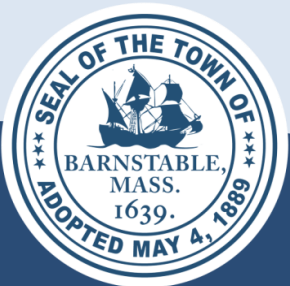
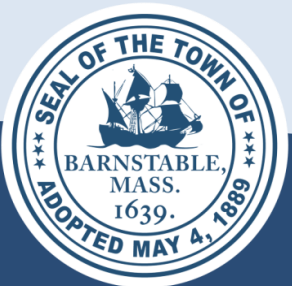


District of Critical Planning Concern (DCPC) Process

Thursday August 21, 2025



District of Critical Planning Concern Regulations



Cape Cod Commission Act

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org



The Cape Cod Commission Act

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-nine
[as amended by St. 1990, c. 2; and St. 2014, c. 259]

AN ACT ESTABLISHING THE CAPE COD COMMISSION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The general court hereby finds and declares that:

- (a) The region commonly known as Cape Cod, comprised of Barnstable county, including all geographic areas to the jurisdictional limit of the commonwealth, possesses unique natural, coastal, scientific, historical, cultural, architectural, archaeological, recreational, and other values; there is a regional, state and national interest in protecting, preserving and enhancing these values; and these values are being threatened and may be irreparably damaged by uncoordinated or inappropriate uses of the region's land and other resources.
- (b) In order to protect these values and promote the public health, safety and general welfare, to maintain and enhance sound local and regional economies, and to ensure balanced economic development, this act creates the Cape Cod commission as the regional planning and land use commission with authority to prepare and oversee the implementation of a regional land-use policy plan for all of Cape Cod, to recommend for designation specific areas of Cape Cod as districts of critical planning concern, and to review and regulate developments of regional impact.
- (c) 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 an adequate supply of fair affordable housing; and the preservation of historical, cultural, archaeological, architectural, and recreational values.



CAPE COD COMMISSION

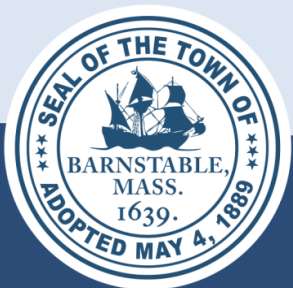
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CAPE COD COMMISSION

CHAPTER E

District of Critical Planning Concern Regulations Barnstable County Ordinance 90-15 (as amended by Barnstable County Ordinance 91-10, 94-10 and 96-11)

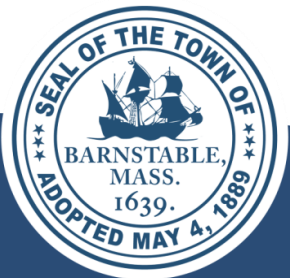
What is District of Critical Planning Concern



District of Critical Planning Concern

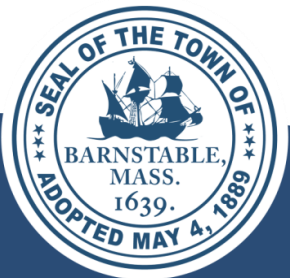
Under the Cape Cod Commission Act (the “Act”), the Barnstable County government is charged with the designation of Districts of Critical Planning Concern (“DCPC”), for geographic areas on Cape Cod “which are of critical value to Barnstable County” that “must be preserved and maintained due to one or more of the following factors:

- (1) the presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic or recreational resources or values of regional, state-wide or national significance; or
- (2) the presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or
- (3) the presence or proposed establishment of a major capital public facility or area of public investment.”

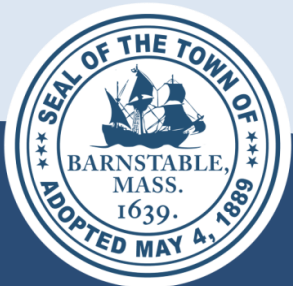


The DCPC designation process is a planning tool that provides for, among other things, a moratorium on development activities in the specified area to plan for and adopt special rules and regulations that will protect natural, coastal, cultural, and/or historic resources.

As will be discussed, the development moratorium (both the time in which it is in effect and what it freezes) is set by the Act and not controlled by the Town and could extend for almost to 2 years while the DCPC process works to conclusion.



Barnstable County Districts of Critical Planning Concern



Barnstable County

Districts of Critical Planning Concern

- DCPC's are not common. Barnstable County has designated only (12) Districts of Critical Planning Concern that were nominated by their respective towns, the County Commissioners, or the Cape Cod Commission

Town of Barnstable

Districts of Critical Planning Concern

Barnstable (Town-wide) DCPC—Designated in September 2001 to manage residential growth and encourage affordable housing over nearly 60 square miles.

Pond Village DCPC (Barnstable)—Designated in January 2006 to protect the water quality of a freshwater pond and a portion of Barnstable Harbor and the historic and scenic character of a 115-acre area north of Route 6A near Barnstable village.

Centerville Village Center/Craigville Beach DCPC—Designated in May 2008 to protect 380 acres of land in two separate areas, Centerville Village Center and the Craigville Beach area, from inappropriate development that threatened historic and scenic character as well as flood hazard protections and water quality concerns. The Centerville Village Center DCPC was designated to support the small-scale economy of the village center and protect its historic resources.

Barnstable County

Districts of Critical Planning Concern

Black Beach/Great Sippewissett Marsh DCPC (Falmouth)—Designated in January 1996 to prevent flood damage and protect the habitat of 340 acres of barrier beach and salt marsh in West Falmouth.

Bournedale DCPC (Bourne)—Designated in December 1998 to protect drinking water, assure safe transportation, and preserve the historic and natural resources of nearly 2,000 acres in northeastern Bourne.

Three Ponds DCPC (Sandwich)—Designated in February 2000 to protect water quality, preserve open space, and maintain the character of nearly 700 acres of land and more than 300 acres of water in southeastern Sandwich.

Six Ponds DCPC (Harwich)—Designated in May 2000 to protect the water and natural resources and to manage growth over more than 1,200 acres of land and 110 acres of water in northeastern Harwich.

Quivet Neck/Crowe's Pasture DCPC (Dennis)—Designated in March 2002 to protect natural, historic, water, and coastal resources and to manage residential growth on nearly 250 acres in East Dennis.

Barnstable County

Districts of Critical Planning Concern

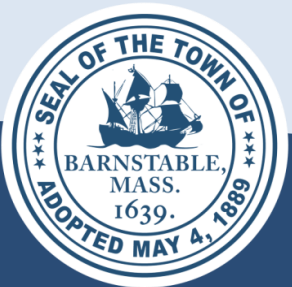
Brewster Water Protection DCPC—Designated in July 2008 to protect "zones of contribution" (or watersheds) to public drinking water wells on 6,538 acres in two areas of Brewster.

Eastham DCPC—Designated in 2017 to guide economic development in the town's commercial areas, encourage mixed use development, and improve safety along the Route 6 corridor.

Ocean Management Planning DCPC (Cape-wide)—Designated in April 2010 in an effort to plan for development in Cape Cod's ocean water, this was the first Cape-wide DCPC.

Fertilizer Management DCPC (Cape-wide)—Designated in 2013 to protect water quality and educate residents on Best Management Practices for fertilizer application.

How to Nominate a District of Critical Planning Concern



DCPC Nomination Application

- The Town of Barnstable completes the required DCPC Nomination Application form (there is no moratorium during this timeframe)
- The Nomination Application can be submitted by:
 - The Town Manager
 - Planning Board
 - Historic Commission
 - Board of Health
 - Conservation Commission
 - Cape Cod Commission
 - Barnstable County

What is Included?

A nominating party completes a District Nomination Form and sends (2) copies of the completed form by certified mail to the Cape Cod Commission. The District Nomination Form shall include:

Map of the district

Description of the district

Explanation for the district

**Current bylaws &
regulations**

Map of the District

Map of the district to be nominated identifying the affected properties and boundaries of the district. The district shall consist of land and water which reasonably belong in the district for the following reasons:

- A critical area or critical resource that is in need of protection
- It is the planning area which should be considered in adopting a coordinated system of regulations to protect the critical resource or critical area
- The dimensions or landmarks which form the boundary of the district are identifiable

Description of the Proposed District

A written description of the proposed district including references to roads or landmarks which may act as boundary limits

Explanation

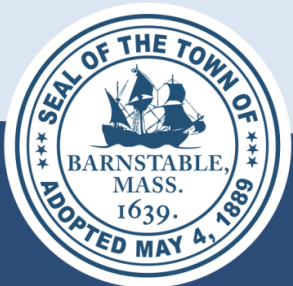
An explanation as to why the subject area should be designated as a DCPC, including information as to:

- Why the area is of critical value to Barnstable County, why it must be preserved and maintained due to one or more of the previously mentioned factors, and why special regulations and planning are needed to protect the district from development inconsistent with the proposed designation (including documentation of community concern)
- The types of problems associated with development of the area and any studies or reports outlining community needs
- The types of development that would be consistent with the purposes of the proposed district

Current Bylaws & Regulations

A list of all **current municipal bylaws and regulations** applicable to the area and a copy of each bylaw and regulation

DCPC Nomination Application Submission



Application Submission

- Upon receipt of a nomination, the Cape Cod Commission shall accept or reject the nomination within 45 days

Development Moratorium

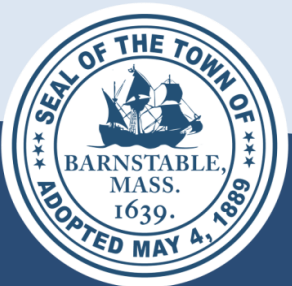
- Upon receipt of a fully completed DCPC nomination application, the Cape Cod Commission publishes an official notice of the nomination
- As stated in the Commission's DCPC Guidance Document: **publication of the official notice has the effect of suspending all local development permits for up to 45 days** including any permit, license, authority, order, approval, certificate, endorsement, permission required from a municipal agency prior to commencement or completion of any development, but not including municipal dump permit issued to a household

Exemptions

- The repair, upgrade, change, alteration or extension of a single-family dwelling or accessory structure, septic system or water well relative thereof, if such dwelling existed prior to July 1, 1989, unless such upgrade, change, alteration, or extension is greater than twenty-five percent (25%) of the floor area of the dwelling
- Any Chapter 40B Comprehensive Permit (40B is exempt from the Commission Act)

District of Critical Planning Concern

Application Review: Rejected

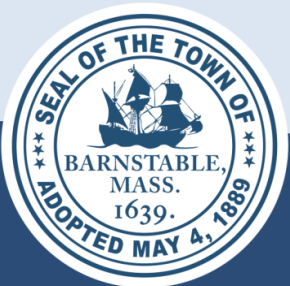


Application Rejected

The DCPC Nomination Form does not move forward

District of Critical Planning Concern

Application Review: Accepted



Exemptions after Acceptance

Development Moratorium with Exemptions

After Initial 45-Days, if the Cape Cod Commission accepts the Town's DCPC nomination, local permitting authority continues to be suspended after the acceptance date, except that the **Town may grant permits within the proposed DCPC for the exemptions previously mentioned and for development in the proposed district if:**

- (1) the commission has certified in its acceptance of the nomination that the type or class of proposed development is not substantially detrimental to public health, safety or general welfare and does not contravene the purposes of the Act and a development ordinance(s) had been in effect immediately prior to the nomination of such area and development permits could have been granted under the ordinance; or**
- (2) a development has received approval as a development of regional impact within the seven-year period next preceding the nomination of the geographic area in which said development is located, in whole or in part and such approval is still valid; or**
- (3) a development of regional impact has been referred to the Commission for review prior to the first published notice of the nomination of a DCPC in which said development is located, in whole or in part, and subsequently is approved; or**
- (4) a development is authorized by a development agreement which has been approved by the Commission and the Town; or**
- (5) the Commission has not expressly found in accepting a nomination that the issuance of development permits for a single-family house or houses on lots held in common ownership or on lots in separate ownership may be substantially detrimental to the protection of the public health, safety and welfare or in light of the factors concerning the presence of regionally, state-wide or nationally significant resources as listed in the Act, might contravene the purposes of the Act.**

Public Hearing

Once formally accepted, the application is reviewed by Cape Cod Commission members in a series of public hearings. To be recommended for approval, the Commission must find:

- That the proposed district will preserve or maintain a the previously mentioned significant factors intended to be protected by a DCPC designation; and
- That regulatory and/or planning tools are available which are likely to be effective in protecting or otherwise meeting the objectives of the proposed district.

The Commission shall render a decision on the proposed designation within 60 days of accepting a nomination, unless the Commission provides a written explanation for a delay to the nominating party, after which the Commission will have a total of 120 days to issue its decision. **The decision shall “specify guidelines for development in the proposed district based upon its findings relating to the critical concerns in the area.”**

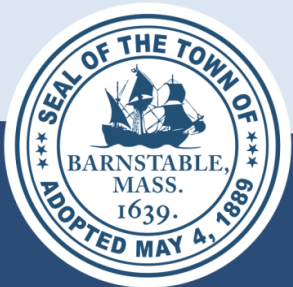
County Review

- If the Commission develops a positive recommendation on the DCPC application, the matter is presented to the Barnstable County Assembly of Delegates and Barnstable County Commissioners for their adoption via a county ordinance
- Both entities must approve the county ordinance for the DCPC to be adopted

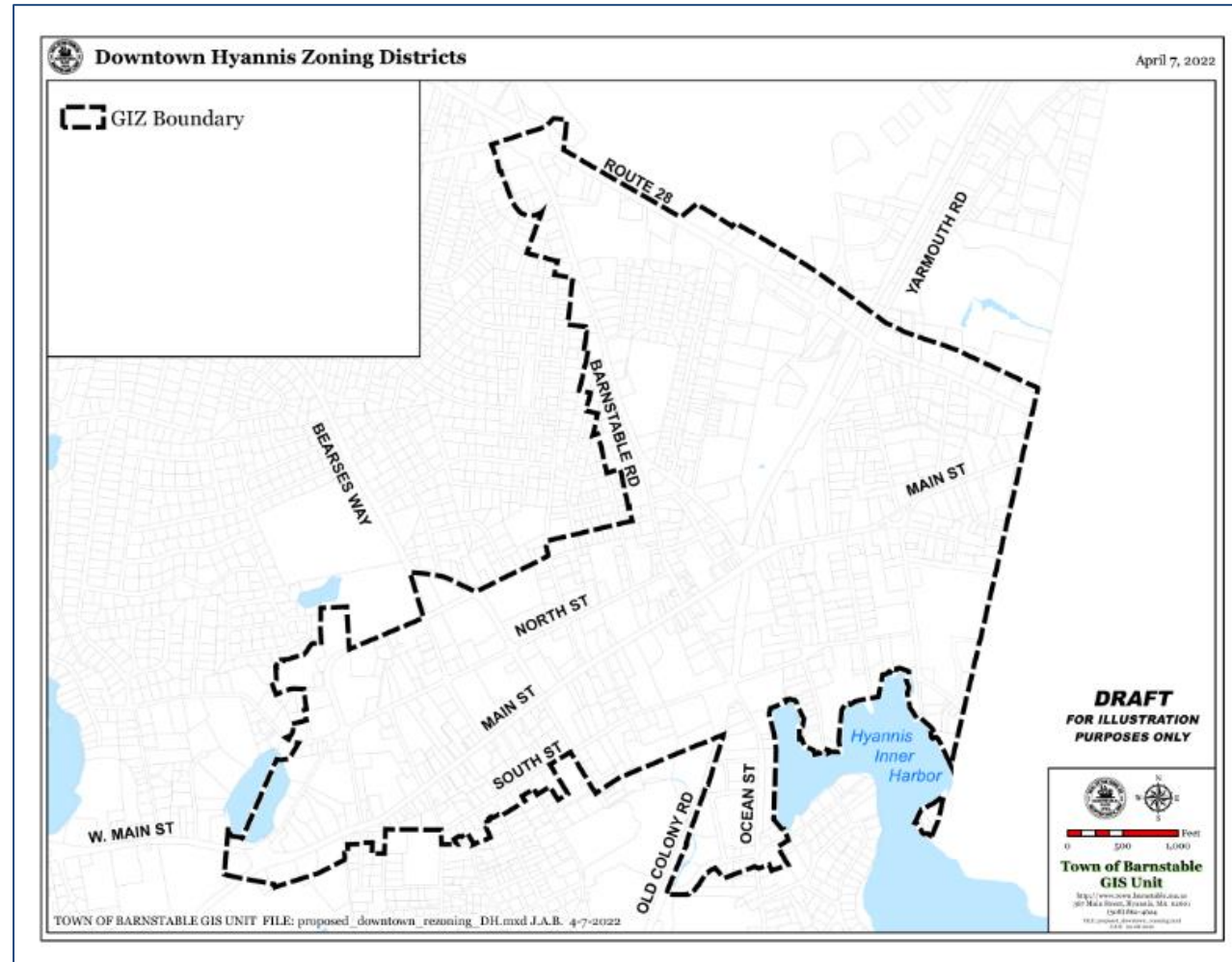
Town Implementation

- If the DCPC is adopted, a town has 12 months, with a possible 90-day extension, to implement regulations to address the issues outlined in the DCPC Nomination Form through the Council adopting an ordinance. Until the ordinance is adopted, the development moratorium remains in effect.
- If the town does not enact the ordinance within 12 months (or does not seek a 90-day extension), the Cape Cod Commission shall propose applicable regulations and the County shall adopt those DCPC regulations through a County ordinance.
- The Town Council cannot change the ordinance, or adopt inconsistent ordinances, without Commission approval. Any changes to the ordinance(s) must be submitted to the Commission for their approval. Accordingly, within the DCPC, the Town Council would be ceding its legislative authority to the County, particularly regarding zoning matters.

Growth Incentive Zone



Growth Incentive Zone/ Downtown Hyannis Zoning Districts



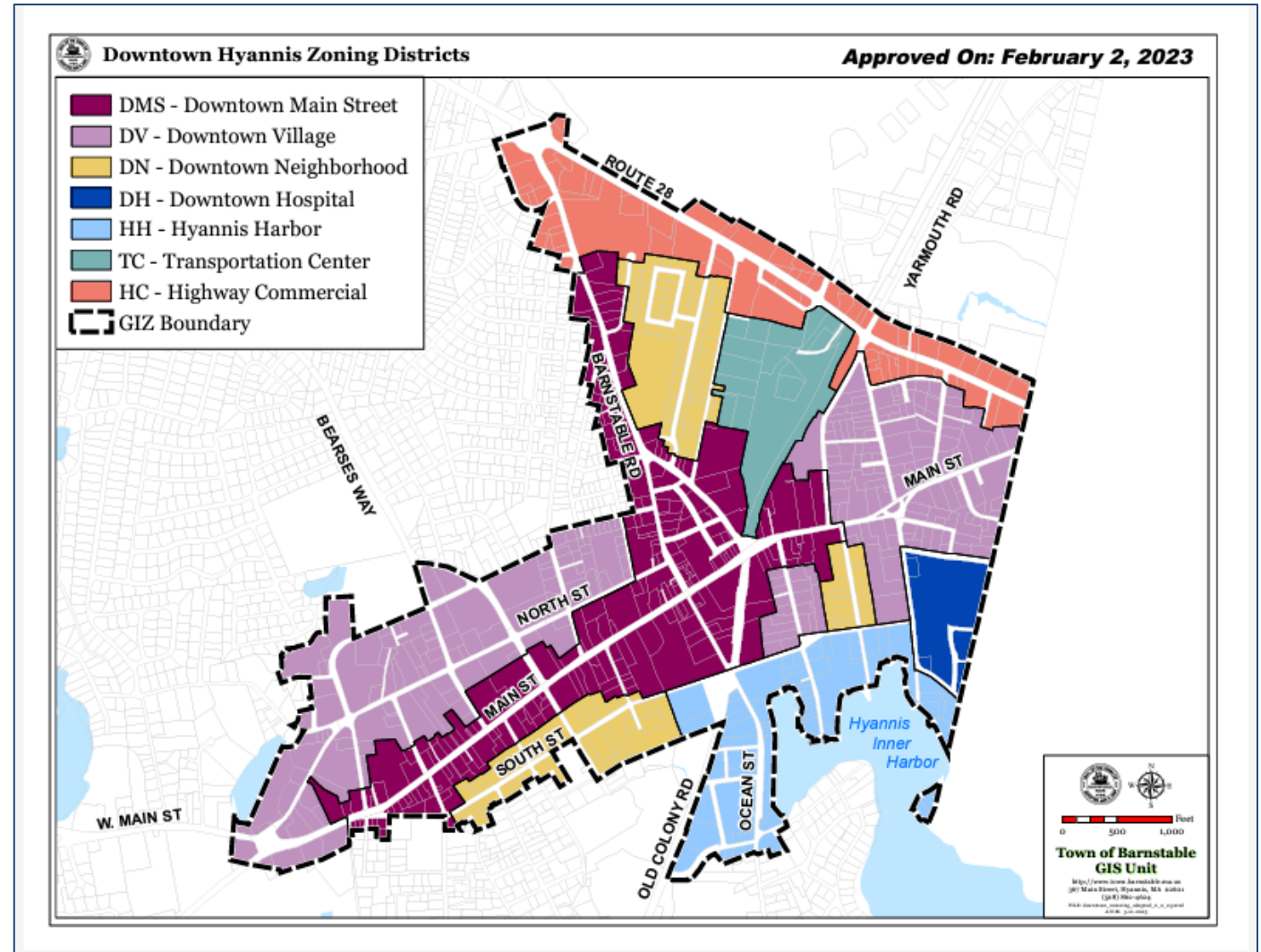
7 Downtown Hyannis Zoning Districts

Form-Based Districts (2)

- Downtown Main Street
- Downtown Village

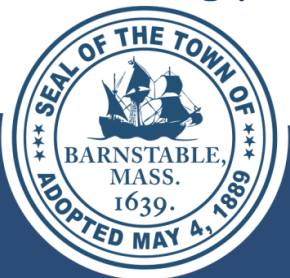
“Hybrid” Zoning Districts (5)

- Downtown Neighborhood
- Downtown Hospital
- Hyannis Harbor
- Transportation Center
- Highway Commercial



Growth Incentive Zone

- The Cape Cod Commission and the Town of Barnstable may coordinate their efforts to identify and designate Growth Incentive Zones (GIZs), areas particularly desirable and appropriate for concentrated growth and development that results in local control of development and does not require Commission review and approval.
- The last GIZ redesignation was reauthorized in 2018 for Hyannis. The GIZ was originally authorized in 2006.
- A two-year public process was completed to submit an application for reauthorization of the existing GIZ.
- The Downtown Hyannis Zoning approved by the Council in 2023 keeps the same boundaries as the authorized GIZ.
- Since 2023, certain aspects of the Downtown Hyannis Zoning, within the GIZ, have been identified to further amend to improve the zoning through a Town Council Subcommittee which conducted a year long public process culminating in proposals on your agenda this evening.



Thank You

