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Executive Director

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Kristy Senatori, Executive Director
Cape Cod Commission
3225 Main St.
Barnstable, MA 02630

RE: Draft Regional Policy Plan Update

Dear Ms. Senatori:

The Association to Preserve Cape Cod (APCC) appreciates the opportunity to submit the following comments on the 2025 draft Regional Policy Plan update.

The Regional Policy Plan (RPP) is a critically important guiding document for Cape Cod, serving as the blueprint for strategic planning, establishing regulatory standards for growth and natural resource protection, and articulating a common vision for our region. The policy framework it provides is the principal tool we rely on to determine how and where we grow, how we protect our environment, and how successful we are in ensuring that Cape Cod residents and visitors will enjoy a high quality of life in the decades to come. At the heart of our Cape economy, our public health and welfare, our quality of life, and our desire to live here is the Cape's natural beauty and the abundant yet fragile natural resources that sustain our region and our way of life. The health and sustainability of the Cape's environment underpin all other aspects of our life and livelihood on Cape Cod, and it is essential that this be reflected in the language of the RPP, as well as in the actions that are taken by the Cape Cod Commission in fulfilling the regional planning and regulatory vision laid out in the RPP.

APCC Urges Increased Emphasis on Open Space and Natural Resource Protection

With the future of Cape Cod depending so much on the quality of our environment, APCC calls for bolder language in the RPP regarding natural resource protection; language that is more assertive in stating unequivocally that both protection and restoration of the Cape's environmental resources hold the highest precedence for our region. This emphasis on environmental protection in the RPP should prioritize the protection and preservation of the Cape's highest value natural resource areas, which are identified through the Natural Areas Placetype designation in the 2018 iteration of the RPP. Of the approximately 14 percent of the Cape that remains undeveloped and unprotected, approximately 80 percent of what's left is located within these high

482 Main Street | Dennis, MA 02638
Tel: 508-619-3185 | info@apcc.org | www.apcc.org

priority natural resource areas. These natural areas, which define and shape Cape Cod, and on which human health and our quality of life depend, must be protected before they are lost forever. The public's response to the Cape Cod Commission's survey conducted for this RPP update revealed overwhelming support and appreciation for Cape Cod's natural resources and natural areas, and validates the need for bold action to make sure the Cape's environment is protected and remains so.

RPP Growth Policy for Barnstable County

The updated RPP states that, *"Growth should be focused in centers of activity and areas supported by adequate infrastructure and guided away from areas that must be protected for ecological, historical or other reasons. Development should be responsive to context allowing for the restoration, preservation and protection of the Cape's unique and finite resources while promoting economic, environmental, and community resilience."*

APCC enthusiastically supports the above statement, but it is our position that regulatory review and regional planning strategies must be more vigorous in implementing this RPP growth policy. Both should be more strongly reinforced by the addition of language throughout the RPP that supports and mandates this growth policy and that directs the actions of the Cape Cod Commission—and, ultimately, the actions of each town—in its successful implementation.

RPP Natural Areas Placetype

APCC strongly supported the Natural Areas Placetype designation in the 2018 RPP and agreed with the ecological characteristics that defined the Natural Areas Placetype, which the 2018 RPP describes as follows:

"The Commission identified these areas by mapping BioMap2 Core Habitat and Critical Natural Landscapes, vernal pools and the 350-foot buffer of vernal pools, protected open space, wetlands and the 100-foot buffer to wetlands, undeveloped lands in wellhead protection areas, and undeveloped lands in FEMA flood zones."

However, we are greatly concerned that the draft RPP update appears to significantly dilute that definition. APCC questions why wetland and vernal pool buffer widths are no longer specified. Why has the reference to BioMap lands become vague, omitting direct reference to Core Habitat and Critical Natural Landscapes? Why has *"undeveloped lands in wellhead protection areas"* been changed to *"potential water supply areas"* and why has *"undeveloped lands in FEMA flood zones"* been completely removed from the Natural Areas definition? APCC is alarmed that these omissions infer significant and detrimental changes to Natural Areas Placetype mapping—and, consequently, to efforts to protect these vital resource areas—and calls on the Cape Cod Commission to restore the language used in the previous RPP update. This diminished explanation of Natural Areas—our most critically important environmental areas on Cape Cod—sends the wrong message and must be corrected. We do support the addition of *"potential water supply areas"* to the Natural Areas Placetype, but this must be accompanied by the continued inclusion of *"undeveloped lands in wellhead protection areas"* in order



to maximize protection for both existing and future water supply sources.

RPP Wastewater Management Policy

APCC supports the RPP update's emphasis on wastewater management planning and urges a continued commitment to reducing wastewater impacts to coastal waters as well as an increased commitment to addressing wastewater impacts on freshwater ponds and lakes. Now is the time, and the RPP update is the place, to begin to change the discussion around using freshwater ponds as nitrogen sinks that benefit efforts to improve embayment quality, and to instead recognize ponds as important resources that deserve protection on their own merit. A broader and more complete characterization of the ecological value of ponds needs to be made and stronger language should be included in the RPP to highlight the need for enhanced protection measures applied to all ponds. A clear statement that towns need to broaden nutrient management around ponds should be included, which emphasizes that the lack of effective phosphorus control via on-site septic systems means that towns should consider the expansion of their sewer plans to include ponds and lakes. APCC also supports an increased focus on planning efforts to reduce nutrient and other contaminant impacts on marine and freshwater bodies from other sources, such as fertilizers and stormwater.

RPP Policy on Restoring and Protecting Coastal and Fresh Water Quality

APCC supports language in the RPP update that recognizes the need to restore and protect coastal and fresh water quality, and especially encourages language that calls for increasing restoration efforts that are responsive to the Section 208 Area Wide Water Quality Management Plan and the Cape Cod Freshwater Initiative.

RPP Wetlands Resources Goal

APCC supports the RPP update's Wetlands Resources Goal, *"To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers."* We also recommend additional language in the RPP update regarding planning strategies that specifically mention allowing and facilitating inland migration of coastal wetlands as part of efforts to help protect these wetlands from climate change impacts.

RPP Proposed Climate Change Objectives

APCC supports the RPP's proposed Climate Change Objectives but questions the meaning of "as appropriate to context" in *"Promote carbon sequestration and other emissions removal practices as appropriate to context."* Carbon sequestration and other carbon removal practices should be encouraged to the greatest extent feasible. *"As appropriate to context"* without specifying in what manner it is applicable may open this objective to misinterpretation.

RPP Proposed Coastal Resiliency Objectives

APCC supports the RPP update's proposed Coastal Resiliency Objectives and, as with the above-mentioned RPP Wetlands Resources Goal, recommends also including an objective that plans for and allows inland migration of coastal wetlands in response to sea level rise.



RPP Wildlife and Plant Habitat Goal

While APCC agrees in general with the RPP update's Wildlife and Plant Habitat Goal, we look to the RPP to include language that is more forceful in stating the need to protect wildlife and plant habitat. As identified in the Healey administration's recently announced biodiversity initiative, Massachusetts must be more proactive in the effort to protect our threatened biodiversity, including the habitats that support our wildlife and plant species, and Cape Cod is no exception. The RPP should be the region's guiding document that recognizes and commits to this challenge.

RPP Statement on Protecting Open Space and Natural Resources

APCC supports the following RPP update's statement for protecting Open Space and Natural Resources:

"The Cape should strive to protect as much of the remaining unprotected critical habitats and sensitive resource areas as possible, while continuing to also focus on protecting those key properties that help define the natural character of the region or ensure equitable access to open space. Current accounting of developed and protected lands indicates that about 14% of the Cape remains both unprotected and undeveloped and, of that, approximately 80% includes sensitive natural resources which should be prioritized for protection." As with APCC's comments above pertaining to wildlife and plant habitat protection, we believe the RPP's policies and language regarding open space should be even more emphatic in its commitment to the protection of open space and should specifically express prioritizing open space protection as a planning a regulatory imperative within designated Natural Areas Placetypes (as the term is defined in the 2018 RPP). APCC recommends that, in the instance of open space requirements for Developments of Regional Impact (DRI), protection of open space located in a Natural Areas Placetype should be the preferred mitigation even if the DRI project is not located in a Natural Areas Placetype.

RPP Proposal to Develop a Regional Open Space Plan

APCC enthusiastically supports the proposed development of a regional open space plan as described in the RPP update. As the RPP update states, *"With limited land left that isn't developed or protected, developing a regional open space plan is needed to prioritize resource protection, improve connectivity, and identify lands of community significance. Previous prioritization efforts, including local open space and recreation plans, land trust prioritization tools, and other regional efforts may be used to inform the development of a regional open space plan."* Development of a regional open space plan is long overdue and should be one of the Cape Cod Commission's top priorities that come from this RPP update. The RPP update's section on *"Targeted Regional and Local Planning Efforts"* should also include reference to the open space plan to reinforce the intent of its development and how such a plan can be integrated into local planning efforts. APCC stands ready to assist the Commission in the creation and successful implementation of such a plan.

RPP Statement on Regional Housing Strategies

Planning strategy discussions in the RPP update that are directed at increasing housing availability should be mindful not only of the need for more housing options, but also of the need to protect the environment and the quality of the Cape's natural resources. Instead of pursuing a significant increase in new housing production in undeveloped locations—as some local and independent housing advocacy



voices call for—a regional housing strategy should instead emphasize and focus on redevelopment opportunities in activity centers supported by wastewater infrastructure, as well as on the development of policies that preserve the Cape's existing year-round housing stock and promote the conversion of seasonal rental units into year-round use. Specifically, the RPP update should identify the need to have a regional entity responsible, and properly resourced, to preserve affordability within existing dwelling units. The costs of preserving existing units are lower than new construction, expand housing availability, preserve community character, and prevent the incremental loss of land that degrades the natural landscape. The solution to Cape Cod's housing problem cannot be achieved by building our way out of the problem. Policy guidance from the RPP and leadership from the Cape Cod Commission must embrace innovative approaches that do not compromise the environment and natural character that define Cape Cod.

RPP Housing Goal

APCC recommends that the RPP update's Housing Goal, *"To promote the production of an adequate supply of ownership and rental housing that is safe, healthy, and attainable for people with different income levels and diverse needs,"* should also include, *"and that is located within appropriate locations"* or similar language.

RPP Housing Objectives

APCC recommends that the RPP update's Housing Objectives include *"Encourage and prioritize redevelopment opportunities that contribute to housing stock"* and *"Direct new housing to appropriate Placetype locations that do not adversely impact priority natural resource areas, especially a Natural Areas Placetype"* and *"Ensure that new housing production is not a net contributor to nutrient enrichment of fresh and marine waterbodies."*

RPP Recommendation to Support Zoning Changes for Greater Housing Opportunities

It is APCC's position that the RPP and regional housing strategies should explicitly state that actions for housing production must focus only in areas outside of sensitive and priority natural resource areas. As incentive, recommended zoning changes should include increased density allowances for redevelopment projects in recognized activity centers that are supported by wastewater infrastructure. However, this should be accompanied by disincentives that discourage development in inappropriate locations, including more stringent zoning requirements and lower thresholds that trigger municipal referral of projects for DRI review when proposed in sensitive and priority natural resource areas.

RPP Recommendation to Convene a Funding and Financing Working Group for Housing Initiatives

APCC views this recommendation in the RPP update with caution, particularly with regard to where funding and financing for housing will be used and how it may impact critical efforts to protect priority natural resource areas that are undeveloped and unprotected. The focus for any such initiative should be on facilitating redevelopment opportunities in appropriate locations as well as protecting and increasing year-round housing through the utilization of existing housing stock. Any support for this concept would be contingent on an up-front commitment that the jurisdiction and applicability of any incentive mechanism would not include locations within sensitive or priority natural resource areas.

RPP's Community Design Objectives

APCC recommends that the RPP update's Community Design Objectives include clear language about making community design compact and contained, and it should categorically state that development should not encroach on mapped priority natural resource areas; instead, it should be limited to locations where appropriate infrastructure—especially wastewater infrastructure—is located.

RPP Transportation Goal and Objectives

APCC supports the RPP update's Transportation Goal, *"To provide and promote a safe, reliable, and multi-modal transportation system"* but recommends adding to the Objectives, *"Maintain local and regional context and character."*

RPP Military and Transportation Areas Placetype Strategies

APCC recommends that the discussion on Military and Transportation Areas Placetype Strategies in the RPP update include language such as, *"ensure that uses characterized by this Placetype provide protection of regionally significant resources, including water supplies and critical habitats."*

Regulatory Review

Role of RPP Goals and Objectives in Regulatory Review

The RPP update states that, *"The Commission determines the applicability and materiality of the RPP's goals and objectives to a project on a case-by-case basis. As the RPP has broad, general application to DRIs and other regulatory matters of regional significance, not every goal or objective may apply, be material, relevant or regionally significant, or apply in the same way or with the same focus or extent to every project or designation, given the specific facts and circumstances present in any given project."*

APCC would like to see language included in the RPP update ensuring that goals and objectives that are in fact relevant to a DRI or other regulatory matter must be applied and will not be waived or relaxed.

Review of Developments of Regional Impact

Regarding DRI review, the RPP update states, *"Except where otherwise specified in the Technical Bulletin, the methods by which goals and objectives of the RPP are met are not prescriptive, but rather are examples of methods that further the goals and objectives of the RPP and assist in evidencing consistency with the RPP."* As we were with regard to the 2018 RPP update, APCC continues to be concerned about the potential for this policy language to allow for undue flexibility and inconsistency that could compromise protection of regional and local issue areas, particularly the protection of natural resources.

The Role of Sensitive Resources in Regulatory Review

The RPP update identified sensitive resources in DRI site review that include BioMap habitats and landscapes, state listed endangered species habitat, vernal pools and their buffers, wetlands and their buffers, protected open space, and *"potential public water supply areas."* However, it is noteworthy—and very concerning—that FEMA flood zones and Zone II Wellhead Protection Areas are not mentioned, yet were included in the 2018 RPP. APCC questions why this is the case and calls for these omissions to be corrected.



APCC also recommends that proposed development and other projects, including housing development proposals, located in sensitive and priority natural resource areas—particularly in a Natural Area Placetype—should trigger lower thresholds for mandatory DRI review.

DRI Consistency and Probable Benefit/Detriment Determinations

The RPP update states that, *“Consistency with the RPP is one factor in the Commission’s benefit and detriment analysis, but is not dispositive.”* APCC believes this statement needs more clarity. At a minimum, a DRI project must be determined to be consistent with the RPP, although other factors may factor into the benefits/detriments determination. But, to be approved, a DRI should under every circumstance be deemed consistent with the Cape Cod’s regional planning and regulatory document. Consistency with this foundational document must be a prerequisite to approval and explicitly stated in the RPP.

Wetland Resource Goals and Objectives in Regulatory Review

APCC recommends that in the RPP update’s Wetland Resource Goals and Objectives in Regulatory Review, *“Locate development away from sensitive resource areas and habitats”* should be added as an objective, just as it is currently included under Ocean Resources Goals and Objectives.

Wildlife and Plant Habitat Goals and Objectives in Regulatory Review

APCC recommends that in the RPP update’s Wildlife and Plant Habitat Goals and Objectives in Regulatory Review, *“Locate development away from sensitive resource areas and habitats”* should be added as an objective, just as it is currently included under Ocean Resources Goals and Objectives.

Economy Goals and Objectives in Regulatory Review

APCC recommends that in the RPP update’s Economy Goals and Objectives in Regulatory Review, the following objective should be added: *“Direct development to locations that do not conflict with protection of priority natural resources, including resources with the Natural Areas Placetype,”* or similar language.

Other RPP Recommended Actions

Advance Aquifer Protection Planning

APCC strongly supports the following RPP update’s proposed action for Advance Aquifer Protection Planning: *“As precipitation changes and there is an increased understanding of the impacts of contaminants of emerging concern, particularly PFAS compounds, there is a heightened need to examine the health of the Cape’s sole source aquifer and identify strategies for protection and sustainable use.”*

Develop Model Wetland Bylaws for Pond and Buffer Protection

APCC strongly supports the following RPP update’s proposed action, Develop Model Wetland Bylaws for Pond and Buffer Protection: *“Development pressures around ponds and lakes can have significant impacts on the vegetated buffers that help protect pond water quality and habitats. The Commission will*



research best management practices and develop a set of model bylaws and regulations to better manage development activity within pond buffers.”

Advance Actions that Reduce Risk in the Coastal Flood Zone

APCC supports the RPP update’s recommendations under *“Advance Actions that Reduce Risk in the Coastal Flood Zone.”*

Support Local Climate Action Planning and Implementation

APCC supports the RPP update’s recommendations under *“Support Climate Action Planning and Implementation.”*

APCC thanks the Cape Cod Commission for this opportunity to provide comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Gottlieb', with a long horizontal flourish extending to the right.

Andrew Gottlieb
Executive Director