



DATE: December 2, 2019
MEMO TO: 4790 State Highway Committee
FROM: Paul Lagg, Town Planner
RE: Regulatory Background Summary Report

4790 STATE HIGHWAY PROPERTY BACKGROUND:

The site is the location of the former Tee-Time driving range. The subject property consists of 10.86 acres. It is bounded on the north by the Saint Aubin Garden Center and a residential property, to the south by a real estate office and Willy's Gym and to the east by the Cape Cod Rail Trail and to the west by Route 6. There is a residential neighborhood to the rear (east) of the site separated by the bike trail which is under the control of the State Department of Conservation & Recreation (DCR). The surrounding vicinity is a mix of residential and commercial uses. There are no identified wetlands located on the site. There is a 100 foot electrical easement along the rear portion of the property.

ZONING SUMMARY:

EASTHAM CORRIDOR SPECIAL DISTRICT

The property is located within the Limited Commercial Zoning District, which is part of the Eastham Corridor Special District (ECSD). The ECSD is a zoning district created in 2018 as part of the establishment of the District of Critical Planning Concern, which encompasses the areas along Route 6 between Old Orchard Road and the Wellfleet town line.

The purpose of the Eastham Corridor Special District (ECSD), is to enhance and protect the character of Eastham's commercial areas, encourage mixed-use development, support and enhance the economy in North Eastham, improve bicyclist and pedestrian safety and access along the Route 6 corridor, minimize traffic conflicts and improve access management throughout the District, expand opportunities for creation of affordable housing, and adopt best management practices to manage nutrients discharged through stormwater within the District.

LIMITED COMMERCIAL SUB-DISTRICT

The purpose of the Limited Commercial District is to allow for a predominantly residential area with low-intensity commercial uses on Route 6 well outside the Commercial Core, maintaining pedestrian scale development and accessibility, and avoiding creation of hazards or congestion. A single curb cut access to Route 6 shall provide access to Route 6 from lots in the Limited Commercial District in order to improve safety and limit curb cuts on the highway. *See attached zoning use chart for detailed list of uses permitted by right or via special permit.* There is also a provision in the zoning bylaw that allows for the grant of a special permit for uses not specifically permitted but which are consistent with the intent of the zoning district characteristics as expressed in the bylaw. Municipal uses are permitted in all zoning districts. *(See attached zoning use chart for detailed list).*

GROUNDWATER PROTECTION OVERLAY DISTRICT

The entire site is also located within the Groundwater Protection Overlay District which is an overlay district superimposed on the base zoning districts. The overlay district regulations apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses prohibited in the underlying zoning districts are not be permitted in the Groundwater Protection District. Note, that the Planning Board may issue a special permit for any use prohibited within the Groundwater Protection District if the applicant can adequately demonstrate to the Planning Board that the groundwater beneath the parcel and the water runoff from the parcel does not contribute to existing or potential sources of drinking water.



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PLANNING & DEVELOPMENT BACKGROUND

North Eastham Village Center Strategic Report & Concept Plan (2007)

In 2007 the Town commissioned the *“North Eastham Village Center Strategic Report & Concept Plan”*. The report identified current issues and opportunities and developed concept plans and action items for key locations within the study area which included the Tee-Time property. For the Tee-Time property, the report noted that: *“The property has excellent potential for redevelopment for mixed-use development, including limited commercial, workforce housing, and senior housing”*. (p.2-25).

There are several design concepts included in the report that were developed for use on the former Purcell property (now Village at Nauset Green Housing site). However, many of the concepts could be applied to the Tee-Time site.

Route 6 Corridor Transportation Study (Ongoing)

The Town is working with the Cape Cod Commission’s transportation staff to develop alternative designs for the Route 6 corridor to improve transportation and safety. Meetings with property/business owners along the corridor and Public information sessions to vet the alternatives will be scheduled in early 2020. Specific to the Tee-Time property, some of the roadway concepts involve using a portion of the property for a round a bout and also reserving a portion of land as part of a secondary access road off Route 6 which could link to adjacent properties in the future. **The transportation analysis will be shared with the Tee-Time committee and this planning effort will be coordinated with the work of the committee.**

Framework for Form Based Codes on Cape Cod (2019 – 2020)

The objective of this report was to develop a series of context-appropriate prototypes that could deliver needed housing options at densities somewhere between the typical single-family, detached house and large format, multi-family, corridor building that are the dominant forms of residential development today. The report utilized a property in Eastham as an example of how a higher density mixed use development could be accommodated in Eastham. The concept plan in this study could be applied to the Tee-Time property for consideration.

Governor Prence Affordable Housing Proposal (2016-2019)

In 2016 the Stratford Capital Development group submitted to the Eastham ZBA a 40B Comprehensive Permit proposal for an affordable housing development. The proposal underwent a number of design changes ranging from 160 units to 50 units with several different design configurations ranging from townhouse and apartment style buildings. The permit request was ultimately denied by the ZBA. In its decision, the ZBA found that the proposed height, massing and design of the project constituted local concerns that outweighed the regional need for affordable housing. The ZBA reached these findings reluctantly because the Board agreed that the property is an appropriate site for a large affordable housing development, which is something that the ZBA strongly supported. However, even after many requests by the ZBA, the developer would not lower the height of the proposed buildings and spread out the project on this large property and redesign the project so that the design is compatible with a small coastal village. The denial of the Comp permit eventually lead to the purchase of the property by the town, completed in October 2019.