

## MEMO

**TO:** Cape Cod Commission (via email *regulatory@capecodcommission.org*)

**CC:** Jordon Velozo, Chief Regulatory Officer

**FROM:** Brad Butman, Falmouth, MA

**DATE:** July 10, 2022

**SUBJECT:** Comments on 35 Scudder Ave. development (DA20065)

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**Provide response to comments prior to decision.** In a comment on May 25, I suggested that the Commission develop a formal strategy to summarize comments and how they were analyzed and used by the Commission Staff and Commission members in their decision-making. This would contribute to an open and transparent process. There was Commissioner support for this suggestion and staff stated they would address this issue. As of July 10, I do not find a response on the Commission website. I suggest this ‘response to comments’ should be prepared and reviewed by the Commission Subcommittee in a public hearing before any decision on the LMC project is made.

**Coastal Resiliency: Plan for flooding by the combination of storm surge and sea level rise.** LMC’s analysis of flooding of the development by storm surge and sea level rise is not accurate because they address these issues separately. The correct method is to add storm surge to future sea level (see my comments of March 23 and June 8 for estimates of possible combined flood levels). An important role of the Commission is to ensure development is resilient to future climate, and it should thus plan for possible flooding under the maximum current projected sea level rise of about seven feet by 2100. At that level, the Twin Brooks estuary will likely be open to Hyannis Harbor (Ocean Ave. will be overtopped), and the proposed development would be on the coast, possibly a beach (see video animation of future sea level flooding of the Twin Brooks Estuary by Barnstable Clean Water Coalition at <https://savetwinbrooks.org/>). To avoid future flooding issues, the Commission should not approve major new development potentially affected by the combination of surge and future higher sea level. However, if this project does go forward, a prudent approach would be to have no buildings at less than 24 feet elevation, and to redesign the project entrance as well as Scudder Ave. to ensure access during storms.

**Restore Twin Brooks Estuary.** As the future primary abutter to the estuary, suggest LMC make a substantial commitment to partner with the Town, the U.S. Army Corps of Engineers, and others to improve the health of the Twin Brooks estuary. One step would be to improve tidal flushing by enlarging the Ocean Ave. Culvert that connects the estuary to Hyannis Harbor. This would likely lower pollutant concentrations in the estuary, provide a healthier ecosystem adjacent to the proposed development, and be a major contribution to the Commission’s Ocean Resources goal.