

Assembly of Delegates Hearing on Proposed Chapter H

December 2, 2009

Testimony of

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On December 1, 2006, the 21st Century Task Force, appointed to review the Cape Cod Commission, submitted its findings and recommendations to the Barnstable County Commissioners. One part of the work of the Task Force members was to evaluate the standardized thresholds (10,000 square feet or more for commercial development; 30 houses or 30 acres for residential development) that trigger mandatory regulatory review by the Cape Cod Commission.

The Task Force concluded that the standard thresholds had not worked to manage growth and had, in fact, resulted in a plethora of proposals for developments sized just under the threshold trigger. In its recommendations to the County Commissioners, the Task Force urged "Modification of review thresholds to relate them to use and maps, not size." The Task Force went on to say "Thresholds should be higher than at present in pre-designated growth areas or all types, and lower in other areas where necessary."

In response to the recommendations of the Task Force, the Cape Cod Commission created a new Chapter H in its *Regulations of General Application*. Chapter H establishes a process by which Towns can propose revisions to certain Development of Regional Impact thresholds. Among the benefits of flexible thresholds are better growth management and more rapid permitting. Raising thresholds in designated growth areas would likely prompt growth in those areas because the time and expense of regional regulatory review would be reduced and potentially more predictable. Lower thresholds in resource areas would ensure that ample protection be provided in those areas.

Chapter H identifies a range of flexible thresholds and lays out a sound process for towns to apply to change thresholds. Approval by the Board of Selectmen and the Planning Board is the appropriate course for an application to go forward to the Cape Cod Commission. Requiring a town meeting vote for changing thresholds would unduly delay taking advantage of flexible thresholds.

We strongly urge that the Assembly of Delegates vote to support Chapter H without further delay so that Cape Cod can continue to improve planning for a better Cape Cod.