

# All Together Now

## Planning a common future

Margo Fenn talks with  
Randolph Jones AIA, AICP

### Land development on Cape Cod, 1951-2000



Commercial



Industrial



Higher density  
residential



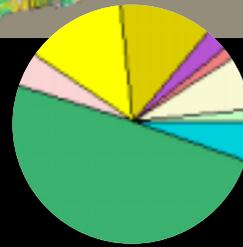
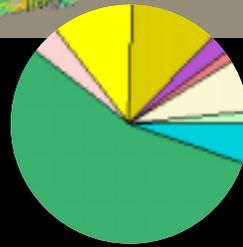
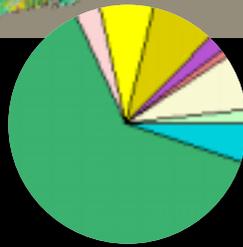
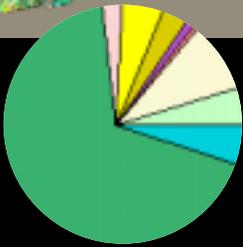
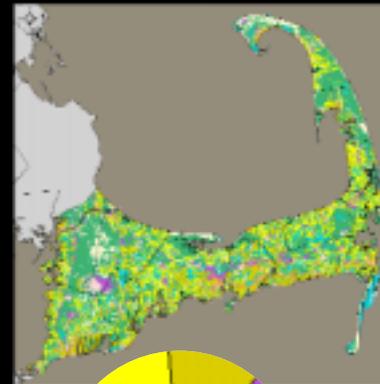
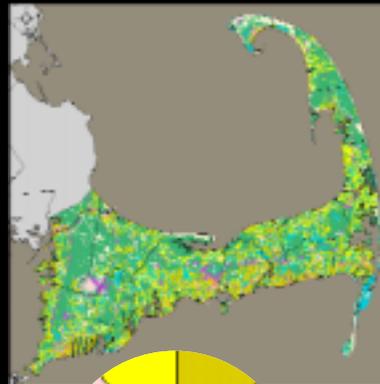
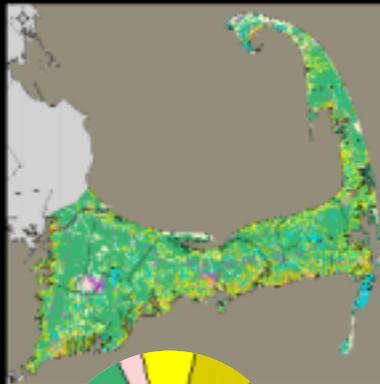
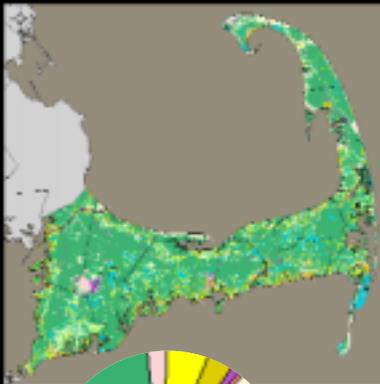
Low density  
residential



Urban open,  
industrial and  
recreation



Open  
undeveloped  
lands



1951

1971

1985

1990

**MARGO FENN** is the executive director of the Cape Cod Commission, which she joined as chief planner at the time of its formation in 1990. She was previously the planning and development director in Chatham, Massachusetts, and has held planning positions in New York and Wyoming. She holds a master's degree in urban planning from UCLA.

**RANDOLPH JONES AIA, AICP**

Randolph Jones, AIA AICP, is a principal in The Jones Payne Group of Boston, Providence and Monterey and heads the firm's urban-design practice group. He served as the co-chair for the BSA's Civic Initiative for a Livable New England and the Density Conference. He currently serves on the Advisory Group for the AIA's Regional and Urban Design Committee (RUDC).

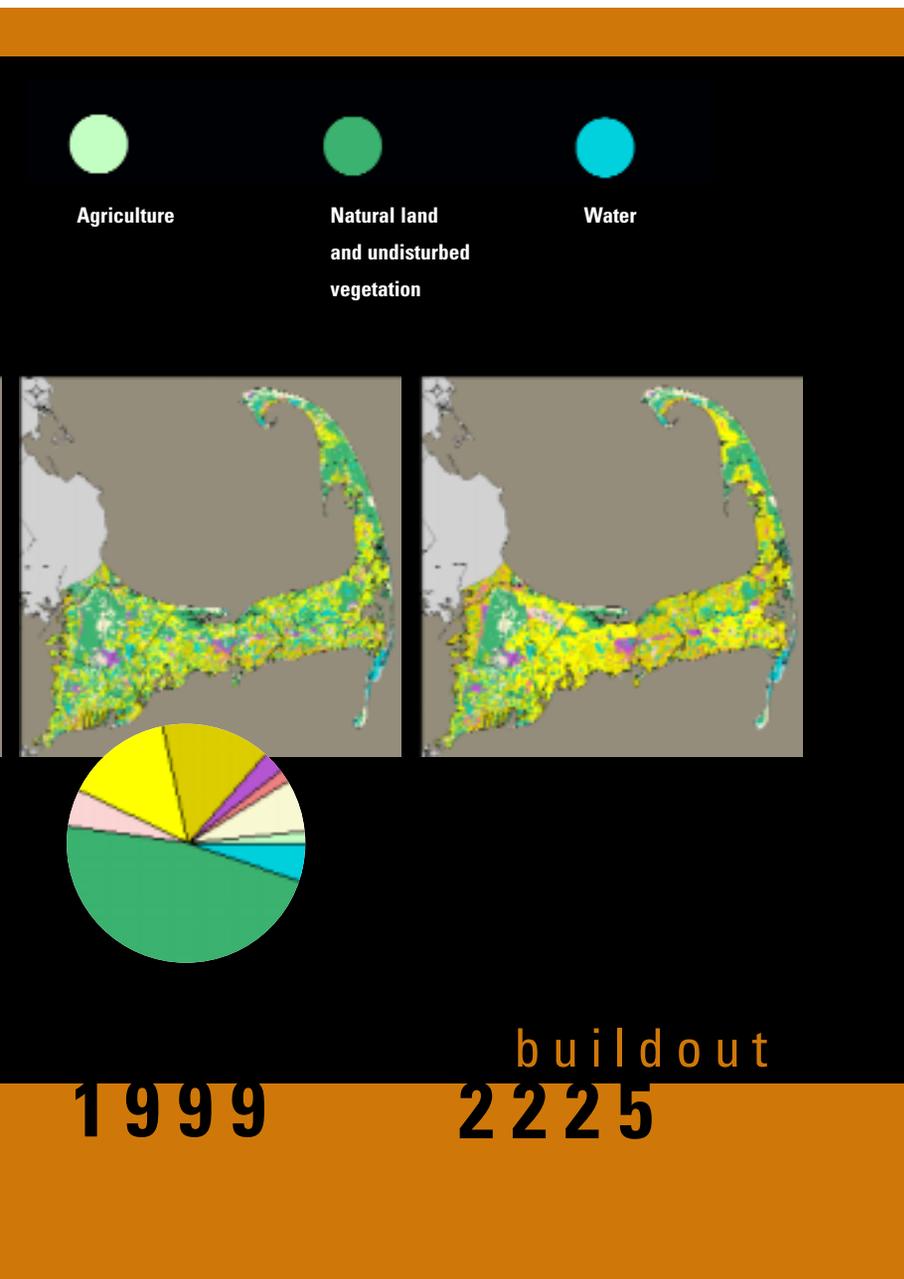
**RANDOLPH JONES:** Next year will mark the 15th anniversary of the Cape Cod Commission, which is still the greatest experiment in regional governance in the Commonwealth of Massachusetts. You've been with the Commission since the beginning. How have you seen the core mission change?

**MARGO FENN:** I don't think our core mission has changed. I think the focus has changed from year to year, and we've had to shift our priorities. There are issues now on Cape Cod that were not as big years ago, such as affordable housing and the need for wastewater infrastructure. And I think we've also learned something about land-use and our development patterns. Some of the zoning that was very conscientiously put in place in the 1980s is not serving us well now, and we've come to realize that we need to make some dramatic changes.

**RANDOLPH JONES:** When you think about Cape Cod as a region, what comes to mind?

**MARGO FENN:** Because we're a long arm sticking out into the sea, Cape Cod is easy to identify as a region. That's certainly how the outside world sees us, even though we have 15 towns with individual identities. And it's true that the towns really have far more in common than they have differences, both in terms of what's wonderful about the place and in terms of the problems that we face. So regional solutions are really necessary here. We can't solve our problems town by town.

**RANDOLPH JONES:** The Cape Cod Commission was established in 1990 to do just that — to bring these 15 communities together in a more formal way.



**MARGO FENN:** Yes. The Commission was created in response to a huge development boom that happened on the Cape in the 1980s. The population grew by 26 percent from 1980 to 1990. And many people felt that the growth was completely out of control, and that the resulting problems of traffic congestion, loss of open space, and threatened water resources couldn't be solved individually by towns. One town's decisions would have an impact on a neighboring town. The Commission was established by an act of the state legislature, which was ratified by a majority vote of Cape Codders. There were some towns that did not vote in favor, but the legislation was structured so that all towns would be included if a majority of the voters approved it.

**RANDOLPH JONES:** You're dealing with a range of sometimes conflicting dynamics. One is regional issues versus local issues; another is the balancing act between the environment and growth. And another is more peculiar to the Cape — the fact that you have a huge demographic shift from quiet winter to busy summer. How do you grapple with all that? Do you simply plan for the worst case?

**MARGO FENN:** That's a challenging question. We had to grapple with it when we were working on the regional policy plan. An example is in the transportation section of the plan. What should we be planning our road system for? Should we be planning for the summer peak? We had a lot of debate about that, and the conclusion that we reached was, No, we do not want to build a road system that is going to accommodate our peak summer traffic. I think people were willing to live with a measure of congestion during the summer in order to try to protect the visual character of the place. Ed McMahon of the Conservation Fund in Washington has a wonderful metaphor about traffic congestion. He says that widening roads to deal with traffic congestion is like loosening your belt to deal with obesity. It really doesn't solve the problem; it just makes it bigger.

**RANDOLPH JONES:** The Commission seems to have succeeded in laying out a very specific and transparent development process so the planners, the developers, and the communities all understand how it works.

**MARGO FENN:** We have development thresholds for the kinds of projects that need to be referred to the Commission. The lion's share of development activity on the Cape does not actually come to us for review, because it's smaller than those thresholds. For example, a commercial building of 10,000 square feet or more is considered a development of regional impact; that would come to us. We look at proposed subdivisions of 30 acres and/or 30 lots or more. We've reviewed shopping malls, golf courses, subdivisions, some unusual coastal projects like dredging and coastal revetments. If a project submitted for a local permit meets one of our thresholds, it then is referred to us by the local board or official. If we approve a project or approve it with conditions, the local authorities can add conditions of their own. But if we deny a project it cannot go forward at the local level. Local authorities also can't remove any of the conditions that we place on a project. So there are two levels of scrutiny that a project faces, and it has to pass both local and regional muster.

**RANDOLPH JONES:** It sounds as though the process itself encourages communities to think on a regional basis.

**MARGO FENN:** Our first few years of operation were fairly contentious. That pattern weaves in and out over the years. This is difficult work to do. It's never without controversy. As my state senator said to me recently, "No one loves regulators, not even their mothers." That's just a fact that we have to live with. But we've established regulatory liaisons in each of the towns. And we have a staff that will go out and meet with the towns and work with their review processes. We try to keep the communication lines open as much as possible so towns can get their issues on the table while we're doing a review. That doesn't always work perfectly, but that's the goal. Communication has gotten better over time.

**RANDOLPH JONES:** You mentioned that you provide a lot of technical assistance. In addition to the housing plan, you've created model bylaws and zoning regulations. How much of the language has actually been adopted?

**MARGO FENN:** Some has, but it's really not the Commission's job to make local communities change their zoning — those are really local political decisions. It's our job to give them the guidance and the information and the support to do that. There's been a very interesting effort in the last couple of years. The Association to Preserve Cape Cod (APCC) formed a Cape Cod Business Roundtable

made up of business leaders, environmental leaders, housing advocates, and town and county elected officials, who have created a very unusual partnership to try to grapple with some of the bigger problems that we're facing. They've taken on this issue of zoning and smart growth — what needs to be done at the local level to create zoning that works, that prevents sprawl, that respects the traditional settlement patterns of Cape Cod by protecting open space and providing compact village centers. All of the things that we've been advocating for years. But coming from the Roundtable, this issue is getting a level of attention that it never got as a Commission issue, because the Roundtable members represent a much broader slice of Cape Cod interests. They have managed to generate a lot of energy and interest in the notion that it's time to fix our zoning. They're getting press coverage and, believe me, getting newspapers interested in zoning is not easy. It's because the idea is coming from a variety of different voices — not just the planners and the environmentalists. It's the president of Cape Cod Five Cents Savings Bank. It's Doug Storrs, the developer of Mashpee Commons. And that's a much more powerful message.

**RANDOLPH JONES:** That's a phenomenon in other regions, too. Citizens are asking how they can restructure zoning to allow them to build what's in our traditional downtowns. They're learning that the current zoning guidelines actually prevent the kind of development they'd like to encourage.

**MARGO FENN:** And a planning agency by itself cannot make this happen. It has to have partners in the rest of the community to sell the idea. The Business Roundtable on the Cape has made all the difference in terms of building public support for an idea that we've been pushing for 14 years.

**RANDOLPH JONES:** But it also sounds as though this business constituency has upped the ante. They're in a position to offer potential solutions to some of the issues that have come out of the earlier zoning efforts, such as wastewater treatment.

**MARGO FENN:** An interesting thing has happened politically on Cape Cod over the time the Commission has been operating. When we were first created, the debate around the Commission Act was very contentious. The business community in particular was adamantly opposed to us. We banged heads with them for the first three or four years that we were in business, and it was pretty ugly and not

very productive. We had a campaign for the creation of a land bank on Cape Cod, and the original proposal was to have a real-estate transfer tax that would go into a fund to buy open space, modeled on the process on Martha's Vineyard and Nantucket. The real-estate community really fought that, and it was defeated. And yet no one said that we didn't need a land bank. What they said was that this was the wrong funding mechanism. So there was a joint effort from both sides to come up with something better, which resulted in the idea of a 3 percent surcharge on the property tax. The second referendum vote passed in all 15 towns with a good margin of support. During that campaign, relationships



**Mashpee Commons**  
Mashpee,  
Massachusetts

**Architect:**  
Duany Plater-Zyberk  
& Company

**Developer:**  
Cornish Associates



**Star Market**  
Harwich,  
Massachusetts

59,054-sq.ft.  
redevelopment project  
reviewed and  
approved by the  
Cape Cod Commission

photo: Nancy Hassfield, Cape Cod Commission

## All Together Now

were built between these two groups, who had always viewed each other as enemies. And ever since then, things have really been different.

**RANDOLPH JONES:** Cape Cod is home to Mashpee Commons, a development that architects and planners sometimes point to as a good model for future development, although it's a bit isolated. What kinds of challenges has that kind of New Urbanist approach met with on the Cape?

**MARGO FENN:** I think Mashpee Commons has arguably the best physical design of any new development that we have on Cape Cod. But the developers are grappling with a very tough location. They're in the Mashpee River Watershed, and even though they have a treatment plant that is getting very good levels of nitrogen removal, they're still discharging in that watershed and the Mashpee River is experiencing some very serious nitrogen overload. They're also on the major east-west road link on Cape Cod — Route 28 from Falmouth to Hyannis — and their village center is right smack in the middle of it. It's hard to balance a pedestrian-scale village center with the demands on a regional roadway, which must function for longer, regional trips. They're also grappling with how to create more density. This place doesn't have infinite development capacity. Greater density in the village center, which I support, needs to be offset with open space protection elsewhere. That's a requirement of the regional plan, which is intended to discourage the development of raw land. One of the things that Mashpee Commons has been working with the town on is a transfer of development rights that will protect open space elsewhere.

**RANDOLPH JONES:** The Cape's environment is extraordinarily fragile. You face enormous demographic and development pressures. What are the biggest challenges to sustainability that you see ahead?

**MARGO FENN:** Water and water quality are probably on the top of everybody's list, and that's why wastewater treatment has become such a priority here. We really cannot address our water-quality problems without addressing wastewater treatment. For the next five years, that will be our highest priority. Transit is going to be essential if we're going to stick to our guns and not widen our roadways. We need permanently protected open space. We also need to focus on protecting the beauty of our built environment. Affordable housing is high on the

list of priorities. The diversity of the community is extremely important, and our housing prices have gone up so much in the last few years that we're really pushing not only poor people, but also middle-class people off Cape Cod. And that's not sustainable. We need a permanent supply of protected affordable housing. The market is never going to supply that here; it has to be subsidized. There is no other way. You can build as many units as you want here, and they will all be picked up by the second-home market. We must get serious about either protecting the units that we already have — deed-restricting them as permanently affordable units — or building some rental housing that is going to stay affordable.

**RANDOLPH JONES:** Other regions, including metropolitan Boston, are looking at regional solutions for some similar kinds of problems. What lessons have come out of your experience that might help Boston put together a regional strategy?

**MARGO FENN:** You have to have visionary leadership at the regional level and build relationships with the whole community because you cannot do it alone. It can't be done top-down. It's very difficult, time-consuming work. I worked with a local town representative, whom I hadn't met previously. After a couple meetings, he said to me, "You know, you're not at all the monster I thought you'd be." And I said, "Well, you know, people get ideas in their heads about who you are and you have to show them that you are a person who's willing to work with them, who has reasonable ideas, and who respects them." That's probably the biggest lesson that I've learned. I have to keep learning it over and over again every day.

**RANDOLPH JONES:** Is there a limit to growth on Cape Cod?

**MARGO FENN:** There has to be. We're approaching build-out under our current zoning now. But I don't believe for a minute that everything's going to stop when we build on that last lot. There's going to be tremendous pressure to change the zoning and allow for more development. The question is whether we do that in a way that is sustainable. That's why wastewater treatment and transit and open-space protection and affordable housing are so essential. If we're not effective in doing all of those things, this place will not be livable. ■ ■ ■

For more information, go to: [www.capecodcommission.org](http://www.capecodcommission.org)