

An Action Plan for Bourne's Downtown

**Final Draft
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**Prepared for the
Main Street Steering Committee**



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An Action Plan for Bourne's Downtown

Introduction

This action plan describes the steps necessary to prepare Main Street in Buzzards Bay to be “investment ready.” This document is the result of a thorough review of earlier planning studies and technical documents, with the goal of developing a comprehensive and coordinated action plan with a timeline. The document focuses on the most important actions and provides detail on how those actions can be achieved. It is not intended to replace the larger compendium of recommendations from these other studies, but rather prioritize and sequence those actions that are the most critical for successful revitalization efforts.

The Action Plan was developed with input from the BFDC's Main Street Steering Committee, composed of members from the Bourne Financial Development Corporation (BFDC), the Buzzards Bay Vitalization Association (BBVA), Cape Cod Canal Region Chamber of Commerce, the Bourne Planning Board, the Local Comprehensive Plan Committee, and the Cape Cod Commission, with the Town Planner and Town Administrator as *ex officio* members.

The Action Plan is divided into sections according to subject, such as Planning and Design Tools, Wastewater, and Transportation. Within each topic, there is a discussion of the relevant planning issues followed by a list of actions and tasks. The appendices include a matrix of actions, with priorities and responsible parties; a compendium of relevant funding programs; and a compendium of applicable regulatory requirements.

This Action Plan is derived from the following documents. Many thanks go to the authors of these excellent reports:

- Bourne Wastewater Management Study (Tighe and Bond)
- Downtown Buzzards Bay Vision Plan (Stantec Planning and Landscape Architecture, P.C.)
- Buzzards Bay Village Comprehensive Transportation Plan (Wes Ewell/Maguire Group, Inc.)
- Study of Flood Hazard Mitigation and Design for the Main Street Business District, Village of Buzzards Bay (Kennen Landscape Architect and Associates)

Abbreviations

BBVA – Buzzards Bay Vitalization Association
BBWD – Buzzards Bay Water District
BDC – Bourne Development Campus
BFDC – Bourne Financial Development Corporation
CCC – Cape Cod Commission
DEP – Department of Environmental Protection
EIR – Environmental Impact Report
ENF – Environmental Notification Form
FEMA – Federal Emergency Management Agency
LID – Low-Impact Design
MMA – Massachusetts Maritime Academy
MEPA – Massachusetts Environmental Policy Act
MPO – Metropolitan Planning Organization
MSSC – Main Street Steering Committee
NHESP – Natural Heritage and Endangered Species Program
ROW – Right of Way
RTP – Regional Transportation Plan
TIP – Transportation Improvement Plan

Planning and Design Tools

Revitalization of the downtown is dependent upon many factors, including the availability of wastewater infrastructure, financing, and market forces. Yet no one factor is more important than changing the planning and design regulations that currently direct development. Many of the kinds of redevelopment initiatives that are needed in the downtown are currently restricted by zoning and design regulations. Therefore, it is essential that the design suggested in the Vision Plan be implemented through changes in local regulations and participation in regional and state programs that allow for more flexible regulatory structures and funding.

Downtown Zoning Bylaws: The implementation of the downtown design plan can only occur through zoning changes. The downtown zoning bylaw (sometimes referred to in the planning profession as “Form-Based Code”) were approved by the Planning Board and the Board of Selectmen and were voted in effect by the Special Town Meeting in October 2008. The Downtown District zoning defines four districts : the Downtown Core (mixed-use), the Downtown Neighborhood (residential), the Downtown Gateway and the Downtown Waterfront.

Design Guidelines: Zoning bylaws predominantly address uses and dimensions. In addition, design guidelines are needed to make the downtown streetscape more attractive and consistent. Design guidelines can be either advisory or encoded as regulations; in either case, they can be used to guide decision making by local regulatory review boards such as the Planning Board or design review committee. Design guidelines control for building and site design characteristics such as architectural elements, height, scale, proportions, landscaping and signage, among other things.

Development Agreement: A Development Agreement Bylaw that will allow the town to enter into two-party (town and developer) or three-party (including the Cape Cod Commission) development agreements was adopted by Special Town Meeting vote in October 2008. Development Agreements allow for a more flexible review process under the Cape Cod Commission and allow the town to negotiate with project proponents for agreed-upon public benefits in exchange for more flexible treatment under zoning. A town must have a Development Agreement bylaw, approved by the Commission, in order to act as a party in a Development Agreement.

Growth Incentive Zone: A Growth Incentive Zone (GIZ) is an area designated by the town for special flexible treatment with respect to Cape Cod Commission review of Developments of Regional Impact (DRIs). Among other things, the GIZ would enable the town to increase the square-footage thresholds that normally trigger Commission review – thereby allowing larger projects to go forward on Main Street with local review only.

District Improvement Financing (DIF): The District Improvement Financing (DIF) program – also known as 40Q – enables municipalities to fund public works and infrastructure projects by allocating future incremental tax revenues collected from a predefined district to those expenses. The establishment of the district stimulates private investment, which in turn

increases the taxable value of property and generates the incremental taxes. Incremental revenues can either pay for the municipal improvements from year to year or can be estimated and pledged in advance toward repayment of bonds to be issued to pay for the municipal improvements. The district can be established in advance of seeking financing.

43D Expedited Permitting: The 43D program creates an expedited permitting process at the local level to facilitate economic development and reduce local permitting delays to a maximum of 180 days. Municipalities designate a "Priority Development Site" within which the rules of the program apply. Cities and towns that accept the provisions of Chapter 43D (which Bourne did at the October 2008 Special Town Meeting) will be eligible for a one-time technical assistance grant of up to \$60,000 to assist the municipality to improve and streamline the local permitting process for commercial development. The grants can pay for professional staffing assistance, local government reorganization, and consulting services. Priority consideration is given to the community for PWED, CDAG, brownfields remediation assistance, MORE infrastructure funds, and other financing through quasi-public organizations.

Chapter 40R and 40S: Chapter 40R allows cities and towns may establish special zoning overlay districts that allow densities of 8 units/acre for single family homes, 12 units/acre for townhouses, and 20 units/acre for condominiums and apartments. The zoning must require that 20% of the district be affordable homes, and it should allow "mixed use" – the combination of residential, office and retail within close proximity. In return for adopting the zoning and streamlining the development process for 40R districts, cities and towns can get between \$10,000 and \$600,000 in state funding, plus an additional \$3,000 for every new home created. Chapter 40S provides additional state funding to cover the costs of educating any school-age children who move into 40R districts.

Planning and Design Actions:

- Adopt Form-Based Code bylaw for downtown
 - Complete drafting/present to Planning Board
 - Planning Board approval
 - Place on warrant
 - Gain support of Selectmen, Finance Committee
 - Town Meeting vote
- Develop and adopt design guidelines for downtown redevelopment
 - Incorporate on-site grey-water recovery standards (see Water Supply below)
 - Incorporate on-site LID stormwater techniques (see Stormwater below)
 - Incorporate streetscape and signage design standards (see Transportation and Streetscape Improvements below)
 - Form design review advisory committee to review project, make recommendations to Planning Board on formal design review bylaw
 - Adopt in design review bylaw to codify design guidelines
- Adopt a Development Agreement bylaw
 - Draft bylaw consistent with Cape Cod Commission model
 - Planning Board approval

- Place on warrant
- Send for approval as soon as possible to Cape Cod Commission
- Gain support of Selectmen, Finance Committee
- Town Meeting vote
- Seek Growth Incentive Zone designation for downtown
 - Pre-application meeting with CCC staff
 - Identify desired threshold changes
 - Prepare formal application with supporting material
 - Initiate any needed additional changes in zoning or other local regulations
 - Participate in CCC hearings and final approval
- Designate a DIF district boundary for all of Buzzards Bay and apply to the state for participation in the DIF program (see Financing Programs below)
- Designate a Priority Development Site for part or all of downtown Buzzards Bay (can overlay DIF boundary – see Financing Programs below)
- Consider a 40R/40S designation for Buzzards Bay (can overlay DIF and 43-D – see Financing Programs below)
 - Examine proposed Downtown Zoning Bylaw to determine if it meets requirements of 40R
 - Focus on areas where housing production is desired
 - Apply to state for 40R designation and reimbursements

Targeted Redevelopment



Aerial view of Canal View Transect

The Canal View Mixed Use Transect includes approximately 28 acres between Main Street, the canal, Perry Avenue, and Summer Street, and provides the best opportunity for large scale development in the project area. Portions of the transect are in the 100-year floodplain but the land is predominately open and the base flood elevations are substantially less of a constraint than areas further west along Main Street. Key properties in the district are the Harvester Seafood property on Perry Avenue, the recently permitted 80-unit 40B condominium project and the Canal Crossway Public Trails.

Targeted Redevelopment Actions:

- Establish a Joint Redevelopment Committee for community and economic development efforts

- Create and publish a list of available commercial properties
 - Create and publish a list of potential/desired private developments
 - Create a list of Community Initiated Developments (CIDs)
 - Prioritize redevelopment efforts to areas within downtown with greatest opportunity for redevelopment
 - Engage in marketing efforts to promote downtown redevelopment
 - Identify and have BFDC/town acquire key properties for redevelopment
- Establish a Tax Increment Financing (TIF) program for targeted areas and businesses
 - Create a negotiating committee to approach property owners
 - Determine boundaries of/properties within TIF Zone
 - Determine percentages/allocations of tax exemption, payment, and betterment fees
- Work in partnership with BFDC and the current property owners to prepare a comprehensive development plan for a “central business district” for Buzzards Bay with a strong mix of civic, commercial and residential uses
 - Incorporate higher density mixed uses, passive and active waterfront activities (including public open space), and attractive architecture and site planning
 - Strengthen connections between Main Street and the water
 - Focus infrastructure and economic development funds to this area so that it serves as an “anchor” for the long-term redevelopment of Buzzards Bay
- Renovate the town park into the new Bridge Park as an intergenerational facility with improved connections between the canal and Main Street, serving as a recreational anchor for downtown’s western gateway and a major year-round draw for residents and visitors alike.
- Expand the Town Marina, widen the access and expand the boat house facilities.
- Continue planning and design for a pleasure boat basin on the canal ; begin discussions with Army Corps of Engineers.
- Redevelop the former Penner’s Restaurant site, and former bait shop at the foot of the Cohasset Narrows Bridge as a combination of waterfront commercial uses and public open space that would add to the appeal of Buzzards Bay on this western gateway into the village.
- Redevelop/reuse Buzzards Bay Police and Fire stations
- Redevelop/reuse National Guard Armory
- Create new “Sunset Park” out of the former Memorial Circle after the roadway is reconfigured (see Transportation and Streetscape Improvements” below).
- Establish a Business Improvement District (BID)

Flood Hazard Management

Much of Buzzards Bay is in a FEMA-designated 100-year flood zone. There are two types of flood zones: V-zones, where property is subject to wave action and high-velocity water, and A-zones, subject to 100-year floods. Because some parts of Main Street are at lower elevations and/or significantly more prone to flood from storm surges than other areas, the town should adopt a targeted strategy for redevelopment of Main Street. In particular, the area from the

Eastern Gateway through the Canal View Mixed Use District (Transects 2-6) are contiguous and relatively less flood prone than the rest of the town. These areas should be targeted first for redevelopment, as they already contain a number of civic and commercial anchors such as Town Hall, the Community Center, the post office and a number of restaurants and businesses. This would encourage targeted economic investment in the area with the lowest flood-hazard risk.



Core area of Main Street subject to flooding

existing structures and providing additional flood protection. Note that the town has completed a flood disaster mitigation plan; however, that is not related to the CRS and only enables the town to receive funding after a disaster.

In addition, there are economic advantages to property owners and investors if the town participates in the Community Rating System (CRS), a program sponsored by the Federal Emergency Management Agency (FEMA) that allows community-wide discounts on National Flood Insurance for flood-hazard planning and mitigation. The Cape Cod Commission has model bylaws and other technical assistance available to help develop a more comprehensive approach to flood plain management. Finally, both federal flood hazard mitigation and state infrastructure grant programs should be explored to provide funding for retrofitting

Flood Hazard Mitigation Actions:

- Create a Local Hazard Mitigation Planning Committee or team to focus on floodplain management bylaws and reconstruction standards to be incorporated into local regulation
 - Obtain the CRS checklist; document conditions that have already been met and identify further actions; maintain existing system of “Elevation Certificates”
 - Explore additional infrastructure changes, such as elevating more flood-prone sections of Main Street (west end) or locating more flood-tolerant structures (such as parking) in those locations
 - Retrofit existing structures to make them more FEMA-compliant
 - Adopt a floodplain permitting assistance program
- Consider additional bylaws or overlays to target increased density and investment in those areas of Main Street (east end) that are least flood-prone, and impose greater restrictions on certain uses and square-foot expansions in those areas that are the most flood-prone

- Identify area of Main Street that is least vulnerable to floods and target redevelopment there
- Develop restrictions on expansions and uses in most vulnerable areas (e.g., V Zones or lower portions of A zones)
- Identify uses that are least vulnerable to floods (e.g., municipal parking) and locate those uses in more vulnerable areas

Wastewater

As discussed in the Introduction, a wastewater treatment facility is the lynchpin for redevelopment. Without a town plant, there is too little capacity left in the current system to allow for significant redevelopment and infill. While there are other options, such as site-specific package plants and septic systems, allowing these systems would reduce investor participation in a comprehensive construction and financing plan for a new plant. In addition, allowing individual property owners to construct their own package treatment plants – each requiring a separate discharge area – would quickly eat up valuable land for wastewater disposal rather than new development, leaving the downtown with a patchwork of leaching fields. Finally, poorly drained soils, high groundwater and other environmental constraints seriously limit the feasibility of the downtown for on-site wastewater discharge.

The Tighe and Bond report recommends a separate centralized treatment system co-located with the groundwater discharge site – as the most economically feasible option in the long run. This would serve Study Areas 1&2 (Downtown and Greater Buzzards Bay) as Phase 1 of the project. The most likely site for the plant and discharge area has already been identified (Town of Bourne parcel off Route 6 north of the Canal) and could be coordinated with the development of the Bourne Development Campus (BDC). Any wastewater treatment plant of the size proposed to serve downtown would require both MEPA and Cape Cod Commission review. Note that if the Bourne Development Campus moves forward first, there are economies of scale that could be gained by coordinating with that entity.

Wastewater Actions:

- Develop a comprehensive strategy for pursuing wastewater treatment for Buzzards Bay.
 - Propose funding and permitting strategy with timeline
 - Coordinate with BDC project for cooperative approach to building joint wastewater project
 - **Coordinate with Buzzards Bay Water District on long-term water supply issues**
 - **Explore potential recovery of grey-water for non-potable use both on-site and system wide** (see Water Supply below)
 - Hold joint pre-application meeting(s) with Sewer Commissioners, Buzzards Bay Water District, state permitting agencies (MEPA, DEP), Cape Cod Commission, and potential funding sources (DEP, MassDevelopment, Department of Housing and Community Development)
 - Examine local revenue generating mechanisms, including DIF and SRF (see Financing Programs below)

- Finalize design, permitting and funding strategy
- Consider establishing an enterprise fund (and separate utility district??) to expedite wastewater treatment for Buzzards Bay.
- **Consider designating a Wastewater Management Task Force**
- Obtain project authorization and funding from Town Meeting (including DIF) and secure state funding sources
- Conduct environmental permitting
 - Receive the Certificate on the ENF from MEPA and develop scope for EIR/DRI (draft and final) by MEPA and CCC
 - Hire consultant to develop preliminary design of recommended plan including hydrogeologic investigation of groundwater discharge site and engineering report (pump station locations, plant layout, sewer system layout, etc.)
 - File Groundwater Discharge Permit application with DEP ("Fast-Track permit); copy to Board of Health
 - Simultaneously file MEPA application and Development Agreement application with Cape Cod Commission
 - Complete environmental review process (final EIR/DRI)
- Conduct design and related permitting
 - Determine and implement the Owner's Project Manager requirement for the WWTP and Pumping Station Construction Contracts.
 - Prepare engineering design drawings and specifications
 - Obtain final EIR/DRI approval
 - Obtain DEP groundwater discharge permit
 - Identify and obtain any required land parcels or right-of-way easements
 - Obtain local and/or state environmental permits
 - Obtain local and state road opening permits
 - Obtain state cultural resources permits
 - Obtain local planning and zoning review permits
 - Obtain MassDEP permit to construct
 - Identify wastewater residuals management method and any necessary contract service arrangements
- Construction
 - Prepare bidding documents for each construction contract
 - Complete the public bidding process for each construction contract
 - Complete construction
 - Complete commissioning of new facilities
 - Implement operation and maintenance program

Water Supply

The water supply for the downtown Buzzards Bay area is controlled by the Buzzards Bay Water District, an independent entity authorized by the state to make water supply investments. The

current system is near capacity and more wells must come on line to supply both downtown Buzzards Bay and the BDC site. The Buzzards Bay Water District is already planning for an expansion. There is also a material connection to the issue of wastewater management: the Interbasin Transfer Act restricts the movement of water between watersheds for consumption or as a result of wastewater disposal in another watershed. This is regulated through a Water Management Act permit (see below). The importance of this cannot be overrated: water supply is as much of a limiting issue for downtown redevelopment as is wastewater treatment.

It is very important to understand the connection between water supply, conservation, and wastewater management. Anecdotal evidence as gathered from the BBWD indicates that there is significant waste and inefficiency in the existing water supply system. This means that a vigilant conservation program can effectively expand the supply available for new development by removing inefficiencies within the existing system, which can avert or delay the need to go through a very expensive and lengthy state permitting process for a new water withdrawal permit.

In addition, how both wastewater and water supply are managed can play a significant role in the available capacity of that water supply. Under state law, wastewater cannot be discharged within the Zone II area from which water supply is drawn. While doing so would mediate the issue of interbasin transfer and drawdowns of groundwater by essentially “putting it back,” it would also pose a significant risk to drinking water quality from nutrients and contaminants. A major challenge is to reduce the withdrawal of precious drinking water for non-potable uses, such as toilet flushing, irrigation, and industry.

This can be accomplished two ways. First, water taken into the system can be recovered and reused on site. For example, buildings can be designed with their own on-site “grey-water systems” (e.g., water coming from sinks, washing machines, etc.) to supply non-potable uses, such as landscape irrigation and refilling toilets – essentially, using a portion of the same water supply twice. Second, the sewer system itself can treat the water and then “resend” it from the treatment plant back to system users for the same kinds of non-potable purposes (this would involve a separate and potentially costly grey-water supply distribution system). This could include large-scale “fertigation” (irrigation with nitrogen-laden groundwater), which not only reduces town-wide water demand but treats the remaining nitrogen through natural bioremediation. Either way, forethought must be given to how to minimize the demand for new drinking water wells in order to reduce costs and permitting delays.

Water Supply Actions:

- Develop a comprehensive water conservation and management strategy
 - Work with BBWD to develop conservation strategy for existing users.
 - Determine longer-term water needs for the town as a whole, including the BDC.
 - Perform a study to identify on-site and system-wide grey-water recovery and reuse techniques.
 - Meet with DEP and Board of Health to identify possible barriers to grey-water recovery techniques

- Examine changes to zoning and design standards that increase efficiency, reduce water consumption and employ grey-water treatment and recovery systems in all new construction.
- Expand existing Buzzards Bay Water District supply
 - Meet with Buzzards Bay Water District to coordinate on long-term need for water supply
 - Develop a comprehensive water supply strategy, including conservation measures, on-site reuse of grey-water, and recycling/reuse of wastewater
 - Undertake necessary pre-application studies for expansion of existing system.
 - Buzzards Bay Water District files for Water Management Act Permit and simultaneous MEPA and DRI review.
 - Buzzards Bay Water District files files for water source construction permits.

Stormwater

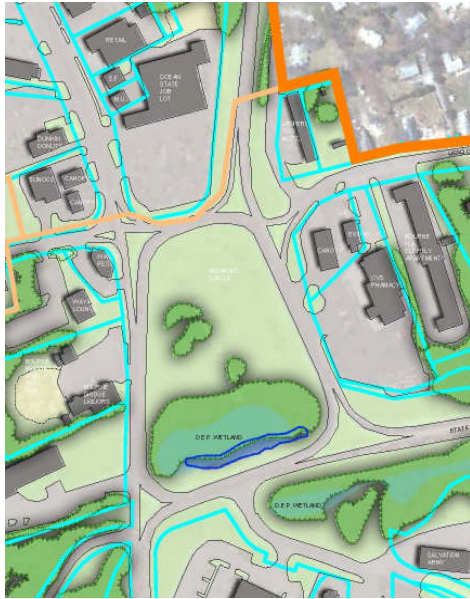
Stormwater in Buzzards Bay is managed through a separate structural system, rather than combined with sewer. Redevelopment of the downtown could add additional impervious surface to the area, potentially overwhelming the system. Using Low-Impact Design (LID), however, stormwater could be better managed on and around each development site, thereby reducing stress on the existing system. While further upgrades to the system should still be evaluated, LID techniques should be integrated into the design of the downtown through zoning and design standards. Approaches such as pervious pavement, planters connected to gutter drains, vegetated swales and curbside landscaping can not only treat and retain stormwater before it reaches structural systems but also improve the aesthetics of the streetscape using low-maintenance landscaping.

Stormwater Actions:

- Develop LID stormwater management design guidelines for individual redevelopment sites
 - Incorporate guidelines into design guidelines for redevelopment of downtown
- Develop comprehensive LID stormwater treatment for streetscapes, public ways and public buildings

Transportation and Related Improvements

There are a number of transportation recommendations for Buzzards Bay. Perhaps the most important and immediate is the redesign of Belmont Circle. The circle in its existing pattern causes traffic congestion, traffic conflicts and safety concerns. Traffic trying to access Route 25 North or coming off of 25 South to access Route 6 East must negotiate with traffic entering and exiting Buzzards Bay from all directions. In addition to these safety and congestion concerns, the circle acts as a psychological barrier to the village, making it difficult to get downtown from all eastern points.



Belmont Circle

Wesley Ewell and the Maguire Group developed a comprehensive transportation plan for Buzzards Bay that outlines key actions for changing Belmont Circle. In short, the proposed pattern widens the ramps to and from Route 25 to two lanes and establishes to a two-way circulatory pattern that integrates traffic to and from Buzzards Bay with through traffic accessing the highways. This also enhances both visibility of and access to the downtown through a “gateway” district and controlled traffic signals. It is important to implement this approach as soon as possible, as well as consider the potential impacts of a new Route 25 exit (“Exit 2 ½”) in Plymouth at Bourne Road – an option that would dramatically propel the development of the Bourne Development Campus (BDC). Finally, if exit 2 ½ does not come to fruition, it may be that some redesign of Exit 3 in Buzzards Bay may be warranted in order to make the BDC a reality. This, however, is not a near-term consideration.

Transportation Actions:

For all transportation actions involving state funding, the following steps must be undertaken:

- Make a presentation to the Cape Cod Commission and MPO
- File project needs forms with Mass Highway District 5/Project Review Committee
- Bring project to 25% design stage
- Present to MPO for TIP Amendment

Specific Actions:

- Redesign Belmont Circle with two-way signalized roads consistent with the transportation study
 - Create an intermodal transportation center within Belmont Circle with parking and facilities for transit (local and regional), commuters, and taxis (see Intermodal Actions below).
- Reconfigure Memorial Circle as a conventional intersection
- Reconfigure Main Street, Washington Avenue and Academy Drive into a four-way signalized intersection to improve traffic flows and access to the waterfront area.
- Raise Main Street in the Core Area and redevelop properties
- Redesign the Bypass as a boulevard with two travel lanes and bicycle lane and improved access to downtown; extend Speranza Drive to connect to the bypass; improve intersection with St. Margaret’s Street
- Construct a bicycle path the length of the bypass, with a pedestrian underpass crossing the Route 25 ramp

- Pressure the state highway department on the Cohasset Bridge Replacement

Parking Actions

- Reconfigure town, state and ACE parking around Town Park to increase number of spaces, circulation, safety, and aesthetics.
- Create a new public parking facility off Academy Drive to serve the Town Marina, Bridge Park, downtown development, tourist rail and potentially commuter rail service. This could be a surface lot in the short term with the option of expanding into deck parking as needed in the future.
- Work in partnership with developers to build parking facilities, especially on or in vicinity of Taylor Road
- Evaluate need for a ride-share parking lot on the bypass

Intermodal Actions

- Develop an intermodal transportation facility for downtown; consider Belmont Circle as a potential location, with parking and facilities for transit (local and regional), commuters, and taxis.
- Facilitate negotiations to bring back base of operations for Cape Cod Railroad to Buzzards Bay, including dinner trains, scenic tours and special event trains, to a base in Buzzards Bay.
- Consider expanding rail service for downtown.
- Support and promote the OWL bus and B-bus services
- Attract a canal tour boat to Buzzards Bay
- Improve signage for bicycles directing them to safe routes; improve bicycle and pedestrian access to the Bourne Bridge via Bourne Bridge Approach Road with upgrades to the ACE road and trail, improved trail connection and directional signage from the Canal and Belmont Circle.
- Provide pedestrian and bike access across the canal and consider the possibility of seasonal ferry service to Martha's Vineyard and Nantucket.

Streetscape Actions

- Design and install entrance treatments Eastern Gateway
- Design and install entrance treatments Western Gateway at time of replacement of Cohasset Narrows bridge and realignment of Memorial Circle
- Extend Main Street sidewalk and streetscape improvements to Belmont Circle.
- **Coordinate all streetscape projects with wastewater and water supply plans to install needed supply lines and other utilities** (see Wastewater and Water Supply above)
- **Coordinate all streetscape projects with comprehensive LID/stormwater treatment plans** (see Stormwater above)

- Work with NStar to bury utilities or move them to the rear of Main Street buildings on the north side as other improvement proceed

Financing Programs

Some of the key planning and infrastructure initiatives that are vital to implementing the Vision Plan for downtown require large sums of money. There are a number of very important funding programs available, some of which require local planning and executive actions. Below are several of the most important programs. They are presented below in brief and described in detail in Appendix 1. Information about other programs is available on the state's web site.

District Improvement Financing (DIF)

The District Improvement Financing (DIF) program – also known as 40Q – enables municipalities to fund public works and infrastructure projects by allocating future incremental tax revenues collected from a predefined district to those expenses. The establishment of the district stimulates private investment, which in turn increases the taxable value of property and generates the incremental taxes. Incremental revenues can either pay for the municipal improvements from year to year or can be estimated and pledged in advance toward repayment of bonds to be issued to pay for the municipal improvements. The DIF Program includes two major components: 1) definition and establishment of a District; and, 2) development and documentation of an action plan called a Program. The district can be established in advance of seeking financing.

Tax Increment Financing (TIF) Program

Massachusetts' version of Tax Increment Financing allows municipalities to provide flexible targeted incentives to stimulate job-creating development. The TIF Plan, completed by the municipality, describes proposed public and private investment in the TIF Zone, and is agreed upon by the municipality and all the private owners in the TIF Zone. The municipality and the prospective Certified Project candidate agree to a property tax exemption based on a percentage of the value added through new construction or significant improvement for a period of no less than five and no more than twenty years. The real estate taxes generated by the new increased assessed value are then allocated by the agreed-upon percentage of value added to one or more of three categories – exemption from real estate taxes, payment of real estate taxes, payment of betterment fee in lieu of real estate taxes to finance related infrastructure.

43D Expedited Permitting

The 43D program creates an expedited permitting process at the local level to facilitate economic development and reduce local permitting delays to a maximum of 180 days. Municipalities designate a "Priority Development Site" within which the rules of the program

apply. Cities and towns that accept the provisions of Chapter 43D will be eligible for a one-time technical assistance grant of up to \$60,000 to assist the municipality to improve and streamline the local permitting process for commercial development. The grants can pay for professional staffing assistance, local government reorganization, and consulting services. Priority consideration is given to the community for PWED, CDAG, brownfields remediation assistance, MORE infrastructure funds, and other financing through quasi-public organizations. The Expedited Permitting Program gives cities and towns the ability to promote commercial development on pre-approved parcels by offering expedited local permitting on those parcels. Such development shall be primarily commercial, although mixed-use properties shall also qualify for priority designation so long as they conform to the statutory requirements for a Priority Development Site. The program is at local option.

Chapter 40R and 40S

Chapter 40R permits cities and towns to establish special zoning overlay districts that allow densities of 8 units/acre for single family homes, 12 units/acre for townhouses, and 20 units/acre for condominiums and apartments. The zoning must require that 20% of the district be affordable homes, and it should allow “mixed use” – the combination of residential, office and retail within close proximity. The location of these districts helps consolidate growth and cut down on dispersal: in town centers, downtowns, near a transit station, on unused industrial land or in other locations municipalities have deemed appropriate for higher density housing. Assistance is available for writing a bylaw and for planning and design. In return for adopting the zoning and streamlining the development process for 40R districts, cities and towns can get between \$10,000 and \$600,000 in state funding, plus an additional \$3,000 for every new home created. Chapter 40S provides additional state funding to cover the costs of educating any school-age children who move into 40R districts.

Community Development Action Grant (CDAG)

The Community Development Action Grant (CDAG) Program provides funding for publicly owned or managed projects that have a significant impact on the overall economic condition of a city or town, including activities that will significantly improve the conditions of low and moderate income persons through: (a) the support of workforce housing needs across a range of incomes; (b) the generation and/or retention of long term employment; (c) the leveraging of significant private investment; and (d) the improvement of physical conditions. CDAG can be used in a variety of ways, including infrastructure improvements that support new workforce housing and commercial developments such as municipal water systems, sewer lines or other utility distribution systems, upgrades to streetscapes, sidewalks and roadways, site preparation and improvements to publicly-owned buildings, including demolition, new construction or rehabilitation of existing structures, and many other eligible activities. Parking facilities are not, however, eligible projects for funding under the CDAG Program.

Community Development Block Grant (CDBG)

The Massachusetts Community Development Block Grant program is a constellation of funding programs including the Economic Development Fund and Community Development Funds I and II. The Community Development Block Grant Program is a federally funded, competitive grant program designed to help small cities and towns meet a broad range of community development needs. Assistance is provided to qualifying cities and towns for housing, community, and economic development projects that assist low and moderate-income residents, or by revitalizing areas of slum or blight. Eligible CDBG projects include but are not limited to housing rehabilitation or development, micro-enterprise or other business assistance, infrastructure, community/public facilities, public social services, planning, removal of architectural barriers to allow access by persons with disabilities, and downtown or area revitalization.

Community Development Fund I & II (part of CDBG)

The Community Development Fund is a Community Development Block Grant program that supports revitalization efforts of cities and towns in order to address the needs of low- and moderate-income residents by supporting housing, community, and economic development activities in cities and towns throughout the Commonwealth. CDF I is for communities with high statistical indicators of need. CDF II is for communities that are not eligible for CDF I due to lower statistical needs. Cities and towns can apply to undertake housing, community and economic development projects, including architectural barrier removal, assistance to for-profit entities, commercial rehabilitation, demolition/clearance, housing rehabilitation, other housing (although not new construction of housing), infrastructure, micro-enterprise assistance, planning, public facilities, and public social services.

Growth Districts Initiative

This program creates a level of “development readiness” within identified “growth districts” comparable to that now available at Devens. The Executive Office of Housing and Economic Development (EOHED) will partner with municipalities that have identified “growth districts” and work with communities and property owners to make districts truly “development ready” with respect to local permitting, state permitting, site preparation (including brownfields remediation), infrastructure improvements, and marketing. The program is designed to work in tandem with the MORE Capital Jobs Program but will not contain the same requirements for short-term job creation.

State Revolving Funds (SRF)

SRF covers the costs of certain planning, design, construction and administration costs for wastewater treatment plants (“Clean Water SRF”) and water supply facilities (“Drinking Water SRF”). Both programs follow very similar processes. Note that design costs for Clean Water SRF are not covered for CY 2008. Construction costs (according to a table in the guidance document) are covered at approximately 8% for the size treatment facility needed for the BDC site. In

general, SRF provides wastewater treatment funding for wastewater facilities, infiltration/inflow removal, collection systems planning, design, and nonpoint source projects.

Commonwealth Capital Program

This is not a funding program per se but a way in which the state coordinates funding based on smart growth principles. The Commonwealth Capital Program coordinates state capital spending programs in order to invest in projects that are consistent with the Commonwealth's Sustainable Development Principles and to partner with municipalities seeking to advance shared conservation and development interests. Commonwealth Capital explicitly endorses planning and zoning measures that are consistent with Administration policy and encourages local implementation by linking state spending programs to municipal land use practices. Municipal smart growth/smart energy consistency is assessed through a Commonwealth Capital application that examines municipal implementation of 32 land use planning and regulatory practices. Resulting scores are part of the proposal evaluation process for each grant or loan program.

Other commonly used local financing mechanisms include local property taxes (and overrides), betterments, user fees, and special taxes and fees. The town may also promulgate impact fees because it has a Local Comprehensive Plan certified as being consistent with the Cape Cod Commission's Regional Policy Plan.

Business Improvement District (BID)

Business Improvement Districts (BID) are special assessment districts in which property owners vote to initiate, manage and finance supplemental services or enhancements above and beyond the baseline of services already provided by their local city or town governments. A special assessment, or common area fee, is levied only on property within the district. The assessments are collected and expended within the district for a range of services and/or programs, including marketing and public relations, improving the downtown marketplace or city/town center, capital improvements, public safety enhancements, and special events. A BID creates a stable local management structure that provides a sustainable funding source for the revitalization and long-term maintenance of downtowns and city/town centers. The goal of a BID is to improve a specific commercial area by attracting customers, clients, shoppers and other businesses.

Other Programs

Other programs include:

- Off Street Parking Grants
- Community Preservation Act Funds
- Self-Help and Urban Self Help Programs

- Transit-Oriented Development Program
- Urban Renewal Program

Financing Programs Actions:

- Apply or explore applying for all of the above programs
- Submit Commonwealth Capital application as soon as Downtown Zoning Bylaw is adopted
- Establish a low-interest business loan pool under Community Reinvestment Act

Appendix A: Action Matrix

(new recommendations in **bold**)

H = High/Short-term; M = Medium/Medium-Term; L = Low/Long-term

Planning and Design Tool Actions:	Priority	Responsible Party	Done (√)
• Adopt Form-Based Code bylaw for downtown	H	Town	
o Complete drafting/present to Planning Board			√
o Planning Board approval			√
o Place on warrant			√
o Gain support of Selectmen, Finance Committee			√
o Town Meeting vote			√
• Develop design guidelines for downtown redevelopment	H	Town	
o Incorporate on-site grey-water recovery standards (see Water Supply below)			√
o Incorporate on-site LID stormwater techniques (see Stormwater below)			√
o Incorporate streetscape and signage design standards (see Transportation and Streetscape Improvements below)			√
o Form design review advisory committee to review project, make recommendations to Planning Board on formal design review bylaw			
o Adopt in design review bylaw to codify design guidelines			
• Adopt a Development Agreement bylaw	H	Town, CCC	
o Draft bylaw consistent with Cape Cod Commission model			√
o Planning Board approval			√
o Place on warrant			√
o Send for approval as soon as possible to Cape Cod Commission			√
o Gain support of Selectmen, Finance Committee			√
o Town Meeting vote			√
• Seek Growth Incentive Zone designation for downtown	H	Town, CCC	
o Pre-application meeting with CCC staff			
o Identify desired threshold changes			
o Prepare formal application with supporting material			
o Initiate any needed additional changes in zoning or other local regulations			
o Participate in CCC hearings and final approval			
• Designate a DIF district boundary for all of Buzzards Bay and apply to the state for participation in the DIF program (see Financing Programs below)	H	Town	
• Designate a Priority Development Site for part or all of downtown Buzzards Bay (can overlay DIF boundary – see Financing Programs below)	H	Town	

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<ul style="list-style-type: none"> Consider a 40R/40S designation for Buzzards Bay (can overlay DIF and 43-D – see Financing Programs below) <ul style="list-style-type: none"> Examine proposed Downtown Zoning Bylaw to determine if it meets requirements of 40R Focus on areas where housing production is desired Apply to state for 40R designation and reimbursements 	M	Town	
<u>Targeted Redevelopment Actions:</u>			
<ul style="list-style-type: none"> Establish a Joint Redevelopment Committee for community and economic development efforts <ul style="list-style-type: none"> Create and publish a list of available commercial properties Create and publish a list of potential/desired private developments Create a list of Community Initiated Developments (CIDs) Prioritize redevelopment efforts to areas within downtown with greatest opportunity for redevelopment Engage in marketing efforts to promote downtown redevelopment Identify and have BFDC/town acquire key properties for redevelopment 	H	Town, MSSC	
<ul style="list-style-type: none"> Establish a Tax Increment Financing (TIF) program for targeted areas and businesses <ul style="list-style-type: none"> Create a negotiating committee to approach property owners Determine boundaries of/properties within TIF Zone Determine percentages/allocations of tax exemption, payment, and betterment fees 	H	Town	
<ul style="list-style-type: none"> Work in partnership with BFDC and the current property owners to prepare a comprehensive development plan for a “central business district” for Buzzards Bay with a strong mix of civic, commercial and residential uses <ul style="list-style-type: none"> Incorporate higher density mixed uses, passive and active waterfront activities (including public open space), and attractive architecture and site planning Strengthen connections between Main Street and the water Focus infrastructure and economic development funds to this area so that it serves as an “anchor” for the long-term redevelopment of Buzzards Bay 	H	Town, MSSC	
<ul style="list-style-type: none"> Renovate the town park into the new Bridge Park as an intergenerational facility with improved connections between the canal and Main Street, serving as a recreational anchor for downtown’s western gateway and a major year-round draw for residents and visitors alike. 	H	Town, ACE	
<ul style="list-style-type: none"> Expand the Town Marina, widen the access and expand the boat house facilities. 	M	Town	
<ul style="list-style-type: none"> Continue planning and design for a pleasure boat basin on the canal ; begin discussions with Army Corps of Engineers. 	M	Town, MSSC, ACE	
<ul style="list-style-type: none"> Redevelop the former Penner’s Restaurant site, and former bait shop at the foot of the Cohasset Narrows Bridge as a combination of waterfront commercial uses and public open 	M	Town, private investors	

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space that would add to the appeal of Buzzards Bay on this western gateway into the village.			
• Redevelop/reuse Buzzards Bay Police and Fire stations	M	Town	
• Redevelop/reuse National Guard Armory	M	Town, MMA	
• Create new "Sunset Park" out of the former Memorial Circle after the roadway is reconfigured (see Transportation and Streetscape Improvements" below).	M	Town, MassHwy, MSSC	
• Establish a Business Improvement District (BID)	L	Town, MSSC, Local Businesses	
<u>Flood Hazard Mitigation Actions:</u>			
• Create a Local Hazard Mitigation Planning Committee or team to focus on floodplain management bylaws and reconstruction standards to be incorporated into local regulation	H	Town, CCC, FEMA	
o Obtain the CRS checklist; document conditions that have already been met and identify further actions; maintain existing system of "Elevation Certificates"			
o Explore additional infrastructure changes, such as elevating more flood-prone sections of Main Street (west end) or locating more flood-tolerant structures (such as parking) in those locations			
o Retrofit existing structures to make them more FEMA-compliant			
o Adopt a floodplain permitting assistance program			
• Consider additional bylaws or overlays to target increased density and investment in those areas of Main Street (east end) that are least flood-prone, and impose greater restrictions on certain uses and square-foot expansions in those areas that are the most flood-prone	H	Town, CCC, FEMA	
o Identify area of Main Street that is least vulnerable to floods and target redevelopment there			√
o Develop restrictions on expansions and uses in most vulnerable areas (e.g., V Zones)			
o Identify uses that are least vulnerable to floods (e.g., municipal parking) and locate those uses in more vulnerable areas			
<u>Wastewater Actions:</u>			
• Develop a comprehensive strategy for pursuing wastewater treatment for Buzzards Bay.	H	Town, DEP, CCC, MEPA	
o Propose funding and permitting strategy with timeline			
o Coordinate with BDC project for cooperative approach to building joint wastewater project			
o Coordinate with Buzzards Bay Water District on long-term water supply issues			
o Explore potential recovery of grey-water for non-potable use both on-site and system wide (see Water Supply below)			
o Hold joint pre-application meeting(s) with Sewer Commissioners, Buzzards Bay Water District, state permitting agencies (MEPA, DEP), Cape Cod Commission,			

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and potential funding sources (DEP, MassDevelopment, Department of Housing and Community Development)			
○ Examine local revenue generating mechanisms, including DIF and SRF			√
○ Finalize design, permitting and funding strategy			
○ Consider establishing an enterprise fund (and separate utility district??) to expedite wastewater treatment for Buzzards Bay.			
○ Consider designating a Wastewater Management Task Force			
○ Obtain project authorization and funding from Town Meeting (including DIF) and secure state funding sources			
• Conduct environmental permitting	H	Town	
○ Receive the Certificate on the ENF from MEPA and develop scope for EIR/DRI (draft and final) by MEPA and CCC			
○ Hire consultant to develop preliminary design of recommended plan including hydrogeologic investigation of groundwater discharge site and engineering report (pump station locations, plant layout, sewer system layout, etc.)			
○ File Groundwater Discharge Permit application with DEP ("Fast-Track permit); copy to Board of Health			
○ Simultaneously file MEPA application and Development Agreement application with Cape Cod Commission			
○ Complete environmental review process (final EIR/DRI)			
• Conduct design and related permitting	M	Town, DEP, CCC, MEPA	
○ Determine and implement the Owner's Project Manager requirement for the WWTP and Pumping Station Construction Contracts.			
○ Prepare engineering design drawings and specifications			
○ Obtain final EIR/DRI approval			
○ Obtain DEP groundwater discharge permit			
○ Identify and obtain any required land parcels or right-of-way easements			
○ Obtain local and/or state environmental permits			
○ Obtain local and state road opening permits			
○ Obtain state cultural resources permits			
○ Obtain local planning and zoning review permits			
○ Obtain MassDEP permit to construct			
○ Identify wastewater residuals management method and any necessary contract service arrangements			
• Construction	L	Town, DEP, CCC, MEPA	
○ Prepare bidding documents for each construction contract			
○ Complete the public bidding process for each construction contract			
○ Complete construction			
○ Complete commissioning of new facilities			
○ Implement operation and maintenance program			

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<u>Water Supply Actions:</u>			
• Develop a comprehensive water conservation and management strategy	H	Town, BBWD	
o Work with BBWD to develop conservation strategy for existing users.			
o Determine longer-term water needs for the town as a whole, including the BDC.			
o Perform a study to identify on-site and system-wide grey-water recovery and reuse techniques.			
o Meet with DEP and Board of Health to identify possible barriers to grey-water recovery techniques			
o Examine changes to zoning and design standards that increase efficiency, reduce water consumption and employ grey-water treatment and recovery systems in all new construction.			
• Expand existing Buzzards Bay Water District supply	H	Town, BBWD	
o Meet with Buzzards Bay Water District to coordinate on long-term need for water supply			
o Develop a comprehensive water supply strategy, including conservation measures, on-site reuse of grey-water, and recycling/reuse of wastewater			
o Undertake necessary pre-application studies for expansion of existing system.			
o Buzzards Bay Water District files for Water Management Act Permit and simultaneous MEPA and DRI review.			
o Buzzards Bay Water District files files for water source construction permits.			
<u>Stormwater Actions:</u>			
• Develop LID stormwater management design guidelines for individual redevelopment sites	M	Town	
o Incorporate guidelines into design guidelines for redevelopment of downtown			√
• Develop comprehensive LID stormwater treatment for streetscapes, public ways and public buildings	M	Town	
<u>Transportation Actions:</u>			
• Redesign Belmont Circle with two-way signalized roads consistent with the transportation study	H	Town, MassHwy, CCC	
o Create an intermodal transportation center within Belmont Circle with parking and facilities for transit (local and regional), commuters, and taxis (see Intermodal Actions below).			
• Reconfigure Memorial Circle as a conventional intersection	H	Town, MassHwy, CCC	
• Reconfigure Main Street, Washington Avenue and Academy Drive into a four-way	M	Town, MassHwy, CCC	

An Action Plan for Bourne's Downtown

signalized intersection to improve traffic flows and access to the waterfront area.			
<ul style="list-style-type: none"> Raise Main Street in the Core Area and redevelop properties 	L	Town, CCC	
<ul style="list-style-type: none"> Redesign the Bypass as a boulevard with two travel lanes and bicycle lane and improved access to downtown; extend Speranza Drive to connect to the bypass; improve intersection with St. Margaret's Street 	H	Town, MassHwy, CCC	
<ul style="list-style-type: none"> Construct a bicycle path the length of the bypass, with a pedestrian underpass crossing the Route 25 ramp 	M	Town, MassHwy, CCC	
<ul style="list-style-type: none"> Pressure the state highway department on the Cohasset Bridge Replacement 	H	Town, MassHwy, CCC	
<u>Parking Actions:</u>			
<ul style="list-style-type: none"> Reconfigure town, state and ACE parking around Town Park to increase number of spaces, circulation, safety, and aesthetics. 	M	Town, MSSC, ACE	
<ul style="list-style-type: none"> Create a new public parking facility off Academy Drive to serve the Town Marina, Bridge Park, downtown development, tourist rail and potentially commuter rail service. This could be a surface lot in the short term with the option of expanding into deck parking as needed in the future. 	H	Town, MassHwy, CCC, MSSC, private investors	
<ul style="list-style-type: none"> Work in partnership with developers to build parking facilities, especially on or in vicinity of Taylor Road 	M	Town, MSSC, private investors	
<ul style="list-style-type: none"> Evaluate need for a ride-share parking lot on the bypass 	L	Town, MSSC, MassHwy	
<u>Intermodal Actions:</u>			
<ul style="list-style-type: none"> Develop an intermodal transportation facility for downtown; consider Belmont Circle as a potential location, with parking and facilities for transit (local and regional), commuters, and taxis. 	H	Town, MassHwy, CCC	
<ul style="list-style-type: none"> Facilitate negotiations to bring back base of operations for Cape Cod Railroad to Buzzards Bay, including dinner trains, scenic tours and special event trains, to a base in Buzzards Bay. 	H	Town, MSSC, CC Railroad	√
<ul style="list-style-type: none"> Consider expanding rail service for downtown. 	M	Town, MBTA, CC Railroad	
<ul style="list-style-type: none"> Support and promote the OWL bus and B-bus services 	L	Town, MSSC, RTA	
<ul style="list-style-type: none"> Attract a canal tour boat to Buzzards Bay 	L	MSSC	
<ul style="list-style-type: none"> Improve signage for bicycles directing them to safe routes; improve bicycle and pedestrian access to the Bourne Bridge via Bourne Bridge Approach Road with upgrades to the ACE road and trail, improved trail connection and directional signage from the Canal and Belmont Circle. 	L	Town, MSSC, CCC	
<ul style="list-style-type: none"> Provide pedestrian and bike access across the canal and consider the possibility of seasonal ferry service to Martha's Vineyard and Nantucket. 	L	Town, ACE, Steamship Authority	
<u>Streetscape Actions:</u>			

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• Design and install entrance treatments Eastern Gateway	H	Town, MSSC	
• Design and install entrance treatments Western Gateway at time of replacement of Cohasset Narrows bridge and realignment of Memorial Circle	H	Town, MSSC	
• Extend Main Street sidewalk and streetscape improvements to Belmont Circle.	H	Town, MSSC	
• Coordinate all streetscape projects with wastewater and water supply plans to install needed supply lines and other utilities (see Wastewater and Water Supply above)	M	Town, MSSC, BBWD	
• Coordinate all streetscape projects with comprehensive LID/stormwater treatment plans (see Stormwater above)	M	Town, MSSC	
• Work with NStar to bury utilities or move them to the rear of Main Street buildings on the north side as other improvement proceed	L	Town, MSSC, NSTAR	
<u>Financing Programs Actions:</u>			
• Apply or explore applying for all of the above programs	H	Town, MSSC	
• Submit Commonwealth Capital application as soon as Downtown Zoning Bylaw is adopted	H	Town, CCC	
• Establish a low-interest business loan pool under Community Reinvestment Act	M	Town, MSSC	

Appendix B: Detailed Descriptions of Relevant Funding and Financing Programs

District Improvement Financing (DIF)

Agency: Massachusetts Office of Business Development

Description: The District Improvement Financing (DIF) program – also known as 40Q – enables municipalities to fund public works and infrastructure projects by allocating future incremental tax revenues collected from a predefined district to those expenses. The establishment of the district stimulates private investment, which in turn increases the taxable value of property and generates the incremental taxes. Incremental revenues can either pay for the municipal improvements from year to year or can be estimated and pledged in advance toward repayment of bonds to be issued to pay for the municipal improvements. The DIF Program includes two major components: 1) definition and establishment of a District; and, 2) development and documentation of an action plan called a Program. The district can be established in advance of seeking financing.

Maximum Available Funding: Funding comes from the tax assessments on new development within the district subsequent to the establishment of the district. Substantial amounts of funding, however, can be derived from bonds issued upon designation of the district. The bonds are then paid back with the tax revenues from new development. The amount of the bonds will be based on that expected net revenue.

Eligibility: All cities and towns are eligible.

Application Process: The Massachusetts Office of Business Development (MOBD) manages DIF on behalf of the Economic Assistance Coordinating Council (EACC). The EACC is a public-private body comprised of eleven members consisting of “ex officio” members and Governor appointed members. The EACC is responsible for designating Economic Target Areas (ETAs), Economic Opportunity Areas (EOAs), and Certified Projects. Final, concurrent approval of both the District and Program is required from the EACC prior to program implementation. The municipality must define the DIF district and document a development program describing, among other issues, how the DIF will encourage increased residential, commercial and industrial activity within that district. It must also detail the project improvements, financing plans and community benefits. After the local public hearings and approvals, the municipality must submit an application to the EACC for final approval prior to implementing the program. Note that a DIF district and a 43D district can be the same boundaries. Unlike 43D, a DIF district does NOT require the approval of property owners in the district, because there is no change in their taxable status.

Contact:

Rebecca Swanson
160 Federal Street
Boston, MA 02110
Tel: (617) 451-2477
marketingdevelopment@massdevelopment.com

Nayenday Thurman
Director of Economic Development Programs
Massachusetts Office of Business Development
100 Cambridge Street, Suite 1010
Boston, MA 02114

Tax Increment Financing (TIF) Program

Agency: Executive Office of Housing and Economic Development

Description: Massachusetts' version of Tax Increment Financing allows municipalities to provide flexible targeted incentives to stimulate job-creating development.

- Negotiated Agreement between business and host municipality;
- 5 year minimum, 20 year maximum or anything in between;
- Business pays full tax rate on the "base value";
- Exemption from property taxation on all or part of the increased value accrued as a result of development (the "increment");
- Percentage of exemption may range from 5% to 100%;
- Personal property tax exemption for both existing and new property;

The TIF Plan, completed by the municipality, describes proposed public and private investment in the TIF Zone, and is agreed upon by the municipality and all the private owners in the TIF Zone. The municipality and the prospective Certified Project candidate agree to a property tax exemption based on a percentage of the value added through new construction or significant improvement for a period of no less than five and no more than twenty years.

The real estate taxes generated by the new increased assessed value are then allocated by the agreed-upon percentage of value added to one or more of three categories. The categories are:

- Exemption from real estate taxes
- Payment of real estate taxes
- Payment of betterment fee in lieu of real estate taxes to finance related infrastructure

Each category, if necessary, may change from year to year. The percentage of allocation is calculated in a formal, negotiated agreement between the municipality and the Certified Project candidate. TIF serves to pass the tax savings on to property owners for use in project development, while ensuring that the development risk is borne by those parties as well.

Maximum Available Funding: This is a tax restructuring program; funds generated depend on the level of exemptions granted (if any) and the designated uses for those funds.

Eligibility: Generally, TIF zones are located within an Economic Opportunity Area. However, if a TIF zone happens to be in a community that is not an Economic Target Area and therefore is not eligible for Economic Opportunity Area designation, the TIF zone may be designated outside of an EOA by the Undersecretary for Economic Development. This designation, known as the Exceptional Opportunity Area, is intended for projects that present "exceptional opportunities for increased economic development." An "exceptional opportunity" is a business either relocating to Massachusetts or expanding its existing operations within the Commonwealth.

Application Process: Contact Executive Office of Housing and Economic Development

Contact:

Executive Office of Housing and Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108
Phone: (617) 788-3610

Business Improvement District (BID)

Agency: Department of Housing and Community Development

Description: Business Improvement Districts (BID) are special assessment districts in which property owners vote to initiate, manage and finance supplemental services or enhancements above and beyond the baseline of services already provided by their local city or town governments. A special assessment, or common area fee, is levied only on property within the district. The assessments are collected and expended within the district for a range of services and/or programs, including marketing and public relations, improving the downtown marketplace or city/town center, capital improvements, public safety enhancements, and special events. A BID creates a stable local management structure that provides a sustainable funding source for the revitalization and long-term maintenance of downtowns and city/town centers. The goal of a BID is to improve a specific commercial area by attracting customers, clients, shoppers and other businesses.

A BID is authorized to perform a wide variety of management, administrative, marketing and economic development activities, including:

- District Management – management entity with staff
- Maintenance – street cleaning, snow removal, litter & graffiti removal, washing sidewalks, tourist guides
- Promotion and Marketing – identification of market niche, special events, brochures, advertising, newsletters
- Business Services – business recruitment and retention, sign & façade programs

- Capital/Physical Improvements – streetscape improvements, management of parking garage, maintaining parking shelters, historic preservation

Maximum Available Funding: Funding comes from the special assessments for the district.

Eligibility: A BID must be a contiguous geographic area in which at least 75% of the land is zoned or used for commercial, retail, industrial or mixed uses. A BID is established through a local petition and public hearing process. The petition must be signed by the owners of at least 60% of the real property and at least 51% of the assessed valuation of the real property within the proposed BID. The petition must also include delineation of the BID boundaries, a proposed improvement plan, budget and assessment/fee structure.

Application Process: DHCD will provide technical assistance to communities considering the establishment of a BID in order to support their downtown revitalization activities and to ensure compliance with statutory requirements. The BID petition must be forwarded by the municipality to DHCD.

Contact:

Emmy Hahn
Massachusetts Downtown Coordinator
Department of Housing and Community Development
100 Cambridge Street
Boston, MA 02114
(617) 573-1364

43D Expedited Permitting

Agency: MA Department of Business and Technology

Description: The 43D program creates an expedited permitting process at the local level to facilitate economic development and reduce local permitting delays to a maximum of 180 days. Municipalities designate a “Priority Development Site” within which the rules of the program apply. Cities and towns that accept the provisions of Chapter 43D will be eligible for a one-time technical assistance grant of up to \$100,000 to assist the municipality to improve and streamline the local permitting process for commercial development. The grants can pay for professional staffing assistance, local government reorganization, and consulting services. Priority consideration is given to the community for PWED, CDAG, brownfields remediation assistance, MORE infrastructure funds, and other financing through quasi-public organizations. The Expedited Permitting Program gives cities and towns the ability to promote commercial development on pre-approved parcels by offering expedited local permitting on those parcels. Such development shall be primarily commercial, although mixed-use properties shall also qualify for priority designation so long as they conform to the statutory requirements for a Priority Development Site. The program is at local option.

Maximum Available Funding: \$100,000 per town (available amount may soon be reduced to \$75,000)

Eligibility: Towns are eligible. The program is implemented through the designation of Priority Development Sites. Sites must be zoned for commercial or industrial development and must allow for the development or redevelopment of at least one building of 50,000 square feet of gross floor area (may include existing structures and contiguous buildings). Sites must be approved by the local governing authority and then the state Interagency Permitting Board.

Application Process: A community must identify a qualifying parcel as a Priority Development Site and obtain permission of its owner (if private) for participation in the program. Within 120 days of adopting Chapter 43D, the community must:

- appoint a single municipal point of contact for streamlined permitting;
- amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline;
- determine and make available the requirements for each permit;
- establish a procedure for identifying necessary permits for a project;
- establish a procedure for determining completeness of the required submissions.

After the 120 phase-in period is complete, the town must render permitting decisions on priority development sites within 180 days.

Contact:

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Massachusetts Permit Regulatory Office
One Ashburton Place, Room 2101
Boston, MA 02108
(617) 788-3651

Community Development Action Grant (CDAG)

Agency: Department of Housing and Community Development

Description: The Community Development Action Grant (CDAG) Program provides funding for publicly owned or managed projects that have a significant impact on the overall economic condition of a city or town, including activities that will significantly improve the conditions of low and moderate income persons through: (a) the support of workforce housing needs across a range of incomes; (b) the generation and/or retention of long term employment; (c) the leveraging of significant private investment; and (d) the improvement of physical conditions.

CDAG can be used in a variety of ways, including infrastructure improvements that support new workforce housing and commercial developments such as municipal water systems, sewer lines or other utility distribution systems, upgrades to streetscapes, sidewalks and roadways, site preparation and improvements to publicly-owned buildings, including demolition, new construction or rehabilitation of existing structures, and many other eligible activities. Parking facilities are not, however, eligible projects for funding under the CDAG Program. All CDAG-assisted projects must be publicly owned or managed for a period of not less than 30 years (i.e., the period of time that the state bonds issued to fund the program are outstanding).

Maximum Available Funding: \$1 million per community.

Eligibility: Any city or town in the Commonwealth is eligible to apply to DHCD for CDAG funds. The amount of CDAG funding requested by the community must be the minimum amount necessary to make the project feasible, and any benefit to private entities or individuals must be indirect and incidental and not the purpose of the project.

The following requirements must be met to ensure that the CDAG application is in compliance with program requirements. Proposed projects that do not meet these requirements will not be considered for funding.

1. Community Development Impacts - The proposed project must have a significant impact on the overall economic condition of the city or town, including activities that will significantly improve the conditions of low and moderate income persons through: (a) the support of workforce housing production; (b) the generation and/or retention of long term employment; (c) the leveraging of significant private investment; and (d) the improvement of physical conditions.

2. Public Benefit and the Need for Public Action - The proposed project must be of public benefit, in the public interest and for a public purpose, consistent with the sound needs of the community as a whole, and any benefit to private entities or individuals must be indirect and incidental and not the purpose of the project. In addition, the project area would not by private enterprise alone and without government subsidy or exercise of governmental powers be made available for redevelopment.

3. Need for CDAG funds - The CDAG grant request must be both necessary and the minimum amount needed to make the project feasible. Individual CDAG awards are limited to a

maximum of \$1 million per community.

4. Sustainable Development Consistency - A project must be consistent with the Commonwealth's Sustainable Development Principles.

5. Decadent, Substandard or Blighted Open Area - Certification and written justification is required from the municipality's (1) Chief Elected Official; and (2) Planning Board Chairperson or Building Commissioner, that the project area is a decadent, substandard, or blighted open area.

6. Readiness to Proceed - Each activity of the public and private portions of the overall project must be ready to proceed and be completed within the proposed timeframe, and the proposed public project must be ready to proceed within 120 days of CDAG award.

- Site Control - The CDAG-funded project must be publicly owned or managed for a period of not less than 30 years.
- Assurance of Obtaining Governmental Approvals - All permits and approvals, including any required zoning changes for project implementation must be identified, as well as the status of each permit and/or approval, and a copy of each permit and/or permit received-to-date.
- Commitment of all other funds - Commitments of private and other public resources must exist in sufficient amounts, when added to the amount of the proposed grant, to render both the public and private portions of the project financially sound. Proposed public projects must leverage a minimum of 0.5:1 local municipal funds to CDAG funds, and a minimum of 2.5:1 private funds to CDAG funds.

Application Process: There are two funding rounds anticipated for the FY09 CDAG Program. If a community is interested in applying for FY09 CDAG funding, they must first submit a Notice of Interest to Apply (NIA) to DHCD and receive a written invitation from DHCD to apply. If a community is invited to submit an application for FY09 CDAG funding, they will be notified at least 60 days in advance of the application due date. A meeting with DHCD staff prior to submission of the NIA is NOT required, but communities interested in applying for FY09 CDAG funding are encouraged to contact DHCD staff to discuss the scope and eligibility of the proposed project prior to NIA submission.

Communities seeking FY09 CDAG funding must conduct a public hearing on the proposed CDAG project prior to submission of the application, and have a current Commonwealth Capital Scorecard on file no later than the CDAG application submission date. A commitment of local and private funds is required. Certification and written justification is required from the municipality's (1) Chief Elected Official; and (2) Planning Board Chairperson or Building Commissioner, that the project area is a decadent, substandard, or blighted open area. Individual CDAG awards are limited to a maximum of \$1 million per project.

Contact:

Department of Housing and Community Development

Division of Community Services
100 Cambridge Street, Suite 300
Boston, MA 02114
617-573-1400

Community Development Block Grant (CDBG)

Agency: MA Department of Housing and Community Development

Description: The Massachusetts Community Development Block Grant program is a constellation of funding programs including the Economic Development Fund and Community Development Funds I and II. The Community Development Block Grant Program is a federally funded, competitive grant program designed to help small cities and towns meet a broad range of community development needs. Assistance is provided to qualifying cities and towns for housing, community, and economic development projects that assist low and moderate-income residents, or by revitalizing areas of slum or blight.

Eligible CDBG projects include but are not limited to housing rehabilitation or development, micro-enterprise or other business assistance, infrastructure, community/public facilities, public social services, planning, removal of architectural barriers to allow access by persons with disabilities, and downtown or area revitalization. The HUD web site state that communities receiving CDBG funds from the State may use the funds for many kinds of community development activities including, but not limited to:

- acquisition of property for public purposes;
- construction or reconstruction of streets, water and sewer facilities, neighborhood centers, recreation facilities, and other public works;
- demolition;
- rehabilitation of public and private buildings;
- public services;
- planning activities;
- assistance to nonprofit entities for community development activities; and
- assistance to private, for profit entities to carry out economic development activities (including assistance to micro-enterprises).

The State may use \$100,000 plus up to 50% the costs it incurs for program administration, up to a maximum of 3 percent of its CDBG allocation. The State may also expend up to 3% of its CDBG allocation on technical assistance activities. However, the total the State spends on *both* administrative and technical assistance expenses may not exceed 3% of the State's allocation.

The Mass CDBG Program is divided into several programs: the Community Development Funds I and II and the Mini-Entitlement Program (which is not applicable to Bourne). Each program component serves a different purpose or level of need, and has different application requirements, funding limits, selection criteria, and grant application cycles. It is important that potential applicants discuss project ideas with appropriate staff before applying to the Mass CDBG Program.

Maximum Available Funding: Not specific; there are special contract provisions for projects receiving more than \$200,000, meaning that such amounts are commonly applied for.

Eligibility: Municipalities with a population of under 50,000 that do not receive CDBG funds directly from the federal Department of Housing and Urban Development (HUD) are eligible for CDBG funding. Communities may apply on behalf of a specific developer or property owner.

States and localities to prepare a Consolidated Plan in order to receive federal housing and community development funding. HUD has established three basic goals for the Consolidated Plan: to provide decent housing, a suitable living environment and expanded economic opportunities, especially for low income people. In 2004, the President added two additional goals: to end chronic homelessness by 2012 and to increase minority homeownership.

The Consolidated Plan combines into one document the previously separate planning and application requirements for four federal programs – the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funding – and the Comprehensive Housing Affordability Strategy (CHAS). A new grant program, the American Dream.

Application Process: There is a very detailed application package available on line. Communities must qualify under the income limits and other rules of the program. Applications are accepted once per fiscal year.

Contact:

State:

Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
(617) 573-1400
Attn: Maria Ferrario
Maria.Ferrario@state.ma.us

Federal:

Department of Housing and Urban Development
Boston Regional Office
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, 3rd Floor
Boston, MA 02222-1092
Taylor Caswell, Regional Director
(617) 994-8200

Community Development Fund I & II (part of CDBG)

Agency: Department of Housing and Community Development

Description: The Community Development Fund is a Community Development Block Grant program that supports revitalization efforts of cities and towns in order to address the needs of low- and moderate-income residents by supporting housing, community, and economic development activities in cities and towns throughout the Commonwealth. CDF I is for communities with high statistical indicators of need.

CDF II is for communities that are not eligible for CDF I due to lower statistical needs.

Cities and towns can apply to undertake housing, community and economic development projects, including architectural barrier removal, assistance to for-profit entities, commercial rehabilitation, demolition/clearance, housing rehabilitation, other housing (although not new construction of housing), infrastructure, micro-enterprise assistance, planning, public facilities, and public social services.

If granted, funding is available for an 18-month project cycle.

Maximum Available Funding: See CDBG above

Eligibility: Municipalities with a population under 50,000 that do not receive CDBG funds directly from the federal Department of Housing and Urban Development (HUD). Cities and towns are eligible to apply for CDF I and II (rather than individuals, families, nonprofits or developers). Applications can be submitted by individual communities or regionally by multiple communities with one lead community.

Application Process: There is a very detailed application package available on line. Communities must qualify under the income limits and other rules of the program. Applications are accepted once per fiscal year.

Contact: See CDBG above

Growth Districts Initiative

Agency: Executive Office of Housing and Economic Development

Description: This program creates a level of “development readiness” within identified “growth districts” comparable to that now available at Devens. EOHED will partner with municipalities that have identified “growth districts” and work with communities and property owners to make districts truly “development ready” with respect to local permitting, state permitting, site preparation (including brownfields remediation), infrastructure improvements, and marketing. The program is designed to work in tandem with the MORE Capital Jobs Program but will not contain the same requirements for short-term job creation.

Maximum Available Funding: \$50 million has just been allocated to this program through the Transportation Bond Bill. Specific grant allocations have not been determined.

Eligibility: Municipalities must identify one or more areas within their communities as being appropriate locations for significant new growth, whether commercial, residential or mixed-use. Locations should be proven to be highly attractive to new development and to be truly competitive at a national and international level. The program gives preference to projects that are “ready to go.”

Application Process: Guidelines have yet to be published. Contact EOHED.

Contact:

Lisa T. McKee
Sr. Project Manager
Executive Office of Housing & Economic Development
Massachusetts Permit Regulatory Office
One Ashburton Place, Rm. 2101
Boston, MA 02108
617-788-3661 (Direct)
Lisa.T.McKee@state.ma.us

State Revolving Funds (SRF)

Agency: Department of Environmental Protection

Description: SRF covers the costs of certain planning, design, construction and administration costs for wastewater treatment plants (“Clean Water SRF”) and water supply facilities (“Drinking Water SRF”). Both programs follow very similar processes. Note that design costs for Clean Water SRF are not covered for CY 2008. Construction costs (according to a table in the guidance document) are covered at approximately 8% for the size treatment facility needed for the BDC site. In general, SRF provides wastewater treatment funding for:

- Wastewater Facilities (“Tier 1 and 2”) – These include secondary or advanced wastewater treatment facilities and the major components of wastewater conveyance systems, such as large pumping stations/force mains and interceptor sewers).
- Infiltration/Inflow Removal - These include the planning and design as well as the construction of projects to correct problems of stormwater and groundwater entering sewers as a result of leaks or improper connections.
- Collection Systems - These are the smaller diameter sewers in local streets that collect wastewater from homes and businesses.

- Tier 1 Planning & Design - This category encompasses facilities planning and the preparation of plans and specifications for Tier 1 wastewater projects.
- Nonpoint Source - These projects implement or are consistent with the Nonpoint Source Management Plan, developed and updated by the Department pursuant to Section 319 of the Clean Water Act. They may include but are not limited to, the repair and/or upgrading of on-site subsurface sewage disposal systems, landfill capping and closure, remediation of leaking underground storage tanks, erosion control, and control of stormwater runoff.

Further information is available on DEP's web site.

Maximum Available Funding: Limited to what is budgeted for program in FY; depends on size of facility and allowable costs.

Eligibility: Municipalities (referred to as Local Government Units, or LGU) are eligible. In general, in addition to being necessary, eligible costs must be (a) reasonable, (b) allocable to the project, (c) not a general expense of carrying out the overall responsibilities of the LGU, and (d) not funded under another state or federal financial assistance program.

The eligible costs are divided into project phases and categories and include the Planning phase, the Design phase, the Construction phase, a Miscellaneous and Administrative category, and an Allowance category. *Neither design costs nor allowances are eligible costs for projects in CY 2008.*

MassDEP determines the eligible costs of each project on a case-by-case basis after reviewing the LGU's loan application. This determination is incorporated within the Project Approval Certificate. Issuance of the Project Approval Certificate is contingent upon an applicant satisfying the criteria and procedures set forth in the CWSRF program regulations, 310 CMR 44.00.

The deadline for the CY 2008 round is August 31 (same date each year).

Application Process:

1. Project Gets on the Watershed Management Division's Annual Priority List.

In the early Spring of each year, the Watershed Management Division of the Bureau of Resource Protection solicits proposed projects for financial assistance by mailing each community in the state Project Evaluation Forms. These forms, along with their supporting documentation, once completed and submitted by the community or its consulting engineer, provide the information necessary for the Division to rank projects in accordance with the rating systems established by regulation for each category of project.

All projects eligible for funding under the SRF are placed on the coming fiscal year's project priority list in order of priority points assigned by the rating system. The rating system assigns

points on the basis of type of project, extent of environmental or public health protection improvement to be achieved, and other factors which are specific to each category of project.

From the list of all eligible projects that will be ready to proceed during the coming year, the Division establishes a proposed fundable list of projects (also called the Intended Use Plan) identifying those projects planned for financial assistance during the fiscal year. Projects are assigned to the fundable list in order of priority points, with the total cost of all projects on the list not to exceed the amount of funding available for the year.

2. Community Submits Application and Supporting Documentation.

In order for a community to obtain funding for its project appearing on the fundable list (Intended Use Plan), it must file an Application for Financial Assistance and obtain a Project Approval Certificate from the Division.

3. The Division Approves the Project and Certifies the Application to the Trust.

The Division evaluates projects for compliance with engineering and environmental requirements as well as a number of specific legal, regulatory, and administrative requirements. For a construction project, completed plans and specifications must be approved by the Division prior to or at the time of issuance of the Project Approval Certificate. The corresponding prerequisites for design and planning projects are an approved Facilities Plan and an approved Plan of Study, respectively.

Once the Division certifies the application to the Water Pollution Abatement Trust (TRUST), an applicant may proceed with construction of its project without loss of eligibility for financial assistance.

4. The Trust and the Community Enter into a Binding Commitment.

Once MassDEP certifies to the Trust that costs are eligible for funding from the Revolving Loan Fund Program the Water Pollution Abatement Trust Board of Trustees votes to issue the borrower a Binding commitment. The binding commitment outlines the steps the Trust and the borrower must complete prior to the execution of the final loan documents. The terms are consistent with the project approval certificate. In addition, the binding commitment provides a pro forma amortization schedule to demonstrate the interaction of the interest rate subsidy with the borrower's repayment of the loan.

5. Borrower Meeting - Loan Questionnaire - Local Bonds

Prior to the execution of the final loan agreement a Borrower Meeting is held by the Trust to meet with the Treasurer and project professional of each borrower to discuss the loan parameters and the local bond issue. The purpose of the meeting is to review a Loan Questionnaire provided to the borrower that underscores any problems the local or Trust bond counsel may have in issuing an opinion certifying the tax exempt status of the bond issued by the borrower and that the obligation is valid and binding under local authorization. The Local Bonds are the General Obligation of the borrower and act as security and the source of repayment of the loan. The meeting also provides an opportunity for the Trust and the

borrower to discuss the issues concerning credit ratings, cost of issuance expense and loan closing timing.

6. The Community and the Department execute a Project Regulatory Agreement.

At the time a loan is made by the Trust under the Revolving Loan Fund Program, the Department and borrower enter into a Project Regulatory Agreement. The agreement includes a loan disbursement schedule, procedures for approval and payment of requisitions and any special conditions related to the projects compliance with MassDEP regulations and other federal and state statutes and regulations applicable to the construction and operation of the project. The agreement outlines the conduct of MassDEP site inspections and other related oversight activities to ensure that the project has been constructed in accordance with plans and specifications previously approved by MassDEP.

7. The Trust Enters into a Loan Agreement with the Community.

The Loan Agreement is an agreement between the Trust and the borrower pertaining to the MassDEP approved project cited in the Project Regulatory Agreement and the repayment evidenced by the bonds securing the loan. The agreement establishes the security of the loan, repayment dates and schedule, interest rates and subsidies, construction deposit account, and borrower repayment account. The agreement specifies the events which cause a loan default and the steps allowed by the Trust to remedy any borrower default.

8. Interim Construction loans.

The borrower can enter into a short term loan to enable the project to proceed during the time prior to the Trust bond sale. This depends on the cash needs of the borrower and the timing of the Trust bond sale. The Trust is capable of funding a project from 60 days to one year prior to a bond sale. The Trust extends the use of program equity as a source of capital. The interest is accrued monthly on the basis of the balance drawn on the construction account. The interest rate is set at one-half of the one year rate published quarterly in the Bond Buyer. At the time the Trust issues bonds the loan is refinanced as a bond funded loan and the borrower pays the interest due on the interim loan.

Contact:

Department of Environmental Protection
Southeast Region
508-946-2757
Jeffrey.Gould@state.ma.us

Commonwealth Capital Program

The Commonwealth Capital Policy coordinates state capital spending programs in order to invest in projects that are consistent with the Commonwealth's Sustainable Development

Principles and to partner with municipalities seeking to advance our shared conservation and development interests. Commonwealth Capital explicitly endorses planning and zoning measures that are consistent with Administration policy and encourages local implementation by linking state spending programs to municipal land use practices. Municipal smart growth / smart energy consistency is assessed through a Commonwealth Capital application that examines municipal implementation of 32 land use planning and regulatory practices. Resulting scores are part of the proposal evaluation process for each grant or loan program. Municipalities need to apply annually for a Commonwealth Capital score. The application and guidance to assist applicants can be found at <http://www.mass.gov/commcap>. Communities should electronically submit their Commonwealth Capital applications for scoring by the due date of the program to which they are applying.

Appendix C: Permitting Processes in Detail

Planning and Design-Related Permitting

There are no specific statutes or permitting actions related to planning and design that require regulatory review at the state level, such as MEPA, because there are no significantly large development parcels in the downtown. There could, however, be Cape Cod Commission review because of the likelihood that many developments and redevelopments could trip DRI thresholds (10,000 square feet of commercial space or 30 residential units). In addition, the above-mentioned zoning changes and Development Agreement bylaw are moving forward.

The following permitting and regulatory processes apply to planning and design. They are presented for informational purposes; relevant actions have already been described above.

Cape Cod Commission Review

Administering Agency: Cape Cod Commission

Requirements: The Cape Cod Commission must review any project in excess of 10,000 square feet of commercial space or 30 units or acres of residential space through its Development of Regional Impact (DRI) Review. The Cape Cod Commission can use a Development Agreement instead of its standard DRI process – a more flexible regulatory mechanism. A Development Agreement is essentially a negotiation between a developer and the Commission to provide certain benefits for the public (such as infrastructure or high-paying jobs) in exchange for flexibility in the regulatory process as well as protections from future changes in regional regulation. A town can also be a party to the Development Agreement but only if: 1) it has a Local Comprehensive Plan that has been certified as consistent with the Regional Policy Plan, and 2) it adopts a local Development Agreement bylaw to administer Development Agreements at the local level (see *Zoning* below). That local Development Agreement bylaw is fairly easy to write, but must be approved by the Cape Cod Commission before adoption by the town.

Steps:

- 1) Pre-application meeting with CCC
- 2) Submit DRI or Development Agreement application to CCC

Regulatory Schedule:

CCC review timeline is generally 60 days to open the record, 90 days to review material and hold a public hearing before a subcommittee, and 60 more days to render a final decision, unless extended by mutual agreement.

Application Fee: Dependent on square footage; see fee schedule in Cape Cod Commission regulations.

Smart Growth Zoning (Form-Based Code)

Administering Agency: Planning Board

Requirements: Zoning changes must be proposed by the Planning Board. A public hearing is held, then final changes are placed on the warrant of Town Meeting for adoption by a 2/3rds majority.

Steps:

- 1) Rewrite zoning for downtown
- 2) Hold public hearing on draft zoning changes before Planning Board
- 3) Revise; final approval by Planning Board
- 4) Place zoning on Town Meeting warrant

Regulatory Schedule:

- Develop changes to zoning; Planning Board review: Depends on extent of changes
- Hold public hearings: 30 days
- Revise if necessary; place on warrant: 10 days
- Adoption: October 2008 Town Meeting

Application Cost: None

Development Agreement Bylaw

Administering Agency: Planning Board, Cape Cod Commission

Requirements: As stated above, a town can be a party to a Development Agreement if they have a Local Comprehensive Plan that has been certified as consistent with the Regional Policy Plan and if the town has adopted a local Development Agreement bylaw. This allows the town to require or allow things of the developer that are not allowed under zoning. All Cape Cod Commission project approvals must comply with local zoning unless a *local* Development Agreement allows for deviations from zoning.

Steps:

- 1) Work with CCC to draft Development Agreement bylaw
- 2) Submit draft to CCC for review and approval, consistent with Development Agreement regulations
- 3) Hold local (zoning) public hearing for draft Development Agreement bylaw
- 4) Revise; place zoning on Town Meeting warrant

Regulatory Schedule:

- Write Development Agreement bylaw with CCC: 30 days
- CCC review and approval: 30 days
- Planning Board review/public hearing: 30 days
- Revise if necessary and place on warrant: 10 days
- Adoption: October 2008 Town Meeting

Application Cost: None

Growth Incentive Zone

Requirements: A Growth Incentive Zone (GIZ) is not required but is something that can provide regulatory relief from Cape Cod Commission review for projects in the downtown that conform with a master plan. A GIZ not only allows more flexible regulatory standards under Development of Regional Impact (DRI) review but also allows a town to designate much higher thresholds, thereby enabling larger projects to proceed without Cape Cod Commission review. The GIZ requires master planning for the downtown including proposed development mitigation measures, such as wastewater infrastructure, traffic management, and open space "offsets" to ensure that increased density is paired with reduced development potential in outlying areas.

Steps:

- 1) Hold pre-application meetings with Cape Cod Commission to discuss Growth Incentive Zone
- 2) Identify desired threshold changes
- 3) Prepare formal application with supporting material
- 4) Participate in CCC hearings and final approval

Note: Assembly of Delegates must approve threshold changes; usually a simple administrative process.

Regulatory Schedule:

- Prepare application and supporting material in coordination with CCC staff: 2 months
- Hearing and Final Decision process: 60 days
- Decision: 30 days
- Assembly of Delegates approval of threshold changes: 60 days

Application Cost: None

Bourne Planning Board Review

Requirements: Planning Board must review and approve any project consistent with local zoning (or request a use variance from the Zoning Board of Appeals). This is a step that comes later with each proposal; it is mentioned here for information purposes.

Steps:

- 1) Submit preliminary subdivision plan to Planning Board
- 2) Follow with definitive plan

Regulatory Schedule:

- Approval of preliminary plan: 30 days
- Revise plan: 60 days
- Approval of definitive plan: 30 days

Note: Local process suspended during Cape Cod Commission review. Presumes input from fire, police, DPW.

Application Costs: Depends on the process requirements; examples include \$600 for site plan review; \$450 for special permit; at least \$1,000 for preliminary and definitive subdivision review plus a per-lot cost. See town web site for fee schedule.

Wastewater Permitting

The following statutes and permitting processes apply to wastewater management.

Massachusetts Clean Water Act

Administering Agency: Department of Environmental Protection

Requirements: Applicant must seek a Groundwater Discharge Permit for any groundwater discharge in excess of 10,000 gallons per day (gpd). There is no local process at the Board of Health for discharges greater than 10,000 gpd, but the Board must be fully notified and informed and receive copies of all materials.

Permit must be accompanied by a hydrogeologic evaluation and an engineering report certified by a registered professional engineer. The permit materials must also include design/engineering plans for the discharge field (but not the treatment plant itself). The hydrogeologic study takes about six months; the engineering study and associated plans between 8 months and one year. The two reports can be developed simultaneously.

Wastewater treatment plants of the size proposed for Bourne will likely trigger full MEPA review with Cape Cod Commission involved. **Note that there is a "Fast Track Permitting**

Process” at DEP for permits that are requested in order to develop a project that promotes smart growth and sustainability. This can reduce the permitting review time substantially.

Steps:

- 1) Conduct hydrogeologic evaluation:
- 2) Conduct engineering report
- 3) Develop engineering plans for discharge field
- 4) Publish notice in local papers
- 5) Submit application and supporting material to DEP
- 6) Submit MEPA application
- 7) Submit Cape Cod Commission DRI application

Regulatory Schedule:

- Hydrogeologic evaluation: 6 months
- Engineering report/engineering plans: 9 months-1 year (concurrent with above)
- Review of permit: 9 months (faster if using “Fast Track” permitting)*
- MEPA/CCC review: 9 months (largely concurrent with DEP review)

Application Cost: \$13,875 (“major” groundwater discharge)

*DEP makes informal determination; once received, applications are reviewed for Administrative completeness (30 days) and Technical completeness (120-200 days depending on application category). There can be an additional round of response and technical review of up to 200 days. Ensuing public comment is 30 days. There is no parallel local Board of Health process for groundwater discharge permits but the Board must be notified throughout.

Water Supply Permitting

The following statutes and permitting processes apply to water supply management.

Massachusetts Water Management Act

Administering Agency: Department of Environmental Protection/Buzzards Bay Water District (BBWD)

Requirements: Applicant must seek Water Management Act Permit for any groundwater withdrawal in excess of 100,000 gallons per day or 9 million gallons over any three-month period. This must be done as an expansion of the existing permit held by the Buzzards Bay Water District.

Note that MEPA review is required for the actual construction of any new withdrawal point (well). There is a number of testing and construction permits associated with this as well with total permitting time of at least one year.

Steps:

- 1) Work with BBWD to develop conservation strategy for existing users
- 2) Work with BBWD to file for Water Management Act Permit that addresses long-term needs for town and the BDC.

Regulatory Schedule:

- Public comment period: 30-45 days
- DEP may hold public hearing subsequent to comment period: 30 days
- Applicant responds to public comments: 30 days
- Combined technical review and applicant response (concurrent with above): 7 months

Application Cost: \$3,340 (only if BDC develops its own source)

Note: Above timeline is for WMA permit only. Additional timeframes of up to 2 years are needed for hydrogeologic evaluations, engineering studies and construction permits.

Stormwater Permitting

The following statutes and permitting processes apply to stormwater management.

National Pollution Discharge Elimination System

Administering Agency: Environmental Protection Agency

Requirements: This law regulates many things including discharges of wastewater to surface waters and stormwater permits for construction activities. The law is enforced under a "Construction General Permit" which requires that a Notice of Intent be filed with EPA and that stormwater regulations and standards are followed. This would only apply to "large construction activity" – disturbance of 5 or more acres.

Massachusetts is not authorized to administer the NPDES stormwater program for construction activities, although other aspects of stormwater management are jointly regulated by EPA and DEP, and would require filing of state applications as well; these are generally for stormwater point sources and municipal stormwater discharges.

Note that there is a local regulation for on-site drainage recharge in which there needs to be a system for artificial recharge of rainwater.

Steps:

- 1) Read the Construction General Permit

- 2) Arrange for and comply with all stormwater management standards and techniques
- 3) Submit a NOI to EPA
- 4) Report bi-annually (?)

Regulatory Schedule: Effective upon submission of NOI

Application Cost: None; can file electronically

Transportation Permitting

The following statutes and permitting processes apply to transportation and access.

Transportation Improvement Program (TIP)

Requirements: All of the road improvements and associated transportation enhancements listed above require approval through the TIP amendment process. Really more of a planning process than a permit per se, it is necessary to amend the TIP to reflect a new project. It starts with the filing of "project needs" forms with MassHighway (District office and Project Review Committee. Normally, the Metropolitan Planning Organization requires that a project be at the 25% design phase before they will entertain such an amendment. It must then go to the MassHighway Project Review Committee for approval and ultimately be funded for the rest of the design. Once the project is approved via an amendment to the TIP, it can proceed to state and federal permitting.

Some of the above projects are already on the TIP, such as the replacement of the Cohasset Narrows Bridge.

Steps:

1. Make a presentation to the Cape Cod Commission and MPO
2. File project needs forms with Mass Highway District 5/Project Review Committee
3. Bring project to 25% design stage
4. Present to MPO for TIP Amendment

Regulatory Schedule: 2 years

Application Cost: None

MassHighway Access Permit

Requirements: A much more routine permit is a MassHighway access permit (sometimes called a "curb cut permit") for access onto any state highway. They are generally relatively easy to get but will require significant analysis and possible mitigation. This would be required for

redesign of the exit ramps from Route 25 and changes to the bypass. Permits are also required to open roadway surfaces for installation of utilities.

Steps: File access permit

Regulatory Schedule: 4 months

Application Cost: \$2,000 (commercial development between 500,000 and 750,000 square feet).