

Cape Cod Open Space

Open space. It provides habitat for wildlife; it protects our drinking water. It also cleanses the spirit and connects us to our surroundings. Open space preservation is central to effective growth management, preserving Cape Cod's quality of life and safeguarding its environment. In this issue of Shore Lines, APCC reports on several recent land preservation success stories, new open space challenges and a gift of land to the town of Barnstable.

Priority parcels receive funding

Regional efforts to preserve several high priority open space parcels on Cape Cod reached a happy conclusion in late 2003 and early 2004. The good news comes thanks to some welcome assistance from the federal government and, despite a severe reduction in state funding for open space acquisitions, from the state of Massachusetts.

Senator Edward Kennedy and Congressman William Delahunt helped secure \$1.675 million in federal money for the town of Harwich to assist with the purchase of 42 acres on the Monomoy River. The federal money completes the amount the town and the Harwich Conservation Trust needed to raise for the purchase.

A different federal grant initiative, part of a matching incentive program with states, aided the town of Dennis with the acquisition of 33.5 acres in Crowes Pasture. The town received \$1 million of federal money toward the land purchase, which helps protect over 300 acres of the Crowes Pasture/Quivet Marsh area. The grant also helped finance another \$1 million package of preservation and restoration projects in the Sandy Neck region of Barnstable and Sandwich.



The federal money for Crowes Pasture and Sandy Neck comes from the National Coastal Wetlands Conservation Grant Program, administered by the U.S. Fish & Wildlife Service. Of the 30 coastal properties in the nation submitted for possible funding, Crowes Pasture and Sandy Neck were placed number 2 and 3 respectively in the federal program's priority rankings. No other sites in Massachusetts received funding, and only one other site in New England was included on the federal list.

The state of Massachusetts contributed a total of \$750,000 to the Crowes Pasture purchase and \$100,000 for the Sandy Neck projects to make both eligible for the \$2 million federal matching grant.

The state also provided \$134,180 to the town of Orleans for purchase of the 20.31-

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APCC gratefully acknowledges CCBT for underwriting this newsletter.

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**NOTES FROM
MAGGIE GEIST,**
Executive Director

“ How do we translate the most important components of stewardship into the nuts and bolts of mundane policies that govern everyday actions?”

Searching for an ethic of stewardship in land use decisions

Today we hear a lot about “smart growth,” a phrase that came into existence in response to decades of “sprawl,” the term used to describe large lot, low-density residential development, and strip commercial development along highway corridors.

The sins of sprawl are many. Automobile use becomes mandatory. Infrastructure costs soar as miles of roads and pipes and poles are laid. Wildlife habitat diminishes and water resources decline. Housing prices escalate in desirable places like our Cape Cod.

Smart growth is supposed to reverse the sins of sprawl. But, discussions about smart growth exclude what should be the fundamental starting point for any consideration about how humankind places itself upon the landscape.

The discussion should begin with recognition of the connection of all living things to our planet, with acknowledgement that all living creatures depend on intact ecosystems, and with understanding that the daily activities of people have grave consequences for the integrity of our Earth. In other words, an ethic of stewardship of all our resources should be the basis of our land-use decisions

Stewardship, though, is sadly missing in our discussions. The closest we come to thinking about whole systems is when using the term “comprehensive planning,” but how we approach comprehensive planning falls far short of incorporating an environmental ethic.

If stewardship is not the underlying tenet of land-use decisions, how do we translate the most important components of stewardship into the nuts and bolts of mundane policies that govern everyday actions? How can smart growth be inspired by stewardship?

The answer is by insisting that our natural resources be protected FIRST. The cornerstone of any smart growth agenda must be smart conservation. Only by acting aggressively to protect our most important natural resources will we truly be able to comprehensively plan for the future.

Tremendous development pressures on Cape Cod, coupled with the state fiscal crisis, make open space preservation especially difficult right now. Also, many towns have already expended

most of their future Cape Cod Land Bank funds, and state matching funds for the Land Bank have been exhausted.

Towns in the Commonwealth may preserve open space through participation in the Community Preservation Act (CPA), which helps fund open space, affordable housing and historic preservation. Towns join by adopting up to a 3 percent surcharge on the real estate tax levy. The state provides matching funds from a surcharge on many Registry of Deeds transactions. To date, more than 60 of the 351 towns in Massachusetts have joined the CPA and are dividing the approximately 25 million dollars in state matching funds each year among themselves. Chatham is the only Cape town that has joined the CPA.

With Land Bank matching funds spent, it's time to find a way for Cape communities to participate in some way in the CPA—without additional financial burden. Our state legislative delegation has indicated interest in trying to change the CPA to do so.

The state financial crisis led to a drastic decrease in state money for open space acquisition in fiscal year 2004. The Administration indicates that for fiscal year 2005, most state funding for open space will be directed to towns that change zoning to reflect smart growth principles. Although changing local zoning is an important goal, altering zoning bylaws is an arduous process. In the meantime, open space is being developed at a rapid pace. Changes to zoning should start with the State Zoning Act (see article on page 6).

Cape Cod towns must act strategically to protect the most important habitat and water resource lands. APCC, in collaboration with the Compact of Cape Cod Conservation Trusts, is completing an inventory of the most important natural resource lands left on Cape Cod. Results will be released soon.

This year, APCC will advocate for amending the CPA to include Cape Cod towns without additional financial responsibility; we will campaign for increased state open space funding; we will continue to press for State Zoning Act reforms, and continue our work to change local zoning to protect open space.

As we promote these technical and practical changes to policies and regulations, we will be ever mindful that what we really strive for is the fundamental incorporation of an ethic of stewardship of resources into our decision-making.

CanalSide Commons resurfaces as 40B project

The developer who originally proposed a nearly 1 million-sq. ft. mixed-use development at the foot of the Bourne Bridge recently announced a new Chapter 40B proposal for the site that includes 600 residential units.

The 40B project is the largest such proposal on Cape Cod, and one of the largest 40B proposals in state history. Under Massachusetts' Chapter 40B statute, developers can sidestep density restrictions and many other local zoning regulations if at least 25 percent of the units are affordable. Chapter 40B developments are also exempt from Cape Cod Commission review.

Ever since CanalSide Commons was first proposed, APCC has expressed grave concern about any large-scale development at the Bourne Rotary site. APCC pointed to major traffic congestion and significant loss of community character that would result from development of CanalSide Commons. Previous versions of the project have consistently failed to meet numerous requirements of the Regional Policy Plan, which spells out Cape Cod's regulatory laws for development. Because it is in an area of significant natural resources and at a regional transportation choke-point, APCC is working to encourage the town to purchase the property as protected open space.

Salt marsh monitoring gearing up for spring

Preparations are underway for a new season of the salt marsh restoration monitoring program coordinated by APCC, Massachusetts Coastal Zone Management, Massachusetts Bays Program and the Massachusetts Wetlands Restoration Program.

The program utilizes volunteers to monitor salt marsh restoration efforts at six salt marshes across Cape Cod.

This spring, APCC and the other program sponsors will conduct a series of training workshops to teach volunteers the techniques involved in monitoring birds, plants and marsh salinity.

Monitoring will soon resume at salt marshes in Bourne, East Sandwich, Barnstable, Yarmouth Port and East Dennis. A new monitoring program will begin at a marsh in Brewster.

To obtain information about becoming a volunteer monitor, or for workshop dates and locations, please contact Katie Roberts at apcckatie@hotmail.com.

“ Salt marsh monitoring will soon resume at locations in Bourne, East Sandwich, Barnstable, Yarmouth Port, East Dennis and Brewster.”

Volunteers Wanted

APCC is seeking:

- Volunteers to help with membership mailings 3 to 4 times per year.
- One volunteer to help clip environmental articles from newspapers for half a day a week, Mondays through Thursdays.

All volunteers will work in our Barnstable Village office. Please call APCC toll free at 1-877-955-4142 if interested.

Regional issues followed by APCC

APCC monitors proposed developments and other regional projects for potential impacts to Cape Cod's environment and quality of life. The following is a list of the most recent projects reviewed by APCC. APCC's comments on these and other projects can be viewed at our Web site. Log on to www.apcc.org and select "Issues and Projects" on the Menu.

- Eastham Ocean Beach
- Nantucket Cable Project, Barnstable and Nantucket Sound
- Bourne Landfill Modification
- Sagamore Rotary Redesign
- Talanian's South Cape Village Phase II, Mashpee
- W.J.G. Realty Trust (Stop & Shop), Harwich

Open space

Continued from cover

to Massachusetts officials and to Kennedy and Delahunt in support of the state and federal funding applications submitted by the towns of Harwich, Dennis and Orleans.

Much of the credit for acquiring the federal grants must be given to locally-initiated efforts, which were driven by the threat of state open space funding cuts. Still, the federal and state money dedicated to the above projects speaks volumes about the regional and national recognition these particular properties have received because of their status as highly significant ecological treasures.

As the price of land continues to skyrocket, towns have increasingly sought outside funding to supplement Cape Cod Land Bank revenues. Assistance from local conservation trusts and state aid have been the two sources that towns have repeatedly counted on to help bridge the cost gap. Such assistance is critical, since it is an acknowledged fact that the Cape Cod Land Bank will not come close to raising the money required to meet local and regional open space goals. Tight town budgets make it a daunting task to persuade town meeting voters to allocate local funds for open space above what is already provided through the Land Bank.

The cutbacks in state funding have cast into doubt the reliability of state money to aid future land purchases. Although Cape Cod received funding for some projects this year, there's no guarantee it will benefit from future state grants. The 2004 environmental budget for projects that included open space acquisition was only about \$18 million, compared to \$70 million in previous years. How much the state will set aside for open space acquisition in 2005 hasn't been determined yet, but every indication points to funding remaining low for the foreseeable future.

What's left? Less than we thought

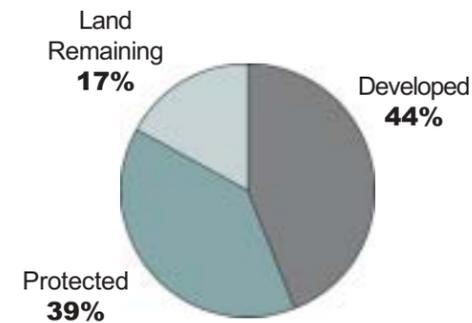
Numbers point to dwindling open space opportunities

For years, those closely connected to Cape Cod open space issues have operated under the "one pie divided into thirds" assumption: one-third of the Cape is developed, one-third is protected, and one-third is undeveloped and unprotected. The accepted regional open space goal has been to preserve half of the remaining undeveloped one-third. That goal has been the mantra for conservationists across the Cape.

But according to a reassessment of land use conducted by the Cape Cod Commission within the last year, it is now known that 44 percent of the Cape has already been developed, and 39 percent is protected or considered undevelopable. That leaves just 17 percent still up for grabs.

APCC believes this information should be a wakeup call to Cape Codders, generating a new sense of urgency with regard to open space preservation efforts. To a very large degree, the Cape's quality of life will be measured by what happens to that remaining 17 percent. The land we choose to save – and conversely, the land that is lost to sprawl – directly impacts the Cape's environmental health, its economic well-being and the distinctive regional character found in each of our 15 towns.

The State of Our Open Space



With so much at stake, it is incumbent upon the state, in partnership with towns and private conservation trusts, to increase its commitment to help fund open space acquisition projects on Cape Cod (and off-Cape, too). This commitment should be spurred by recognition of what will be lost in the future if we do not make the necessary investment now. The alternative comes at a much higher price.

Coming up in the next issue of Shore Lines: the findings of a Cape-wide open space priority ranking study conducted by APCC.

APCC donates Centerville open space to town of Barnstable

APCC is pleased to announce it has donated approximately 14 acres of land in Centerville to the town of Barnstable.

In an arrangement worked out with town officials, APCC donated the property it owned after the town agreed to purchase an adjacent property from a third party and preserve both parcels as protected open space.

The town acquired the abutting property late in 2003, and to complete the deal, a conservation restriction on the APCC land was recently granted by the state legislature.

The transaction increases Barnstable's holdings at that location to over 28 acres, with both parcels now to remain undeveloped in perpetuity.

APCC, which has owned the land since 1977, resolved long ago that it did not wish to

build on that property or anywhere else on Cape Cod. APCC decided it would instead seek out the best scenario for the land's continued preservation.

"We are very excited to be given the opportunity to hand over this parcel to the town of Barnstable. It will help protect several thousand feet of Skunknet River wetland corridor and is in the zone of contribution of a major Centerville wellfield," said APCC Executive Director Maggie Geist.

"As more natural resource areas are developed on Cape Cod, we see preservation of this property as extremely important to habitat and water supply protection in the Mid-Cape region."

Town center workshops continue regional discussion

APCC's Business Roundtable and the Cape Cod Selectmen's and Councilors' Association continued their series of workshops examining town centers and other growth management options for Cape Cod. As a follow-up to last year's "Town Centers: A Smart Way to Grow" conference, three workshops were held in February and March that took discussion of the issues to the next level.

Departing from the previous conference's Cape-wide scope, the 2004 workshops were divided into smaller geographical segments to allow for a more substantive discussion of local issues. The first workshop covered town centers and growth along major roadway corridors in the Upper Cape region – Bourne, Falmouth, Mashpee and Sandwich. The second workshop focused on Brewster, Orleans, Eastham, Wellfleet, Truro and Provincetown. The third workshop brought together residents from the Mid Cape towns of Barnstable, Yarmouth and Dennis, along with the Lower Cape towns of Harwich and Chatham to discuss common issues and potential growth management strategies for that region.

The discussion topics in all three workshops reflected the Business Roundtable's growth management plan for Cape Cod, namely the need for growth to be channeled to designated village centers where increased density would allow for a mix of commercial and residential uses. The increased village center density would be balanced by a reduction in development along connecting roadway corridors and in natural resource areas to stop the spread of sprawl.

Panel members and the audience of each workshop participated in an informative exchange of ideas to help identify where designated town centers are or should be located, and where towns should actively discourage growth. Participants then discussed future steps to take on a local and regional level to enable town centers to flourish, and to prevent growth from occurring where it is not wanted.



"Cutbacks in funding have cast into doubt the reliability of state money to aid future land purchases."

"Reduction in development along connecting roadways and in natural resource areas would help stop the spread of sprawl."

“ APCC was gratified to learn that the task force recommended passage of a Comprehensive Oceans Management Act.”

APCC comments on Ocean Management Task Force recommendations

APCC submitted comments on the preliminary recommendations of the Ocean Management Task Force. The task force was created by the state's Office of Environmental Affairs and charged with developing a management plan for Massachusetts coastal waters.

APCC has advocated for an ocean management policy that would determine how state waters are to be used, and where certain uses would or would not be allowable. We were therefore gratified to learn that the task force recommended passage of a Comprehensive Oceans Management Act. Under such legislation, Massachusetts would identify appropriate uses for specific areas of state waters to establish an overall policy for management, protection and use of ocean resources.

In written comments, APCC also recommended that:

- an ethic of ocean stewardship be the overarching principle guiding public policy decisions;
- the task force extend its scope to include management coordination between state and federal waters;
- the Ocean Sanctuaries Act be reevaluated to include a rationale for designating certain areas



as sanctuaries, resource management planning, and identifying allowed and prohibited activities;

- regulations for protecting sensitive environmental areas be based on sound science and a transparent regulatory process; and
- the state provide funding for research and monitoring, dissemination of information, standardization of monitoring protocols, and broader use of Geographic Information System (GIS) technology.

APCC also supports the appointment of a marine and fisheries science advisory group to monitor data and evaluate the health of marine resources. APCC's written comments to the task force can be viewed at www.apcc.org. Select "Issues and Projects" on the home page menu.

APCC testifies at Land Use Reform Act hearing

APCC testified in support of the Massachusetts Land Use Reform Act at a hearing before the state legislature's Joint Committee on Local Affairs and Regional Government in March. If it passes, the bill would overhaul the state's outdated zoning and land use laws.

APCC testified that reform of state laws is essential for the success of Cape-wide growth management efforts advocated by APCC, the Business Roundtable and others. Central to APCC's and the Roundtable's growth management plan is directing growth to designated town centers and away from natural resource areas largely through changes in local zoning bylaws. Current state law hinders the ability of towns to adopt

effective planning revisions due to over-generous grandfathering and the Approval Not Required law. Approval Not Required perpetuates sprawl by allowing the unlimited subdivision of land along existing roadways without local subdivision review.

APCC participates in the Zoning Reform Working Group, which drafted the reform legislation in 2002. APCC is also a member of the state-wide Coalition for Zoning Reform, which advocates for passage of the Land Use Reform Act and other zoning reform measures. Information about the Massachusetts Land Use Reform Act can be found on APCC's Web site, www.apcc.org. Select "Legislation" on the home page menu.

The return on your investment in APCC? An exceptional year

More than 75% of our annual revenue comes from membership support. In 2003, membership totals reached their highest levels in APCC history, and donation revenues increased 26% over the previous year. As a result, we were able to maintain an exceptionally high level of activity. Some of our 2003 accomplishments include:

- Spearheading regional efforts to address the Cape's wastewater problems;
- Supporting bylaw changes to direct growth to town centers and away from natural resource areas;
- Sponsoring a town center growth management workshop;
- Participating in a state-wide coalition to reform state zoning laws;
- Contributing to development of review policies for offshore wind energy facilities, and advocating for the state to be proactive in determining parameters for wind farm sites;
- Advocating successfully for the protection of priority open space parcels, including the Provincetown Greenway, 42 acres on the Monomoy River, and 33 acres in the Crowes Pasture/Quivet Creek area;
- Monitoring 13 large development proposals, including participating in public hearings and submitting written comments;
- Providing volunteer training for salt marsh monitoring;
- Taking a leading role in the MMR lease extension issue;
- Continuing our work with the business community through the Business Roundtable;
- Increasing the Whitlock Summer Intern endowment by 75%, allowing us to undertake more sophisticated projects;
- Enrolling more than 500 people into our Action Alert network.
- Coordinating two successful freshwater pond workshops;
- Providing more than two dozen presentations to area groups.

A more detailed summary of APCC's accomplishments will appear in our 2003 Annual Report.

Become an APCC Community Advocate

Find out how APCC's Community Advocates are helping protect Cape Cod's environment in their home towns and across the region. Visit www.apcc.org and click on the "Community Activist Network" box on the home page, or call APCC toll free at 1-877-955-4142.

Karen Gentile joins APCC

APCC is pleased to announce that Karen Gentile has joined APCC's staff as Executive Assistant. Karen started work for the organization last December, and has already proven herself to be an invaluable member of the APCC team.



*Karen Gentile, APCC's
Executive Assistant*

Remembering Joe Lowell

Long-time APCC supporters may recall Joe Lowell, a dedicated volunteer and good friend of the organization.

We at APCC were saddened to hear the news that Joe passed away late in 2003.

Joe is credited with using his skills as an accountant to modernize APCC's bookkeeping and membership records, and was influential in causing APCC to take the leap into the computer age.

APCC's staff, board of directors and volunteers are appreciative of Joe's contributions.

We extend our sympathies to his family.

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 - \$30 Basic Membership
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Association to Preserve Cape Cod

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As a non-profit organization, all contributions to APCC are tax deductible to the fullest extent of the law.

You can now join APCC online.
 It's quick and easy. Just visit our Web site at
www.apcc.org

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The Association to Preserve Cape Cod is a non-profit corporation founded in 1968 "to foster policies and programs that promote the preservation of natural resources on Cape Cod."

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- Don Keeran, *Assistant Director*
- Tad Kuhn, *Development Director*
- Tara Nye, *Staff Biologist*
- Karen Gentile, *Executive Assistant*
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