

Findings:

1. The Cape Cod Commission finds that the Town of Wellfleet has demonstrated through its Local Comprehensive Plan that the following Minimum Performance Standards contained in the Regional Policy Plan are not applicable or appropriate to the Town of Wellfleet: Land Use 1.2.1. and Transportation 4.1.1.7.
2. The Cape Cod Commission finds that the Town of Wellfleet has decided not to identify any areas within the Town to be designated as growth centers as allowed by the Regional Policy Plan.
3. The Town of Wellfleet is participating in the Outer Cape Capacity Analysis study funded by the Cape Cod Commission pursuant to a grant agreement dated June 22, 1994 . The Town of Wellfleet is also participating in the Lower Cape Water Management Study funded in part by the Cape Cod Commission pursuant to a grant agreement dated June 8, 1994.
4. The Wellfleet Local Comprehensive Plan is consistent with the Local Comprehensive Plan adopted by the Town of Truro and certified by the Cape Cod Commission.

Conditions:

1. The Cape Cod Commission and the Town of Wellfleet will continue to collaborate and complete the Outer Cape Capacity Analysis which will link projected growth levels to impacts on resources and Town facilities. Such analysis includes quantifiable factors such as demand for public water, nitrogen loading to public supply wells and marine embayments, traffic levels of service, school and natural resource and open space needs and fiscal impacts. If such analysis shows that one or more areas of the community do not have the ability to sustain the projected growth levels in a manner consistent with the Regional Policy Plan and Local Comprehensive Plan, the Town shall either: 1) seek approval from the Cape Cod Commission for these areas of inconsistency; or 2) develop a strategy to reconcile the difference between growth levels and capacity limits in a manner consistent with the Regional Policy Plan and Local Comprehensive Plan. This may include: revising zoning and/or development regulations to reduce growth levels, acquiring development rights, increasing capacity through investment in infrastructure, or taking other measures to limit growth and/or increase capacity. Such measures shall be undertaken no later than two years from the date of completion of the Outer Cape Capacity Analysis.
2. Following completion of the Capacity Analysis in condition #1, the Town of Wellfleet shall incorporate into its five year Capital Facilities Plan provisions for the infrastructure and facilities necessitated by projected levels of growth in a manner consistent with the Regional Policy Plan and Local Comprehensive Plan. Such plan shall be forwarded to the Cape Cod Commission.

3. Following completion of the Capacity Analysis in condition #1, the Town of Wellfleet shall examine options that would mitigate traffic congestion in the Route 6 corridor at build-out in a manner consistent with the Regional Policy Plan and Local Comprehensive Plan.

4. Following completion of the Capacity Analysis in condition #1, the Town of Wellfleet shall review the manner in which its affordable housing goal will be achieved in light of any resource constraints and/or capacity limits identified in the Capacity Analysis. If necessary, the policies and/or actions of this section should be modified to reflect new information learned as a result of the Capacity Analysis and discuss the manner in which affordable housing goals will be achieved. Any revised policies or actions shall be submitted to the Cape Cod Commission for review and approval.

5. The Town of Wellfleet shall develop a bylaw or Board of Health regulation to clarify the minimum required separation between septic systems and fresh water ponds consistent with the 300' setback in Minimum Performance Standard 2.1.1.2.B.1. in the Regional Policy Plan.

6. The Town of Wellfleet shall consider allowing the use of private sewage treatment facilities where necessary to protect fresh and marine water quality and drinking water supplies and where their usage is otherwise consistent with the Local Comprehensive Plan.

7. The Town of Wellfleet shall consider including reconstruction (but not renovation) of existing structures in any requirements for elevation of structures in FEMA flood zones consistent with Minimum Performance Standard 2.2.2.2. in the Regional Policy Plan.

8. The Town of Wellfleet shall incorporate into its implementation program consideration of an amendment to the town's wetland protection bylaw to authorize the Wellfleet Conservation Commission to hire consultants to review applications at the applicant's expense.

General Provisions

1. The Cape Cod Commission shall continue to apply all of the Minimum Performance Standards in the Regional Policy Plan to projects reviewed as Developments of Regional Impact within the Town of Wellfleet.

2. Pursuant to Section 9(c) of the Cape Cod Commission Act and Section VI (C) of the Local Comprehensive Plan regulations, in order to maintain certification of the Local Comprehensive Plan, the Town of Wellfleet is required to insure that its development by-laws and regulations are consistent with its Local Comprehensive Plan within two years of the date of certification of this Plan or as otherwise

specified in this decision. This period may be extended at the discretion of the Commission where the Town has made a good faith effort to comply with this requirement.

3. Pursuant to Section VI (A) of the Local Comprehensive Plan regulations, the Town of Wellfleet Board of Selectmen is responsible for implementation of the actions and recommendations contained in the LCP. This authority may be delegated to another board or commission in accordance with the LCP Regulations.

4. Pursuant to Sections 9, 14 and 15 of the Cape Cod Commission Act, the Town of Wellfleet may enter into development agreements and may impose impact fees as long as the Town has a certified Local Comprehensive Plan.

5. The Town of Wellfleet shall demonstrate compliance with these conditions to the Cape Cod Commission by the required deadlines. In addition, no later than two years following the date of certification of the Plan, the Town shall provide the Commission with a written report on the status of implementation of actions contained in the plan, including the status of proposed revisions to the bylaws and regulations.

6. The Town of Wellfleet is required to review and update its LCP within five years of certification of the LCP. In the event of amendment of the Regional Policy Plan, the LCP must be brought into conformance with the amended RPP pursuant to the Act and LCP regulations.

7. Any revisions or amendments to the LCP must be reviewed and certified for consistency with the RPP in accordance with the Act and LCP regulations.

Conclusion

Based on the conditions above, the Cape Cod Commission hereby certifies the Wellfleet Local Comprehensive Plan as consistent with the Regional Policy Plan.

Sumner Kaufman
Sumner Kaufman, Chair

7/13/95
Date

COMMONWEALTH OF MASSACHUSETTS
Barnstable, ss.

Subscribed and sworn to before me this 13th day of July 1995

Katharine H Peters
NAME, Notary

My Commission expires _____