

BARNSTABLE COUNTY COMMISSIONERS

BARNSTABLE, MASSACHUSETTS

02630

362-2511 Ext. 315

HOME RULE CHARTERED

IN 1989

COUNTY COMMISSIONERS
ROBERT A. O'LEARY, Chairman
Cummaquid

JOHN W. DOANE, Vice Chairman
West Chatham

VICTORIA H. LOWELL
Falmouth

COUNTY ADMINISTRATOR
BARRY H. JOHNSON

December 26, 1990

Mr. William Litchfield
Speaker, Assembly of Delegates
Superior Court House
Barnstable, MA 02630

Dear Mr. Litchfield:

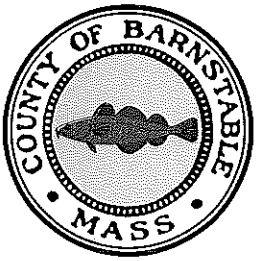
Re: Ordinance 90-17

Pursuant to Article 3, Section 3-4 of the Barnstable County Home Rule Charter, the County Commissioners included in their vote to disapprove Ordinance 90-17 the authorization for the County Administrator to sign, on their behalf, this letter which outlines their reasons for said disapproval.

Yours sincerely,
FOR THE BARNSTABLE COUNTY COMMISSIONERS

Barry H. Johnson, County Administrator

BHJ/jb



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Mr. William Litchfield
Speaker, Assembly of Delegates
Superior Court House
Barnstable, MA 02630

Dear Mr. Litchfield:

Re: Ordinance 90-17

For the following reasons, we have today declined to sign Ordinance 90-17 and are returning it to you.

Ordinance 90-17 interferes with the Cape Cod Commission's ability to carry out its responsibility under Mass. G.L. Chapter 716 of the Acts of 1989 as amended and as ratified by the voters of Barnstable County.

While the Commission Act does provide for adoption of regulations for development agreements and the imposition of impact fees, the Act further required that the Commission review and approve developments of regional impact as soon as it became effective. Ordinance 90-17 would prevent the Commission from properly reviewing and conditioning such developments.

Potentially, the constraints put on County agencies by Ordinance 90-17 could stop worthwhile developments from going forward. The Commission Act charges the Cape Cod Commission with approving developments of regional impact when the benefits to Cape Cod outweigh the detriments; off-site improvements can frequently be agreed upon by an applicant and a regulatory agency as a means of eliminating detrimental impacts and making a project viable.

Almost by definition, developments of regional impact will have off-site impacts where mitigation will be necessary and appropriate. We believe the intent of the Commission Act was to have an applicant and not the taxpayers pay for such off-site improvements.

In short, we believe Ordinance 90-17 is not in the interest of the residents of Barnstable County.

Yours sincerely,
FOR THE BARNSTABLE COUNTY COMMISSIONERS

Barry H. Johnson, County Administrator

Enclosure

BARNSTABLE COUNTY

In the Year Nineteen Hundred and Ninety

Ordinance 90 - 17

To regulate the recommendation and requirement by Barnstable County of improvements on public property incident to development in the County.

Barnstable County hereby ordains:

Section 1. No agency of the executive branch of Barnstable County, nor any official or employee thereof, shall recommend or require that any person perform or pay for the performance of any improvement on public property that is not contiguous to the property of such person as a condition of such person's receiving, directly or indirectly, a permit or approval from an agency of the County or of any municipality in the County unless such recommendation or requirement is made pursuant to a County ordinance setting forth a general scheme for the County's employment of development agreements or the imposition of impact fees in accordance with the provisions of chapter seven hundred and sixteen of the acts of nineteen hundred and eighty-nine, as amended.

Section 2. In no event shall any agency of the executive branch of Barnstable County, nor any official or employee thereof, recommend or require that any person perform or pay for the performance of any improvement on public property as a condition of determining that a development proposed by such person be exempt from review or regulation under said chapter seven hundred and sixteen.

Section 3. As used in this ordinance, the terms "development," "development agreement," "impact fee(s)" and "person" shall have the meanings respectively given to them by section two of said chapter seven hundred and sixteen.

Adopted by the Assembly of Delegates, December 19, 1990.



Speaker

Approved by the Board of County Commissioners, December ____, 1990, at ____, __. M.
Date Time

