

The approval of the DCPC will set into place the following GUIDELINES;

SECTION 6.4 Guidelines

6.4.1 Timing of the Fertilizer Application. A proposed regulation should include a shortened time period during which the application of fertilizer is allowed. A proposed regulation should also consider limited exceptions to that shortened time period. A proposed regulation should prohibit the application of fertilizer immediately before or during heavy rain events.

This is too open, each Town could adopt different times, such as Oct 1- April 15 or Oct 30 – May 15 or use language like, “while the plant is in dormant stage” all which fit the guidelines yet could end up having each Town with different Regulations. Also addressed in U. Mass. BMP see #6.4.7 herein.

6.4.2 Location of the Fertilizer Application. A proposed regulation should identify locations where the application of fertilizer is not allowed, potentially including, but not limited to, water resource areas and impervious surfaces.

Water Resources areas are protected by Conservation Regulation, Impervious surfaces are addressed in U. Mass. BMP.

6.4.3 Manner of the Fertilizer Application. A proposed regulation should limit the quantity and frequency of fertilizer applications. These restrictions should be based on the type of product used, the turf type, and the use of the turf area. With respect to the type of product used, a proposed regulation should, at a minimum, address the use of slow-release fertilizer and water-insoluble fertilizer. A proposed regulation should also consider limited exceptions to the quantity and frequency requirements.

All this is spelled out in the U. Mass. BMP and mandated to be followed by the State of Mass. Any variance from their suggested use chart could result in lawn degradation and lead to runoff, loss of present lawn take up of nitrogen, and property value reduction.

Also, this guideline is too open, and as in #1, would allow the Towns to adopt a different rate and still meet these guide lines creating a possible different Regulation in each Town.

6.4.4 Education. A proposed regulation should provide for education and outreach.

We can do this without a DCPC

6.4.5 Certification. A proposed regulation should provide for a certification program that could potentially allow for flexibility from the requirements contained in the proposed regulation includes a distinction for professional/licensed/certified applicators, an exemption for those that are certified should be considered.

This guideline is the most problematic. Who sets the License tests? Who issues the license? Who collects the fee and how much? The county could propose that they will do all the above, however each Town could choose to do it themselves, thus mandating a landscaper to hold various licenses. We all agree that the problem is not the professionals; however this guideline is going to require them to obtain yet another license to operate.

6.4.6 Exemptions. A proposed regulation should include an exemption for commercial agriculture and horticulture as well as for the application of lime. A proposed regulation should consider additional exemptions, potentially including, but not limited to, golf courses, athletic fields, and gardens.

This guideline states "should include an exemption for commercial Agriculture" also "should consider additional exemptions, potentially include, but not limit to," This should read "SHALL EXEMPT" because the way it is written we will end up with each Town choosing who and what they exempt, thus once again each Town having different standards and regulations. What we are trying to avoid.

6.4.7 Compliance with UMass Best Management Practices. A proposed regulation should be consistent with the requirements and guidance outlined in the "UMass Best Management Practices for Soil & Nutrient Management in Turf Systems" document and potentially adopt the BMPs within the proposed regulation.

This guideline is from MGL 262 acts of 2012. The reason for this DCPC is the people believe that the State of Mass. should not set the guidelines for Cape Cod and we should set our own Regulations. However the State mandates that the proposed Regulations follow the U. Mass. BMP. (Best Management Practices) Furthermore, since the new State Regs. have not been released as of today, some believe that they will not follow the States own BMP. (hard for me to buy) Since the DCPC Guidelines include this language, and the new State Regulations will most likely follow their own Best Management Practices this whole discussion and ordinance is complete waste of time and effort.

For the above reasons and the following, this Ordinance should be voted down.

I attended all the Stake Holder Meetings on the proposed Regulations, and All the public hearings on this Ordinance, both Cape Cod Commission and Assembly of Delegates, except for one that fell on a regular Assembly meeting.

- **At NO time did a Board of Health agent of any Town, or member of a Board of Health testify in favor of the creation of this DCPC.**
- **At NO time did an official representing a Town government stand to testify in favor of this Ordinance.**
- **At NO time did a single family homeowner testify for this ordinance.**
- **Countless members of the landscape organizations testified to vote NO.**
- **The Counties own Extension Service Department asked to hold off on the passing of this Ordinance.**
- **Calculation of the Commissions own numbers are not outside the U. Mass. BMP, and certainly are not alarming.**

It has been expressed that the State of Massachusetts Regulations for fertilizer management shall be enforced by the Department of Agricultural Resources (AS IT SHOULD BE) one standard set forth in the U. Mass. Best Management Practices. The same BMP referred to in the DCPC.

This DCPC was filed by the Staff of Cape Cod Commission, approved by the Commission, without all the Towns of Cape Cod asking for it. The creation of a DCPC should not be taken lightly, and will affect all the Towns of Cape Cod. We should not use a Planning tool that works well when communities ask for their creation to regulate development for a tool as a Cape wide fertilizer management regulation.

The Commission Staff has expressed that after Jan 1 2014 a Town will not be able to further limit the use of fertilizers. Within MGL amendments to Chapter 128, under section 9 it lists a number of chapters and acts with enable Town to take action in this matter. Chapter 716 acts of 1989 establishing the Cape Cod Commission. Also Chapter 312 acts of 2008, section 10, which allows a Town which adopts the section to create a municipal sewer district to “reduce or eliminate the impacts of nutrient enrichment on surface water bodies or source of drinking water”. It goes on further to reference a “comprehensive water resource management plan” under CWMP and DEP.

Final comments: The approval of this DCPC will presumable give the authority to a Board of Health to create Regulations that fit into the Guidelines addressed above. This is a small member Board which will be under a time frame of adoption on or before Jan 1 2014. I question the authority of a Board of Health adopting Regulations that refer to the protection of surface water and estuaries, and are not referenced in the DCPC application as a Public Health issue.

Please join me in voting this ordinance down.

Respectively Submitted; Leo Cakounes Town of Harwich Representative to Assembly of Delegates

