



Andrew Gottlieb
Executive Director

November 10, 2025

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Tori Kim, MEPA Director

MEPA Office

100 Cambridge Street, 10th fl.

Boston, MA 02114

RE: Proposed MEPA Regulations

Dear Director Kim:

The Association to Preserve Cape Cod (APCC) writes in strong opposition to proposed changes to Massachusetts Environmental Policy Act (MEPA) regulations that would streamline the permitting process for housing and mixed-use development projects at the expense of long-established standards for environmental protection.

Founded in 1968, APCC is the Cape region's leading nonprofit environmental advocacy and education organization, working for the adoption of laws, policies and programs that protect, preserve and restore Cape Cod's natural resources. APCC focuses our efforts on the protection of groundwater, surface water, and wetland resources, preservation of open space, the promotion of responsible, planned growth and the achievement of an environmental ethic.

The proposed changes to MEPA aim to expedite and increase housing production, but with a troubling disregard for the environment of Massachusetts that MEPA was created to protect. It would roll back important environmental protections for land, water and air, and as a consequence, protections for public health and safety as well. This effort to fast-track housing development—even projects proposed in environmentally sensitive areas—under a characterization of “unlikely to cause damage to the environment” will have the unfortunate irony of *likely* causing harm to the environment by ignoring the true adverse impacts of a development and

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placing natural resources, property and people at greater risk.

The statute creating MEPA includes an intentionally comprehensive definition of “Damage to the Environment” that is the foundation upon which the review of development and infrastructure projects under MEPA is based. The resulting review process has helped ensure that critical environmental protection standards are upheld and, in the vast majority of cases, has culminated in the successful permitting and completion of better projects. The MEPA definition of the factors that constitute “Damage to the Environment” includes *“...air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, reduction of groundwater levels, impairment of water quality, increases in flooding or storm water flows, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds, or other surface or subsurface water resources; destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks, or historic districts or sites.”*

The proposed change in MEPA regulations disregards the definition of Damage to the Environment set in state law. Instead, the proposed change would make a finding that housing and mixed-use projects are “unlikely to cause damage to the environment” and therefore exempt from required MEPA review if they are able to meet a short list of criteria that only include thresholds for density, land alteration, flood resistance, energy efficiency, access to utilities, and traffic volume.

If the proposed short list of criteria can be met, other adverse environmental impacts such as water pollution, improper sewage disposal, impairment of water quality, eutrophication of water bodies, impacts to groundwater levels, and destruction of coastal resources can presumably be ignored. This could have devastating consequences for the 15 communities of Cape Cod and the water resources we depend on. After many decades of collaborative work and financial commitment among towns, regional government and the state to address the serious water quality issues that have impacted the Cape region, it is distressing to contemplate that the proposed changes in the MEPA regulations could, in fact, undermine the progress we are beginning to see.

Based on APCC’s many years of experience participating in the MEPA review/commenting process, we must agree with the conclusions reached by other concerned environmental organizations: We are not aware of any evidence that MEPA’s existing environmental protections have been an obstruction to efforts to solve Massachusetts’ affordable housing problem. There is, however, plenty to suggest that the MEPA process, if functioning under the



proposed regulation change, will likely result in the approval of poorly planned projects that adversely affect the environment and pose increased risks to human health and safety.

We therefore urge the Healey-Driscoll administration to not adopt proposed MEPA regulations that would streamline housing development review by watering down environmental protection safeguards.

Sincerely,



Andrew Gottlieb
Executive Director