

ASSESSMENT OF CURRENT LAND USES, POLICY & REGULATIONS

Relevant to the NEVC Project Area

General Property Assessment and Trends Analysis

Property records were evaluated in the North Eastham Village Center (NEVC) Project Area based on town records and on-site observations. Using the assessor’s maps and aerial photography from the MassGIS system, property boundaries and building footprints were mapped illustrating property characteristics such as ownership, general conditions, current uses, dimensional measurements (lot size, setbacks, height, square feet, frontage, FAR), and other on-site features such as parking, pedestrian amenities, landscaping, and general architectural styles.

In terms of this analysis, the North Eastham Village Center Project Area includes all of the lands in the area of Route 6 between Old Orchard Road to the south and Nauset Road to the north as illustrated on Map 1. This includes all commercial, industrial and residential properties along Route 6, Brackett Road, Holmes Road, and Old State Highway, as well as surrounding neighborhoods. This area is further broken down into a series of **sub-areas and maps** including the Southern Gateway Area, Village Center Core Area, Commercial/Industrial Redevelopment Area, Northern Gateway Area, and Village Neighborhood Area which are described in detail in Section 3 of the NEVC Strategic Report and Concept Plan. The **Village Center Core Area** is the focal point of the NEVC Project Area and contains the land centered on the intersection of Route 6 and Brackett Road, including the town-owned Purcell property.

In all, there are 1,527 properties totaling 1,194 acres in the North Eastham Village Center. The key property characteristics are identified in the table below.

NEVC Existing Property Characteristics			
Characteristic	Village Center Core Area	Remainder of the NEVC Project Area	TOTAL
No. of Properties	106	1,421	1,527
Total Acreage	73.1	1,120	1,194
Ave. Parcel Size	1.38	1.93	1.80
No. of Buildings	96	1,339	1,435
Total Net Building S.F.	211,084	1,991,628	2,202,712
Ave. Net Building S.F.	2,574	3,277	5,851
Ave. FAR	0.09	0.08	NA
Ave. Building Age (years)	41	40	NA
Ave. Frontage	181	175	NA
Ave. Front Setback	85	115	NA
Total FY06 Taxable Value	\$30,394,100	\$552,204,910	\$582,599,010
Ave. FY06 Taxable Value	\$295,088	\$462,886	NA

Land Use Regulations, Plans & Policies

An assessment of existing town plans, policies, and regulations was made to determine the potential support for mixed-use and mixed-income commercial and housing developments in the North Eastham Village Center Project Area. This assessment included the following municipal planning documents.

The Local Comprehensive Plan

The Town of Eastham Comprehensive Plan was adopted in October, 2002. It provides the framework for community planning decisions and development reviews. The plan includes **goals and policies**, an **inventory** of the town's resources, an **analysis** of present and future concerns, and **recommendations** which reflect the community's goals and policies. The plan also includes specific strategies designed for **implementing** its recommendations.

Eastham's Overall Goals and Related Needs from the 2002 Comprehensive Plan

- *Preserve the historic and rural character of the town*
- *Protect/improve water quality and supply*
- *Ameliorate impact of Route 6 on rural town character*
- *Reduce commercial sprawl and improve the appearance of commercial areas (Route 6)*
- *Improve Town Hall and Brackett Road areas*
- *Provide affordable year-round housing*
- *Provide quality service for all residents including schools, recreation facilities, and police and fire services*
- *Improve sewage disposal systems*
- *Coordinate public and nonprofit services*
- *Protect natural features and open space*
- *Protect wetlands and plant habitat/wildlife areas*
- *Encourage recreational and commercial marine activities*
- *Protect coastal areas from degradation*
- *Support sustainable economic development, year-round job creation*
- *Encourage conservation and reduce electric energy consumption*
- *Encourage the development and coordination of regional public transportation*
- *Promote and extend, if necessary, post-secondary education opportunities to enhance the town's human resources*

In addition to the overall goals, there are several policies and recommendations in the comprehensive plan that more specifically support the concept of creating a North Eastham Village Center.

Under the Land Use and Growth Management component, *Section II - Goals, Policies, and Existing Conditions*, the comprehensive plan establishes goals and performance standards. These policies are consistent with the current regional policy plan of the Cape Cod Commission and several are directly related to principles of establishing a new Village Center:

- Compact forms of development, such as cluster development and, where appropriate, mixed-use residential/commercial development, shall be given preference by the special permit granting authority in order to minimize further land consumption and to protect open space. (1.1.1)
- Creation or extension of strip development shall not be permitted. Reuse, redevelopment, or infill within existing strip developments in a way that does not extend the linear nature of the development or increase traffic conflicts may be permitted. (1.1.2)
- All development and redevelopment in village centers, downtowns, growth/activity centers, and growth incentive zones shall be constructed with the minimum feasible setback from the street in conformity with the setback of adjacent structures in order to encourage village-style development and a more comfortable and secure pedestrian environment. (1.1.3)
- The building and layout of parking lots shall reinforce the character of existing buildings and traditional village streetscape patterns. Parking shall be located to the rear or the side of a

building or commercial complex in order to promote traditional village design in commercial areas unless such a location is unfeasible or would have an adverse or detrimental impact on environmental or visual features on the site. Parking structures shall be provided when appropriate to reduce the amount of paved parking areas supporting a proposed development, provided the structure meets the goals of the Commission's design manual, *Designing the Future to Honor the Past: Design Guidelines for Cape Cod, Technical Bulletin 96-001*. The use of shared parking, on-street parking, and community parking lots in village areas, growth/activity centers, and growth incentive zones shall be provided, where feasible, to reduce the amount of land devoted to parking. (1.1.4)

- Affordable housing should be provided as part of residential and commercial development. Particular attention should be given to locating affordable housing in or near growth/activity centers and growth incentive zones and convenient to transportation corridors. (1.1.6)
- Where appropriate, use of transfer of development rights should be encouraged in order to concentrate development in growth/activity centers and growth incentive zones with adequate infrastructure and to preserve open space in outlying areas. (1.1.7)
- All development plans should protect open space and minimize environmental and community impacts of growth and to promote compact forms of residential and commercial development. (1.1.9)
- All commercial subdivisions of land shall cluster the proposed development unless inconsistent with local bylaws. Cluster plans shall use site designs that maximize contiguous open space, respect the natural topography and character of the site, and employ wastewater treatment alternatives to allow more compact development. (1.1.11)
- The creation of affordable rental and ownership housing should be encouraged through infill, redevelopment, or conversion of existing structures and sites, and the creation of accessory apartments. Adequate infrastructure should support these efforts in order to accommodate greater residential density. (1.1.13)
- Appropriate redevelopment and infill within growth/activity centers and growth incentive zones should be encouraged. The development of land in outlying areas should be reduced through downzoning, transfer of development rights, open space purchases, or other techniques. (1.1.14)
- Efforts should be made to improve the appearance of existing strip development through frontage buildings, sign control, infill, relocation of parking, landscaping, and undergrounding of utilities, consistent with the recommendations of *Designing the Future to Honor the Past: Design Guidelines for Cape Cod, Technical Bulletin 96-001*. (1.1.15)

Zoning Bylaws

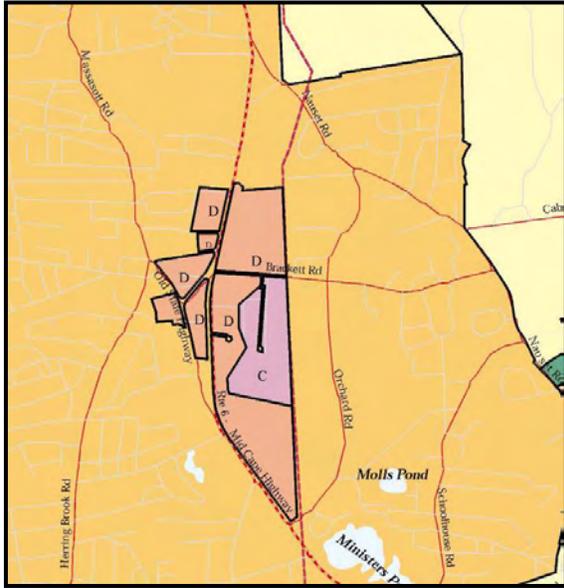
A number of people in the community feel that restrictive zoning regulations has led to poor building design and site planning (i.e., large setbacks, disconnected parking, excessive curb cuts, and poor signage). In particular, a 100-foot setback from abutting streets in the Commercial District lends itself to strip development and is a real deterrent to achieving a traditional mixed use village center. It has also been suggested that more Zoning District C may be needed to prevent existing and new businesses from going to other communities.

Currently, the NEVC Core Area includes two zoning districts which are defined in the Eastham Zoning Bylaws as follows:

- District C - An area to serve the industrial needs of the community.

- District D - A retail sales and/or service area.

The town should strongly consider creating a new base district or an overlay district that establishes incentives for traditional village development patterns through density increases, reduced dimensional standards, and expanded mixed uses. In exchange, the overlay district would facilitate quality development with standards and guidelines for attractive building design, landscaping, parking, pedestrian amenities, and streetscape enhancements. This would apply to the Commercial Districts in the Project Area and possibly the Residential Districts as well.



Zoning Districts in the NEVC Project Area

Several zoning amendments are recommended in the Local Comprehensive Plan (as cited above) that would help to facilitate the development of a traditional village center. Generally speaking the plan suggests that regulations, including but not limited to lot sizes, parking requirements, undergrounding of utilities, setbacks, and road widths, should be revised to permit village-style and mixed residential/commercial uses. Such development should be located in areas served or planned for service by appropriate wastewater treatment systems and other infrastructure. The plan also recommends that the town consider making appropriate town-owned land available for agriculture, open space, and clustered affordable housing.

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A full evaluation of the current zoning bylaws is included in a separate document.

Recommendations

Zoning Bylaws

Actions to be taken on the zoning bylaws that apply to the development of a village center are as follows:

Existing Requirements

- Adjust zoning to accommodate recommendations of the land use plan, e.g., adopt a Highway Residential District and allow for mixed-use developments in this district.
- Augment performance standards, e.g. for lighting, noise, and odors, by revising the zoning bylaws.
- Amend the zoning bylaws to add language on curb cut control and develop a comprehensive curb cut strategy for Route 6. This strategy should be closely coordinated with the Cape Cod Commission and Massachusetts Highway Department to complement the planning activities of these entities.
- Revise the zoning bylaws for building and parking setback and landscaping requirements for commercial developments.
- Study the possibility of working with NStar and the state and consider funding for putting utility lines underground along town roads or on town-owned land in any area where the required poles, wires, cables, aerial transformers, and other related electrical and telecommunications

equipment are deemed visually intrusive and/or a safety hazard.

- Amend the zoning bylaws to create a definition of “strip” development and make it a prohibited use in the table of use regulations.
- Develop a zoning amendment that provides incentives for shared access to developments by way of zero side lot lines or reduced parking requirements.
- Prepare plans for the Town Hall and Brackett Road areas, to include sidewalks, footpaths, parking, pedestrian crossing, traffic mitigation, lighting, landscaping, and undergrounding of overhead utilities.
- Develop a comprehensive land use strategy to address existing and future traffic conflicts along Route 6. This strategy should minimally include exploring the following:
 - Purchasing vacant land as protected open space
 - Increasing lot frontage requirements on Route 6
 - Increasing lot sizes for residential development on Route 6
 - Placing strict limits on lot coverage for commercial uses on Route 6 with incentives for shared curb cuts with adjacent residential properties
 - Establishing measures to limit buildout in the Route 6 corridor, such as rezoning commercial areas for low-density residential uses
 - Creating greater incentives for infill and redevelopment in areas where coordinated access can be provided
 - Considering a transferable development rights system as a means to relocate existing, poorly sited commercial development, and better accommodate future development potential in the corridor (using the Commission’s model bylaw)
- Explore measures to limit buildout throughout the town including downzoning, land acquisition, and residential transferable development rights as a means to send residential development to proposed mixed-use centers where residential units, including affordable units, could potentially more effectively be served by advanced wastewater systems and public transit.

Create a new Village Center Base District or Overlay District - The NEVC Project Area (including the five sub-areas) is too large to support a traditional village center for a town the size of Eastham. To facilitate the establishment and development of a new Village Center as desired by the community, it is recommended that a Village Center District or Overlay District be created in a portion of the project area identified as the core area and possibly the Industrial District. These areas combined have the greatest potential to serve as the civic and commercial center of North Eastham. The new NEV District should facilitate traditionally-designed, moderate-density, mixed-use development as illustrated on the NEVC Strategic Report and Concept Plan.

Create a Traditional Neighborhood Development Bylaw (TND) - Traditional neighborhood design (TND) is a development approach that reflects historic settlement patterns and town planning concepts such as narrow and interconnected streets, reduced front and side setbacks, and an orientation of streets and neighborhoods around a pedestrian-oriented “town center.” Traditional neighborhood development (TND) bylaws set standards and procedures for traditional neighborhood and mixed-use projects.

The TND bylaw for the NEVC Project Area would be similar to the conservation subdivision bylaw for a typical planned unit development district (PUD) in that it provides an alternative to conventional residential subdivisions and highway-oriented commercial development through a series of design and performance standards that facilitate high-quality design and mixed uses.

The key to the TND bylaw is the set of principles and objectives that guide the content of the regulations. These principles will be a factor in determining local preference and should be used to assess proposed TND projects. The principles and performance standards should address the following areas:

- **Sustainability** – The principles of smart growth and TND are based on a sustainable development plan that includes environmental, land use, and market support for the long-term viability of the plan.
- **Compact Development** – For the land uses and infrastructure to effectively interact with each other and the people who frequent the TND area, the project must have moderate density and at the same time, a scale that makes a pedestrian feel comfortable.
- **Mix of Uses** – The typical mix of uses creates business and residential spaces, but it is also important to fully integrate civic uses and open spaces.
- **Accessibility and Transportation** – Within the project, easy pedestrian movement is very important, but the project must also be connected to adjoining areas by accommodations for public transit and safe road systems.
- **Cultural and Environmental Context** – A TND should distinguish the Village Center from the rural countryside in Eastham by complementing and building on historical architecture and traditional development patterns planned for the NEVC.

TND projects can vary significantly depending on the size, density, and local context. If large tracts of open lands are available, projects can include major new construction. But smaller infill TND projects may be more appropriate in many instances, particularly in the NEVC Project Area.

Subdivision Regulations

- Amend its subdivision rules and regulations to require submission of a preliminary cluster plan for new development of five or more lots.
- Amend its subdivision rules and regulations to require plan sheets showing re-grading, landscaping, and erosion control methods to be used on the property.
- Create a hierarchy of “Complete Street” design standards that define the dimensional and materials for street cross sections, sidewalks and bike lanes, and streetscape treatments (trees and furnishings) based on specific settings in Eastham including residential, commercial and industrial districts.

Prepare Design Guidelines for All Development in the NEVC

Design guidelines would encourage (or even require) building and site design characteristics desired for new construction and the adaptive reuse, alteration, expansion, or modification of existing buildings in the NEVC Project Area. The overall objective is to foster a blend of the best of traditional and contemporary design. Design should represent the best match between the needs of human users, the architectural heritage and character of Eastham and the Cape, and the natural and rural attributes of the landscape.

Site plans should reflect a comprehensive proposal integrating building design, site layout, lighting, landscaping, parking, access, and off-site amenities such as streetscape designs selected for the NEVC. Screening of utilities and services should also be incorporated. Where architectural design is based upon a theme, site development schemes should relate to the theme and be consistent regarding materials, colors, and other design elements. Sensitivity to development demands, vehicular and pedestrian traffic patterns, and the needs of residents, merchants, visitors, owners, and tourists alike are other key considerations.

A general framework of North Eastham Village Center’s design guidelines is described below:

Purpose – The purpose of design review guidelines is to preserve and enhance the town's cultural, economic, and historical resources by providing for a detailed review of changes in land use, the appearance of structures, and the appearance of sites which may affect these resources. The review process is intended to:

- Enhance the social and economic viability of the town by preserving property values and promoting the attractiveness of the town as a place to live, visit, and shop;
- Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance;
- Prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance; and
- Encourage flexibility and variety in future development.

Review Process – A Design Review Board should be established to review applications and make recommendations to the appropriate permit-granting authority concerning the conformance of a proposed development to a given set of design review standards. Reviewable actions should include significant alteration, expansion, and new development and signage for all development except for single-family homes and duplexes.

Design Review Principles – Design review principles are intended to guide an applicant in the development of site and building design and the Design Review Board in its review of proposed actions. These principles and standards should not be inflexible requirements or intended to discourage creativity, invention, or innovation. The Design Review Board should specifically be precluded from mandating any official, aesthetic style for Eastham or for imposing the style of any particular historical period.

The town should consider the following general principles when reviewing projects:

- Stylistic features distinctive to the architecture of a specific building, structure, or landscape, or examples of skilled craft which characterize a building, structure, or site, should be conserved or preserved where feasible and appropriate and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided whenever possible.
- Contemporary design for new structures or sites, alterations, or additions to existing properties should not be discouraged when such new development does not destroy significant historical, architectural, or cultural material, and when such design is compatible with the design character of the surrounding environment.
- The design of alterations and additions should, where reasonable and appropriate, strive to improve the quality, appearance, and usability of existing buildings, structures, and sites.

Design Review Standards – The town should consider the following standards in the course of design review of a proposed action:

- **Height** – The height of proposed alterations should be compatible with the style and character of the building, structure, or site being altered and that desired for the NEVC Project Area.
- **Proportions** – The proportions and relationships of height to width between windows, doors, signs, and other architectural elements should be compatible with the architectural style and character of the building or structure and that desired for the NEVC Project Area.
- **Relation of Structures and Spaces** – The relation of a structure to the open space between it and adjoining structures should be compatible with that desired for the NEVC Project Area.
- **Shape** – The shape of roofs, windows, doors, and other design elements should be compatible with the architectural style and character of a building or site, and that desired for the NEVC Project Area.
- **Landscape** – Proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings, and paving patterns, should provide continuity and definition to the street, pedestrian areas, and that desired for the NEVC Project Area.
- **Scale** – The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that desired for the NEVC Project Area. The scale of ground-level design elements such as building entryways, windows,

porches, plazas, parks, pedestrian furniture, plantings, and other street and site elements should be determined by and directed toward the use, comprehension, and enjoyment of pedestrians.

- **Directional Expression** – Building facades and other architectural and landscape design elements should be compatible with those desired for the NEVC Project Area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
- **Architectural and Site Details** – Architectural and site details including signs, lighting, pedestrian furniture, planting, and paving, along with materials, colors, textures, and grade should be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character desired for the NEVC Project Area.
- **Signs** – The design of signs should reflect the scale and character of the structure or site. Signs should simply and clearly identify individual establishments, buildings, locations, and uses, while remaining subordinate to the architecture and larger streetscape. The choice of materials, color, size, method of illumination, and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site, and those of other model signs in the NEVC Project Area.