



November 19, 2018

Kristy Senatori, Executive Director
Cape Cod Commission
PO Box 226
Barnstable, MA 02630-0226

Andrew Gottlieb
Executive Director

BOARD OF DIRECTORS

Margo L. Fenn
President

Charles Sumner
Vice President

Robert Ciolek
Treasurer

Maureen O'Shea
Clerk

Michael Corrigan

DeeDee Holt

Thomas Huettner

Pat Hughes

Cheryl Lubin

Elyse Magnotto-Cleary

Blue Magruder

Eliza McClennen

Kris Ramsay

Robert Summersgill

Taryn Wilson

RE: Draft Cape Cod Regional Policy Plan

Dear Ms. Senatori:

The Association to Preserve Cape Cod (APCC), the Cape's leading regional nonprofit environmental advocacy and education organization, has reviewed the Draft Cape Cod Regional Policy Plan (RPP) and provides the following comments.

APCC congratulates the Cape Cod Commission on drafting a regional plan that articulates a clear and practical vision for protecting Cape Cod's natural resources and character while striving to provide growth opportunities in appropriate locations. We support the concept of identifying placetypes that will define and help shape where and how Cape Cod grows, which if done correctly, will assist in ensuring protection of the Cape's sensitive habitats and also guide the implementation of strategies to address our wastewater challenges. We also agree with the proposal to structure goals and objectives around natural systems, built systems and community systems. Additionally, we applaud the recognition of the need for a regional capital facilities plan and the introduction of performance measures. Both of these additions are responsive to the changing needs of the region.

APCC has some concerns about the regulatory changes proposed in the new plan. In the draft plan, the existing RPP minimum performance standards have been replaced by goals and objectives that will be linked to outside technical bulletins for guidance in reviewing Developments of Regional Impact (DRIs). As we have previously stated at the October 17 Draft RPP public hearing in Truro and to Commission staff, ensuring the standing of the technical bulletins as defensible objective standards is of paramount importance to APCC. The inclusion of an explicit reference in the RPP to the use of, and reliance on, the technical bulletins as backstop standards could mitigate this concern. Additionally, APCC recommends the RPP include stronger language affirming that the important regional protection standards existing in previous iterations of the RPP, especially those standards applying to environmental resources, shall not be compromised when determining a DRI's consistency with the RPP.

The elimination of minimum performance standards and their specific requirements from the regulatory component of the RPP is a major change that provides flexibility but should not be allowed to be used as the basis for trading off one important goal for another. Maintaining steadfast environmental protections is APCC's overarching priority. To that end, we recommend revising the "flexibility and waiver" provisions (p. 69) to make clear that flexibility applies to the methods used to achieve a goal of the plan, not to whether the goal is achieved.

482 Main Street | Dennis, MA 02638

Tel: 508-619-3185 | info@apcc.org | www.apcc.org

A NON-PROFIT ORGANIZATION. DUES AND CONTRIBUTIONS TAX DEDUCTIBLE AS PROVIDED BY LAW.

As stated above, the proposed new structure of the RPP focuses on the development of technical bulletins to guide the regulatory review process for DRIs. Essentially, the ability of the RPP to function successfully as a regional regulatory tool now depends on the effectiveness of the technical bulletins, many of which have yet to be drafted. APCC believes it is in the public interest that the Draft RPP and all of the revised technical bulletins be publicly reviewed together, within the same timeframe, and that final drafts of the RPP and technical bulletins be adopted simultaneously. We therefore request that the Commission delay finalization of the RPP until the complete suite of technical bulletins have been drafted and made available for review during a public comment period.

Lastly, APCC recommends that the RPP and applicable technical bulletins be more assertive in addressing climate change mitigation and resiliency, both in the implementation of regional planning strategies and in the RPP's regulatory components. As the gravest environmental, economic and societal threat facing our region and the planet, climate change should play a prominent role in the RPP's focus on the Cape's natural systems, built systems and community systems. There is an opportunity for the revised RPP to serve as a model for regional climate change mitigation and planning.

Thank you for this opportunity to provide comments.

Sincerely,



Andrew Gottlieb
Executive Director



Don Keeran
Assistant Director