

Kristy Senatori, Executive Director  
Cape Cod Commission  
P.O. Box 226  
Barnstable, MA 02630

June 17, 2021

Dear Kristy,

On behalf of the undersigned members of the conservation community, we are requesting that the Cape Cod Commission review and change the Open Space Technical Bulletin as it pertains to development of recreational lands. The background and rationale follow.

### **Proposal to the Cape Cod Commission to Protect Recreational Open Spaces**

#### **Background & Problem**

The conservation and preservation of natural lands is one of the main goals of the Cape Cod Commission. The importance of open space preservation is clearly laid out in the Commission's Regional Policy Plan and its associated technical bulletins. Recreation is listed as one of the key reasons for protecting open space.

Since its inception, the Commission has focused on the protection of undisturbed natural areas. However, there are other large open areas with marginal development on Cape Cod that provide significant open space benefits, including golf courses, athletic fields and campgrounds, equestrian properties, cranberry bogs and other farmlands, rod and gun clubs and many others. A 2006 report by The Compact of Cape Cod Conservation Trusts, Inc. found that there were almost 9,900 acres of land that were considered "Perceived Open Space," that is, neither preserved nor intensely developed, but served as part of the Cape's green infrastructure. As development demands increase on the Cape, these 'perceived open space' areas are, and will continue to be acquired for development, further reducing available recreation areas that provide important community and ecological open space benefits.

Recent examples include the proposed ground-mounted solar development of the 140-acre Cape Cod Country Club in Falmouth, the proposed 312-unit multi-family housing development of the 40-acre Twin Brooks Golf Club in Hyannis and the potential solar development at Bayberry Hills in Yarmouth. Golf courses are some of the largest open space areas left unprotected on Cape Cod.

Playing fields and golf courses, farms, etc. are perceived as open space and highly valued by both the local communities and tourists that drive the seasonal economy. The visual and recreational value these places provide are a major reason that people visit Cape Cod and many come back year after year and often retire here. They also have ecological value well beyond other "developed" land, such as buildings or parking lots, in terms of providing wildlife habitat, carbon sequestration, wetland, stormwater filtration, and groundwater and estuary protection.

These lands fall into a category between wholly undeveloped open space and impermeable developed spaces. A golf course has different open space and conservation value than undisturbed natural habitat. In the context of the Commission's policies for redevelopment, it should be looked at differently from the parking lot at the Cape Cod Mall. There should be a clear policy defining how open space values

from these lands will be preserved and how any proposed future conversion of these land uses will be regulated.

Recreational open space provides important natural resource and economic values that should be adequately protected through proper identification, designation and land use regulations.

### **Proposed Solution**

The undersigned organizations representing the conservation community on Cape Cod, request that the Cape Cod Commission review the open space technical bulletin and clarify the benefits and allowable uses for existing recreational open space areas.

As stated above, the recreational value of open space is clearly recognized by the Commission. Objective # 1 for open space, as described in the Open Space Technical Bulletin, is to “preserve and protect natural, cultural and recreational resources.” Properly managed recreational lands also serve to protect nearby wetlands, groundwater resources, freshwater ponds and coastal estuaries. While recreational lands may have some impact on these resources from fertilizer applications or stormwater management, these impacts are significantly lower than what is associated with a commercial or residential development. The vistas, spacing and lower density facilitated by these “recreational lands” contributes to the diversity of the landscape, community character and aesthetics that are very important to our Cape Cod communities and our economy.

The Commission has recognized the value of recreational open space by allowing portions of proposed golf courses to be considered as protected open space, including the golf course rough areas and the vegetated areas between golf holes. This often comprises 50% or more of a golf course property. If this is considered important open space, it should be reviewed in that light if a new development is proposed on the same land, or if a development is proposed on a golf course that pre-dates the founding of the Cape Cod Commission.

The Open Space Technical Bulletin states that “in redevelopment projects, landscaped areas adjacent to existing buildings or parking may be considered as already disturbed area and excluded from the Area of Development Impact.” Lawn adjacent to a building or parking area is clearly different than a large golf course or an athletic field. The recreation, wildlife, open space, and water quality benefits provided by large recreation areas are far greater than managed lawn next to a commercial building or home. The Commission should manage the redevelopment of these properties recognizing the open space benefits they provide, protecting the Cape’s environmental resources and supporting important outdoor recreation for all residents.

The Commission’s Open Space Technical Bulletin describes the methods to calculate the amount of open space that must be permanently protected to approve a proposed development. The amount of open space required depends on the Placetype where the project is proposed. For example, a 1:1 requirement for open space protection is required for developments within suburban development areas. The open space requirement for a development can be reduced by 20% if the development land is not within a critical area or if the land proposed for permanent protection is of high ecological value. A similar approach could be applied to development of recreational lands.

Recreational lands are important and are under threat for development. We ask the Commission to evaluate our proposal to protect these lands and make changes to the Open Space Technical Bulletin.

We would like to discuss these issues with Commission staff and then would follow up with a specific proposal for review by the Commission that would subject recreational and other non-traditional open space lands to mitigation requirements if developed.

Thank you for your consideration. Please feel free to reach out to me at [janet@blt.org](mailto:janet@blt.org) or 508-771-2585 x 101.

Sincerely,

A handwritten signature in black ink that reads "Janet Milkman". The signature is written in a cursive, flowing style.

Janet Milkman, Executive Director  
Barnstable Land Trust

Co-signatories  
Steven Ballentine, President  
Bourne Conservation Trust

Dorothy Bassett, Executive Director  
Chatham Conservation Foundation

Susan Bridges, President  
Brewster Ponds Coalition

Martha Craig, Executive Director  
Friends of Herring River

Zenas Crocker, Executive Director  
Barnstable Clean Water Coalition

Julie Early, Executive Director  
Dennis Conservation Land Trust

Thomas M. Evans, President  
Harwich Conservation Trust

Fred Gaechter, Chairman  
Truro Conservation Trust

Andrew Gottlieb, Executive Director  
Association to Preserve Cape Cod

Henry Lind, President  
Eastham Conservation Foundation

Hal Minis, President  
Brewster Conservation Trust

Dennis O'Connell, President  
Wellfleet Conservation Trust

Ramona Peters, Chairwoman  
Native Land Conservancy

Mark Rasmussen, President  
Buzzards Bay Coalition

Heidi Ricci, Director of Policy & Advocacy  
Mass Audubon

Mark Robinson, Executive Director  
The Compact of Cape Cod Conservation Trusts

Katey Taylor, Executive Director  
Salt Pond Sanctuaries

Jeff Thibodeau, Executive Director  
Orenda Wildlife Land Trust

Jessica Whritenour, Executive Director  
The 300 Committee, Falmouth

CC: Erin Perry, Deputy Director  
Heather McIlroy, Natural Resources Program Manager  
Jessica Rempel, Natural Resources Analyst