local level. Towns are encouraged to work and engage with Commission staff throughout development of the LCP – including submittal of working drafts for informal review – to ensure that the LCP meets the requirement for Commission certification prior to Town Meeting/Town Council consideration. The revised LCP regulations streamline the Commission’s formal review procedures, but it is important to work with Commission staff during the document’s development.

10. What does Commission LCP certification obtain for the town?

Towns with Commission-certified LCPs will be given priority consideration for planning and technical assistance from the CCC. The technical assistance may help with a variety of topics and issues, as well as helping towns implement actions identified in the Targeted Action Plan in their LCP. Additionally, a Commission-certified LCP will afford communities the ability to enter into development agreements, to assess impact fees pursuant to the Cape Cod Commission Act, and offers a planning framework for proposed designations such as Chapter H and Growth Incentive Zones.

11. Can other plans be used to supplement the LCP?

Yes! The Commission recognizes that many towns have made a significant effort to complete other plans to address specific issues such as open space and recreation, housing production, harbor planning, watershed management plans, and others. Towns are encouraged to incorporate these plans into their visioning process and to reference them in the LCP to the extent they are available.

12. How can the Commission help?

Communities initiating a new LCP or updating an existing LCP should request a meeting with Commission staff in the early phases of plan development. Early consultation with the Commission will help to ensure the LCP content meets the requirements for certification.

Towns may request technical assistance from Commission staff to assist with the preparation of an LCP and/or implementation of the Targeted Action Plan. Commission staff can also assist towns in completing the local visioning process, including: designing/facilitating community workshops; providing GIS and graphics support including three-dimensional visualization techniques to illustrate potential zoning changes; assisting with preparation of capital infrastructure and facilities plans and/or local housing plans; and other technical services as requested.

13. What types of bylaw changes may be considered in the action plan?

As noted above, the RPP identifies eight Placetypes across the region. The RPP includes a character description for each Placetype and strategies for creating and enhancing their features, functionality, and characteristics. Towns should consider adopting changes to zoning and other regulations to support various Placetypes identified in their community including the following:

Natural Areas	<ul style="list-style-type: none"> ■ Regulations to limit development in flood hazard areas ■ Natural resource protection bylaws
Rural Development Areas	<ul style="list-style-type: none"> ■ Conservation subdivision design, open space residential design, or natural resource protection zoning ■ Land clearing and grading bylaws
Suburban Development Areas	<ul style="list-style-type: none"> ■ Commercial corridor zoning to reduce strip development ■ Access management bylaws ■ Reduced/shared parking, requiring parking to side and/or rear ■ Cluster development or open space residential design bylaws in residential areas
Historic Areas	<ul style="list-style-type: none"> ■ Incentives to reuse historic buildings through flexible dimensional regulations ■ Demolition delay bylaws ■ Design review bylaws/guidelines
Maritime Areas	<ul style="list-style-type: none"> ■ Zoning and dimensional regulations that support traditional maritime activities ■ Incentives to reuse historic buildings through flexible dimensional regulations
Community Activity Centers	<ul style="list-style-type: none"> ■ Zoning to allow higher density and multi-family housing ■ Inclusionary zoning bylaws ■ Dimensional regulations that foster pedestrian activity and follow established development patterns
Industrial Activity Centers	<ul style="list-style-type: none"> ■ Access management bylaws ■ Land clearing and grading bylaws ■ Low-impact development stormwater regulations ■ Bylaws to encourage renewable energy generation where appropriate
Military and Transportation Areas	<ul style="list-style-type: none"> ■ Access management bylaws ■ Bylaws to encourage renewable energy generation where appropriate

14. What are performance measures?

Towns may consider adopting performance measures as a means of tracking progress towards achieving their LCP vision and goals. In addition to showing progress towards goals, performance measures may also highlight areas where the town may need to focus more attention or efforts. Towns should identify performance measures that align with high priority issue areas for their community. For example, if a community seeks to develop more housing, a performance measure may be “number of housing units” in the town. Depending on the performance measure, it may be something the town looks at annually, bi-annually, every 5 years, or at the interval that makes sense for that specific measure.

The 2018 RPP identifies performance measures to be tracked over time. Changes in these measures will help illustrate whether the region is moving toward the RPP’s vision for the future as a region of vibrant, sustainable, and healthy communities, and protected natural and cultural resources. The RPP performance measures may provide examples or ideas for performance measures, but towns are encouraged to develop performance measures that make the most sense for their local vision and priorities. Additional information on the 2018 RPP performance measures can be found in the RPP.

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Supplemental Resources

Commission staff has prepared the following supplemental resources section to provide detailed references from the 2018 Cape Cod Regional Policy Plan (RPP), including RPP goals and Placetypes.

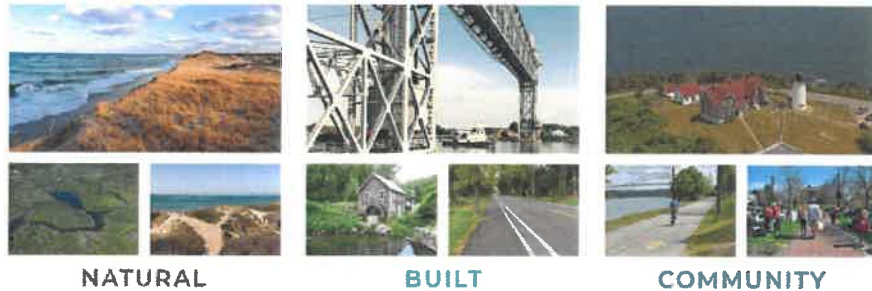
REGIONAL POLICY PLAN GOALS

The 2018 Regional Policy Plan (RPP) adopted 14 goals to guide and plan for the future of the region in a manner consistent with the vision and growth policy of the RPP. The goals and their supporting objectives derive from the values and purposes of the Cape Cod Commission Act, preserving and enhancing the region’s assets.

Organized around the region’s natural, built, and community systems, these goals and objectives form the structure upon which the region’s planning work relies, serve as touchstones to guide implementation actions, and set the measures by which the regulatory review process takes place.

CAPE COD SYSTEMS

The Regional Policy Plan goals and objectives are organized around the region’s natural, built, and community systems. These goals and objectives form the structure upon which the region’s planning work relies.



To obtain Commission certification, the LCP is required to include planning and land use goals that are consistent with the RPP goals.

LCP goals can be tailored to suit local needs to address key challenges identified by the town. Towns may adopt additional, more specific or different LCP goals than those in the RPP, so long as the LCP Goals are consistent and do not conflict with the RPP goals.

The goals contained within the RPP are replicated here for ease of reference for towns to use in crafting their town goals within their LCP.

Natural Systems

To protect and restore the quality and function of the region's natural environment that provides the clean water and healthy ecosystems upon which life depends.



Water Resources	Goal: To maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources.
Ocean Resources	Goal: To protect, preserve, or restore the quality and natural values and functions of ocean resources.
Wetland Resources	Goal: To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers.
Wildlife and Plant Habitat	Goal: To protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity.
Open Space	Goal: To conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems.

Built Systems

To protect and enhance the built environment and infrastructure necessary to support the region and healthy activity centers.



Community Design	Goal: To protect and enhance the unique character of the region's built and natural environment based on the local context.
Coastal Resiliency	Goal: To prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise.
Capital Facilities and Infrastructure	Goal: To guide the development of capital facilities and infrastructure necessary to meet the region's needs while protecting regional resources.

Transportation	Goal: To provide and promote a safe, reliable, and multi-modal transportation system.
Energy	Goal: To provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod.
Waste Management	Goal: To promote a sustainable solid waste management system for the region that protects public health, safety, and the environment and supports the economy.

Community Systems

To protect and enhance the linkages between society, the natural environment, and history vital to the way of life on Cape Cod by supporting development of amenities and life opportunities necessary to support vibrant and diverse communities.



Cultural Heritage	Goal: To protect and preserve the significant cultural, historic, and archeological values and resources of Cape Cod.
Economy	Goal: To promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce.
Housing	Goal: To promote the production of an adequate supply of ownership and rental housing that is safe, healthy, and attainable for people with different income levels and diverse needs.

For the complete 2018 RPP, go to: www.capecodcommission.org/rpp

CAPE COD PLACETYPES

Each town is required to develop a vision statement and growth policy that expresses the shared values of the community for future development and resource protection. Towns should use the Cape Cod Placetypes as a guide and framework for thinking about their community while developing their vision statement.

Outlined below are the Placetypes contained within the Regional Policy Plan for ease of reference for towns to consider as they develop a town vision statement. A character description for each Placetype is provided along with a vision for each area consistent with the region’s growth policy. Additionally, each character description lists strategies for creating and enhancing the unique characteristics of these Placetypes.



Natural Areas

The vision for Natural Areas is to minimize adverse development impacts to sensitive resource areas, to preserve lands that define Cape Cod’s natural landscape and contribute to its scenic character, and to improve the Cape’s resilience to severe storms and the effects of climate change.

Natural Areas Placetype Strategies:

1. Accommodate sea-level rise by allowing low-lying areas to absorb rising seas and wave action/tides from severe storms
2. Provide natural areas for plant and wildlife habitat
3. Retain natural cover and restore wooded areas
4. Integrate green infrastructure practices to accommodate sea-level rise and storm events
5. Provide areas for passive recreation such as walking and hiking
6. Limit development to protect natural resource functions and encourage removal of development where appropriate



Rural Development Areas

The vision for Rural Development Areas is to ensure that development is located, sited, and scaled appropriately to avoid impacts on scenic and/or cultural resources, and to help maintain the economic diversity that agriculture can provide for the region including opportunities for the continuation of traditional agricultural occupations, and for the availability of locally-grown food.

Rural Development Areas Placetype Strategies:

1. Preserve lands in agricultural production to encourage locally-grown food
2. Protect agricultural lands and natural cover to preserve existing natural functions
3. Ensure development respects the surrounding landscape by using existing topography to guide the development layout, cluster the development on the site, and preserve wooded buffers
4. Protect scenic and cultural landscapes and historic structures within these landscapes that contribute to the Cape's unique character and history
5. Provide connections to adjacent open space lands to create an open space network with opportunities for passive recreation such as walking and hiking



Suburban Development Areas

The vision for these areas is to redevelop commercial and industrial Suburban Development Areas consistent with the community's vision to create more concentrated nodes of development, and to improve their design and function so that they are better integrated into surrounding neighborhoods. The vision for residential Suburban Development Areas is to cluster residential development to reduce the development footprint and provide high-quality open space.

Suburban Development Areas Placetype Strategies:

1. Encourage redevelopment of existing commercial suburban development with denser clusters of buildings surrounded by less developed areas
2. Integrate existing commercial development into surrounding areas with mixed-use and/or residential development providing greater housing opportunities and employment diversity
3. Create pedestrian and bicycle amenities within and between developments to improve safety for all users and reduce auto dependence
4. Improve the design and function of commercial and industrial areas through landscaping, stormwater treatment, and building layout/design
5. Encourage infill and cluster residential development to limit further suburban sprawl



Historic Areas

The vision for Historic Areas is to protect historic resources and to support infill development that respects the form, scale, and character of existing historic areas.

Historic Areas Placetype Strategies:

1. Support infill development at appropriate scale and density to retain the vitality of these areas
2. Preserve the character and traditional function of historic areas
3. Encourage the re-use of historic structures to accommodate small businesses and/or greater diversity of residential opportunities



Maritime Areas

The vision for Maritime Areas is to support the fin- and shell-fishing industry as well as other commercial, recreational, educational, and research activities associated with the marine environment and to protect water dependent trades. Storm events and climate change, along with the use, scale and form of adjacent development pose challenges to maintaining valuable maritime infrastructure and activities, as well as their character.

Maritime Areas Placetype Strategies:

1. Encourage towns to develop and regularly update Harbor Plans
2. Identify harbor use policies that support traditional maritime activities while also accommodating other users, such as tourism, transportation, energy, and marine science focused operations
3. Preserve and/or expand public access to water/beaches
4. Preserve historic structures and overall scale and character



Community Activity Centers

The vision for Community Activity Centers is to accommodate mixed-use and multifamily residential development in a walkable, vibrant area, preserve historic buildings, and to provide diverse services, shopping, recreation, civic spaces, housing, and job opportunities at a scale of growth and development desired by the community, with adequate infrastructure and pedestrian amenities to support development.

Community Activity Centers Placetype Strategies:

1. Encourage mixed-use commercial and residential development in a compact form to support a vibrant downtown area
2. Encourage development at a human scale that facilitates interaction and a sense of community
3. Develop infrastructure necessary to support greater density and mix of uses, including access to transit
4. Integrate pocket parks and create streetscapes that enhance the built environment and provide community gathering places



Industrial Activity Centers

The vision for Industrial Activity Centers is to support their development as significant employment centers with adequate infrastructure. Industrial land uses such as manufacturing, assembly, storage, processing and/or contracting in these areas is generally incompatible with residential development and should be appropriately separated and buffered from other uses.

Industrial Activity Centers Placetype Strategies:

1. Maintain adequate buffers between industrial development and surrounding uses
2. Provide employee services and facilities and access to transit
3. Develop incubator spaces for emerging industry clusters and entrepreneurs
4. Plan for renewable energy generation facilities



Military and Transportation Areas

The vision for these areas is to support comprehensive master planning with community input, encourage growth of industries appropriate to the diversification of the regional economy, and encourage partnerships for use of shared infrastructure.

Military and Transportation Areas Placetype Strategies:

1. Ensure transportation routes provide safe and adequate access to and from these facilities
2. Support opportunities for shared infrastructure
3. Support development of renewable energy generation where appropriate

Related Resources

For a Storymap describing the process for identifying Cape Cod's Activity Centers and Natural Areas, go here: cccom.link/sm-activitycenters

To view the mapped Placetypes in your community, go to the RPP Data Viewer: cccom.link/rppdata

LCP Template

Commission staff has prepared the following Local Comprehensive Plan (LCP) template. It is intended to help communities as they develop new LCPs or update old plans. The template provides a streamlined framework to organize the required content for CCC certification. This format is recommended but may be modified to suit a town's needs. (See FAQ question #8 on page 6 for additional information.)

Vision Statement & Growth Policy

Articulation of a vision statement and growth policy that express how and where the community wants to develop and areas the community wants to protect. Consideration should be given to the Cape Cod Placetypes identified in the RPP, as well as other appropriate strategic planning areas in the community.

Community Goals

Identification of community goals, which should suit local needs but also be consistent with the goals of the Regional Policy Plan and Cape Cod Commission Act

Existing Conditions

Narrative and data providing an overview of the town, existing assets, issues, and needs, and capacity for growth (if buildout analysis is available)

Some examples of data to include are:

- Population
- Housing units
- Top employment sectors
- Median household income or other economic data
- Amount of open space in the community
- Flood plain issues/area in the community
- Significant community resources and assets (cultural, infrastructural, environmental)

Key Issues and Needs

Narrative that identifies key issues or needs within the community, including but not limited to capital infrastructure and facilities needs and local housing needs

Existing Buildout Analyses (Optional)

Narrative describing any existing and relevant buildout analyses conducted for the community (a new buildout analysis is not required)

Capital Infrastructure and Facilities

Attach and briefly discuss the Capital Infrastructure and Facilities Plan to accommodate growth both in that municipality and throughout Barnstable County

Housing Plan

Attach and briefly discuss the town's plan to provide for the development of fair low-and moderate-income housing consistent with local needs

Other Town Plans

Discussion of other town plans that inform and are consistent with the LCP such as:

- Open Space and Recreation Plan
- Housing Production Plan
- Harbor Plan
- Watershed Management Plans
- Others

Include references to these plans where applicable throughout the document

Public Process

Discussion on the public process for the development of the LCP, particularly its vision statement and growth policy

Cape Cod Commission Involvement

Brief discussion on the involvement of the Cape Cod Commission in the development of the LCP

Action Plan

Brief discussion of actions, including proposed zoning changes, the town will undertake to achieve the vision and goals of the LCP, including identifying each action's timeframe, priority level, and lead departments or boards for implementation

Zoning/Bylaw Changes

Identification of zoning/bylaw changes that will help the town grow in line with the community's vision, growth, policy, and goals

- Towns should consider adopting changes to zoning/bylaws to support various Placetypes in their community

Performance Measures (optional)

Discussion and identification of measures to track the town's progress towards achieving their vision and goals

Review and reporting on zoning and other regulatory changes

How the town plans to review and report on progress with changes to local zoning and other regulations as proposed in the Action Plan

CAPE COD COMMISSION

3225 MAIN STREET • P.O. BOX 226 • BARNSTABLE, MASSACHUSETTS 02630
(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

