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CAPE COD  
COMMISSION

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**Town of Harwich**  
**District of Critical Planning Concern Designation Decision**

**Introduction**

As authorized by Section 10 of the Cape Cod Commission Act, the Cape Cod Commission (“Commission”) hereby proposes the West Harwich commercial corridor, hereinafter described, for designation as a District of Critical Planning Concern (“District” or “DCPC”). The designation of this District was proposed by the Harwich Board of Selectmen.

The proposed West Harwich District qualifies under Section 10(a) of the Cape Cod Commission Act for proposed designation as a DCPC due to the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources or values of regional, statewide, or national significance.

The purposes of this District are to preserve the significant historic and architectural resources in the area, to guide development to be consistent with the area’s unique character, to address safety and transportation impacts within the commercial zone on Route 28, and to promote small-scale businesses consistent with the area’s character.

**Procedural Background**

On September 17, 2019, the Commission received a proposed nomination for the West Harwich District of Critical Planning Concern (DCPC) from the Harwich Board of Selectmen pursuant to Section 10(d) of the Cape Cod Commission Act (“the Act”). Notice of the nomination was published in the Cape Cod Times on September 19, 2019, beginning a full moratorium on the issuance of development permits within the proposed DCPC. On October 3, 2019, the full Commission voted to accept for consideration the proposed nomination as a DCPC, which ended the full moratorium on development within the DCPC and began the limited moratorium as outlined in the October 3, 2019 Commission decision.

As authorized by the Commission’s Administrative Regulations, a Commission hearing officer held a duly noticed public hearing on October 22, 2019 at the Harwich Town Hall, Harwich, MA, to take testimony on whether the area should be proposed for designation as a DCPC. If

designated as a DCPC, the Town would develop implementing regulations for the district, which would address the historic resource and character protection, transportation safety, and balanced economic development goals desired by the community.

### **Boundary**

The nominated district consists of approximately 43 acres of land located entirely within the Town of Harwich, Village of West Harwich, and contains those parcels in the existing Commercial Highway (CH-1) zoning district with frontage along State Highway/ Route 28 from the Dennis/Harwich town line (Division Street) to just west of the Herring River, with the exception of certain portions of parcels located at 93 Route 28, 97 Route 28, and 156 Riverside Drive that fall outside of said CH-1 district.

### **Findings and Guidelines**

The Commission finds that the proposed district will preserve and maintain values and resources intended to be protected by the Act. The Commission specifically finds that controlled development within the proposed West Harwich District is important for the preservation of historical, cultural, archaeological, and architectural values; balanced economic growth; and the provision of adequate and safe transportation facilities. The Commission finds that there are planning and regulatory tools available which are likely to be effective in protecting or otherwise meeting the objectives of the District and that current regulatory mechanisms are not in place to control growth and development in a manner that would appropriately manage and protect the resources within the proposed District.

The Commission makes the following additional findings regarding the critical concerns in the proposed District:

#### **Cultural Resources**

The proposed District includes twenty-four historic structures dating from circa 1740-1914. The area was evaluated by Massachusetts Historical Commission staff in 2016 and determined eligible for listing on the National Register of Historic Places for its architectural significance and for its association with significant events in local history. The area is dubbed “Captain’s Row” for the large number of sea captains who built their homes there, and the buildings represent a wide range of architectural styles that were popular during the period of successful maritime industry in the region. While some historic buildings in the proposed District have been beautifully restored, others have been left vacant or in poor repair and may require incentives to promote their preservation.

#### **Community Design**

The proposed District encompasses the Commercial Highway-1 zoning district in West Harwich, which includes a variety of residential and commercial uses, some of which are ripe for redevelopment due to their age, configuration, or long-term vacancy. Because of the large number of historic structures and the unique character of the area, the site design and building design of any new development or redevelopment impacts the character of the area, which serves as a western gateway to the town of Harwich. Current zoning regulations allow for and encourage development patterns and building forms that are inconsistent with the historic development patterns in the area and harmful to its distinctive character. Context-sensitive building and site design regulations are needed to support the community's vision for the district.

### **Transportation Safety**

The proposed District follows the state-owned Route 28 corridor through West Harwich and has an annual average daily traffic volume of approximately 10,000 trips per day. The corridor had 40 crashes during the most recent five years of available data from the Massachusetts Registry of Motor Vehicles (2013-2017), including 15 that resulted in one or more injuries. The intersection of Route 28 and Division Street at the western edge of the proposed district experienced 18 crashes during the same time period, one resulting in a fatality and eight others resulting in non-fatal injuries. In addition, the area does not provide consistent adequate pedestrian and bicycle accommodations. Transportation management policies and regulations are needed in the district to address safety and congestion issues including curb cut design/site access, high traffic generating uses, and adequate facilities along Route 28 for all users.

### **Balanced Economic Development**

Issues of character and transportation safety both influence the economic success of the proposed West Harwich District, which includes numerous locally owned businesses. The town would like to determine the appropriate balance between protecting community character and supporting a variety of local businesses in the area. In addition, the town is interested in re-establishing a West Harwich village center to provide a focal point and support small-scale businesses. Regulations that protect existing resources, incentivize appropriate uses and forms of development, and provide design guidance to property owners and developers will help the town achieve that balance.

### **Existing Regulatory Framework**

The principal existing regulatory framework within the approximately 43-acre proposed District consists of the Harwich Zoning Bylaw and General Bylaws, Harwich Subdivision Rules and Regulations and Site Plan Special Permits, Harwich Wetlands Bylaw and Wetlands Regulations, and Harwich Board of Health Regulations.

### **Guidelines for Proposed Implementing Regulations**

The following guidelines shall serve as the basis for the future establishment of implementing regulations to be adopted by the Town of Harwich pursuant to Section 11 of the Cape Cod Commission Act. In order for the implementing regulations to be approved, they must be found by the Commission to be consistent with the following guidelines.

### **Goals and Interests**

The objective of these Guidelines is to ensure protection of the following goals and interests of the District through the establishment of implementing regulations by the Town of Harwich. The goals and interests of the District are to:

- Protect the historic resources in the District
- Respect traditional development patterns that support neighborhood and village development styles
- Enhance and protect the character of the West Harwich District
- Support and enhance the small-scale local economy in West Harwich
- Manage traffic congestion and improve access management along Route 28
- Improve bicyclist and pedestrian safety and access along the Route 28 corridor

#### **Guideline 1: Historic and Cultural Resources**

- Consider incentives to protect and preserve historic resources such as flexibility in dimensional regulations, allowing additional uses, or increased lot coverage on lots with historic structures
- Explore ways to prevent demolition of historic resources such as establishing a local or National Register historic district or strengthening the demolition delay bylaw
- Consider design guidelines for additions and alterations to historic structures

#### **Guideline 2: Community Design**

- Change dimensional regulations to be consistent with traditional development patterns, including building setback, parking location, and building massing.

Traditional development patterns include, but are not limited to, buildings sited closer to the street and parking located to the side or rear of buildings with limited visual impact of parking along the street. The town should examine the scale, setbacks, and massing of existing historic structures to help define the appropriate scale and form of new development and redevelopment.

- Consider developing architectural and site design guidelines to protect community character

#### **Guideline 3: Transportation Management and Safety**

- Develop regulations that promote site access management best practices such as shared driveways and the minimization of number and width of curb cuts

- Work with MassDOT to explore ways to improve pedestrian, bicyclist, and transit accommodations along the Route 28 corridor
- Consider regulations that promote pedestrian connections to sites within the district
- Consider adopting regulations to limit high traffic generating uses within the district to improve traffic safety

**Guideline 4: Balanced Local Economy**

- Explore options for encouraging mixed use and multifamily development in forms consistent with the District's character
- Consider focusing density in one part of the District to create a village center focal point
- Review allowed uses and permitting processes and consider modifying them to support small-scale businesses, a diverse local economy, and reuse of historic properties
- Consider modifying lighting and signage regulations for the District to support its unique character

**Time Frame for Action**

The Town of Harwich has one year from the date of the enactment of an ordinance by the Assembly of Delegates establishing the West Harwich DCPC to adopt and incorporate implementing regulations that are consistent with the Cape Cod Commission guidelines into its official bylaws, regulations and maps. The Cape Cod Commission may grant an additional ninety-day extension of this time limit and may carry forward implementing regulations on the Town's behalf as provided by Section 11 of the Cape Cod Commission Act.

**Conclusion**

Based upon the reasons outlined in this decision, the Cape Cod Commission approves the request of the Harwich Board of Selectmen for designation of the West Harwich District of Critical Planning Concern and will forward the designation to the Assembly of Delegates for enactment as a County ordinance.



**SIGNATURE(S)**

Executed this 14<sup>th</sup> day of November 2019

Harold W Mitchell  
Signature

Harold W Mitchell - chair CC Commission  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

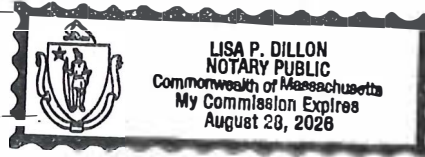
Barnstable, ss

Nov 14, 2019

Before me, the undersigned notary public, personally appeared Harold Mitchell, in his/her capacity as Chair Cape Cod Commission of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [ ☒ ] personal knowledge of the undersigned.

Notary Public: Lisa P Dillon

My Commission Expires: 8-28-26



# Exhibit A Map of DCPC Boundaries

