



Guidance Document

CAPE COD COMMISSION

Project Application Process and Requirements

Section 1. Application Process

■ Pre-Application Meetings

To best facilitate timely review of an application, it is strongly recommended that an applicant have pre-application meetings with Cape Cod Commission (Commission) staff prior to the Town making a Development of Regional Impact (DRI) referral and the applicant formally submitting an application to the Commission. The primary purpose of such meetings is to provide an opportunity for Commission staff and the applicant (and town officials) to discuss the Commission's regulatory requirements, including the application and review process, at an early stage of project planning and design, prior to the running of the Commission's statutory review and hearing time periods on an application. An applicant should bring any draft conceptual plans, sketch plans, studies, or information on the property and/or development proposal to these meetings. Pre-application meetings may help to reduce the likelihood of problems or delays later in the application and review process, and avoid additional expenses occasioned by potential changes in project design and engineering.

Specifically, for DRI applications, pre-application meetings allow Commission staff and the applicant to discuss what are the applicable, material and regionally significant goals and objectives from the Regional Policy Plan (RPP) relative to proposed development; what "Placetypes" from the RPP affect the proposed development site; the appropriateness of certain proposed methods for satisfying RPP objectives set out in the companion Technical Bulletins; and what materials referenced in said Technical Bulletins are required to be submitted in a DRI application.

Pursuant to the 1991 Memorandum of Understanding (MOU) between the Cape Cod Commission and the Massachusetts Executive Office of Environmental Affairs—MEPA Unit, and where the Commission anticipates that a project will require DRI review, an application for Joint Review may be made at one of two stages in the MEPA environmental review process, either when an Environmental Notification Form (ENF) is to be filed with MEPA or when an Environmental Impact Report (EIR) is prepared and filed with MEPA. Once a Joint Review application has been submitted, a joint public hearing/scoping session will be scheduled during the respective MEPA comment period for the project. Commission staff will prepare a Staff Report in advance of the public hearing/scoping session to provide comment on the project information submitted and contained in the MEPA filing, and with an eye towards eventual DRI review. Following the public hearing/scoping session, and prior to the comment period ending, the Commission will prepare a comment letter to submit under MEPA.

■ Application Filing

After a project referral has been made by a town to the Commission, an applicant shall file its application with the Commission. Commission regulatory staff is available for application filing meetings with an applicant. An

applicant shall submit one (1) hard copy and one (1) digital copy of the application with the Commission, and any supplemental application material submitted to the Commission during project review shall also be provided in hard and digital copy. The application shall include all Required Submittals (according to Section II below) and any other materials requested by Commission staff at pre-application meetings.

The Commission prefers that all print, hard copy materials be submitted on recycled content paper and be printed double-sided.

Certain types of development application may be submitted to the Commission without a municipal referral first having been made to the Commission, including DRI Exemptions, DRI Scoping Applications, Jurisdictional Determinations, Decision Modifications, Decision Extensions, and Development Agreements. Additionally, there is no municipal referral when the Commission derives its DRI jurisdiction from review under MEPA (in such cases, the DRI hearing and review timelines commence immediately upon completion of MEPA review and the Commonwealth's issuance of the EIR certification).

■ Application Review

An application consists of, collectively, those materials referenced in Section II. Once filed, applications will then be reviewed for *completeness* by Commission staff. In order to be deemed *complete*, an application must contain all items listed below in Section II. Required Submittals (unless deemed inapplicable or waived by the Executive Director or his/her designee).

This review is to ensure that an applicant has provided all materials necessary to allow the Commission to review development for consistency with applicable standards of review and approval, and to allow Commission staff the information necessary to proceed with preparing a Staff Report or draft decision in advance of a substantive public hearing.

Substantive public hearings will not be scheduled until Commission staff determines that an application is *complete*. If an application is determined to be incomplete, a Hearing Officer may be required to open the public hearing period for procedural purposes only (no presentations will be made, and no testimony will be taken at these hearings). Failure to submit a *complete* DRI Application in a timely manner may result in a procedural denial of a project.

Once an application is deemed *complete*, a substantive public hearing will be scheduled and noticed and Commission staff shall review the application in accordance with standards of review set out in the Commission's regulations.

Section II. Required Materials

1. Certified List of Abutters (required whenever an application requires a public hearing).

A list of abutting property owners within 300 feet of the boundaries of the development site and their addresses. Include both local and off-Cape addresses when applicable.

- This list **must** be formatted in three columns consistent with the Standard Label Format designed to print on Avery Labels #5160.
- List must be certified by the Town Assessor's office. NOTE: Assessor's offices may take up to 10 days to certify an abutter's list.
- An applicant must provide **three (3) sets** of the certified list on self-adhesive labels.
- Required Filing Fee. Please calculate according to the Schedule of Fees (See *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact*, Section 16). Please make check payable to the **BARNSTABLE COUNTY TREASURER**.

- List of local, state, or federal agencies or boards from which a permit or other actions have, will, or may need to be sought. Include agency/board name, type of permit, date filed, and file number.
- Copy of Deed, lease, Purchase and Sale Agreement or the like evidencing an Applicant's interest in a proposed development site and its standing to make application to the Commission.
- Completed Application Cover Sheet

2. Massachusetts Historical Commission (MHC) Notification Form

An Applicant must complete and submit a Project Notification Form (PNF) to the MHC (PNF may be obtained from Commission staff or from MHC's website).

- Copies of all submitted materials and proof of receipt of PNF by the MHC must be provided to the Commission.

3. Certification of Local Filing

Provide certification of filing copies of the application to the Commission with the Town in which a project is proposed. It is the ongoing responsibility of the applicant to continue to provide the Town with all materials provided to the Commission throughout the Commission's review process. An applicant should discuss with Commission staff the municipal offices in which a copy of the application to the Commission should be filed.

4. Required Plans

Plan Size Requirements. For each plan submitted, provide each of the following:

- Copy of plan(s) sheet size 24" x 36"
- Copy of plan(s) reduced to fit sheet size 11" x 17"

General Requirements

- All plans should be drawn at a scale of 1" = 40', however other scales which provide sufficient detail are acceptable.
- If the plan requires more than one sheet, a cover sheet at the scale of 1" = 200' showing the entire property must be included.
- Include a locus map at 1:25,000 scale with the outline of the entire property clearly shown.
- Legal Data to Appear on ALL Submitted Plans, as appropriate:
 - ___ Name and address of Applicant and authorization of owner if different from Applicant.
 - ___ Name and address of owner(s) of record, if different from Applicant.
 - ___ Name and address of person(s) or firm preparing the plan.
 - ___ Current zoning classification of property, including exact zoning boundary if the development site is in more than one district.
 - ___ Property boundary line plotted to scale. Distances, angles, and area should be shown.
 - ___ North arrow, scale and date.
 - ___ Property lines and names of owners of adjoining parcels.
 - ___ Locations, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within and adjoining the property.
 - ___ Date of plan(s) and subsequent revisions.
 - ___ Plans must be stamped with original stamp of registered sanitarian, registered architect, registered landscape architect, professional land surveyor or professional engineer, as appropriate.

Existing Conditions Plans. Shall show the following:

- ___ **EXISTING** topography at contour intervals of no more than five feet.
- ___ Hydrologic features on-site or within 300 feet of the project boundary, including waterbodies, wetlands, vernal pools, and floodplains.
- ___ Vegetative cover, including existing wooded areas, existing landscaped areas, and other significant features.
- ___ Indicate by survey point any trees that may qualify as Specimen Trees.
- ___ Where applicable, indicate in a table the square footage or acreage of the following: developed areas, open space or undisturbed areas, and wetlands.
- ___ Use, location, and dimensions of major buildings and/or structures, including but not limited to parking and loading areas, fences, walls, and docks.
- ___ Location and width of existing rights of way, roads, and paths, including site access. Information should include road geometry, sight distances, and emergency vehicle access.
- ___ Location of any existing sewage disposal facilities, water supply facilities and stormwater utilities.
- ___ Electric, gas, telephone lines, cable TV and appurtenances, and any other easements.
- ___ Identify historically significant sites, buildings, and/or features.

Proposed Development Plans. Shall show the following:

- ___ Grading and drainage plan showing **PROPOSED** topography at appropriate contour intervals. Erosion Control Measures (hay bales, fences, etc.) proposed for use should be noted. (Note that proposed grading and drainage must be shown on a **separate sheet** from the existing conditions.)
- ___ Location, proposed use and dimensions of all buildings and other structures, such as retaining walls, fences, docks, outdoor storage tanks, air-conditioning units, and waste disposal units. Include total square footage of impervious building area.
- ___ Location and arrangement of site access and egress, including parking, loading, outdoor storage areas and all paths for pedestrian travel within the site. Information should include profiles and cross-sections of roadways and sidewalks showing grades and widths. Include total square footage of impervious area from all paved surfaces.
- ___ Indicate in a table the square footage or acreage of the following: developed areas, open space or undisturbed areas, and wetlands.
- ___ Location, design and construction of all water, sewage disposal, stormwater disposal, oil, electric, gas and solar energy facilities.
- ___ General landscaping plan and planting schedule, including the treatment of buffer areas, the location, quantity, types, and size of all plant materials, and natural areas to be retained.
- ___ Elevation drawings (to scale) of all building facades that also specify all exterior building materials.
- ___ A roof plan showing the direction of all roof slopes, all roof materials, and the location of all rooftop equipment.
- ___ Floor plans of proposed buildings and other structures for all floors (as requested by Commission staff).
- ___ Samples of all proposed exterior materials are requested or projects not using traditional wood or brick building materials. A materials board must include samples of all proposed exterior wall, trim, and roof materials, as well as their proposed colors.
- ___ Location, size, materials, and design of all outdoor lighting facilities and signs, including fixture and material specification sheets.

Detailed Project Description and Narrative

- Clearly describe the scope of work, including any proposed phasing, the relationship of the proposal to the existing conditions on-site and the existing and proposed uses.

- ___ Discuss the project's consistency with the applicable standards of review and approval for such application set out in the Commission's regulations, including without limitation and as applicable: consistency with the Regional Policy Plan (RPP) and corresponding Technical Bulletins (with specific discussion about applicable and material RPP goals, objectives and proposed methods from the Technical Bulletins); consistency with municipal development bylaws/ordinances/regulations and certified Local Comprehensive Plans (LCPs); suggested project benefits to the region; etc.

5. Supporting Studies, Reports or Information

For purposes of determining application *completeness*, the Executive Director, through the Commission's regulatory staff, may waive or deem inapplicable some of the following requirements due to the nature and characteristics of the proposed development or development site, informed by discussions and Commission staff requests made at pre-application meetings.

- **As applicable, for claimed financial hardship with respect to the property/project:**

- ___ A certified (by a C.P.A.) pro forma or financial statement for the project, developed using generally accepted accounting principles, or similar certified evidence of financial hardship.
- ___ Documentation of funds expended to date on the project, distinguishing those expenditures made in reliance on previously granted local permits, and anticipated costs including both soft (land acquisition, engineering and design) and hard (construction) costs.

- **Written Design Narrative.** Clearly explain the design concept, alternatives considered, and how the proposed project's siting and building design are consistent with the Commission's Community Design Technical Bulletins and Guidance. Include information regarding materials, colors, and construction methods to be used. The narrative should also address the surrounding context in which the project is proposed, e.g. surrounding forms and types of use and development, surrounding development patterns, etc.

- **Application Materials referenced in the RPP Technical Bulletins, including without limitation and as applicable the following:**

- ___ A traffic impact analysis in accordance with the *Transportation Technical Bulletin*.
- ___ A nitrogen loading analysis for existing and proposed conditions in accordance with Technical Bulletin 91-001, *Nitrogen Loading*, as amended, and *Water Resources Technical Bulletin*.
- ___ Proposed monitoring well plan (sampling schedule), showing well locations, top of casing elevations, water table elevation, and other relevant information.
- ___ Copies of any ground water discharge permits or wastewater treatment pilot project approvals from the Department of Environmental Protection, or any ground water investigations or studies.
- ___ Information on 21-E site assessments concerning environmental contamination on or affecting the project site.
- ___ A plant and wildlife habitat assessment in accordance with *Wildlife and Plant Habitat Technical Bulletin*.
- ___ Project, employment, and economic impact information in accordance with the *Economy Technical Bulletin*.
- ___ Information on how the project will satisfy the Regional Policy Plan's and *Housing Technical Bulletin's* affordable housing requirements, where applicable.
- ___ Correspondence with the Commonwealth's *Natural Heritage and Endangered Species Program*.
- ___ Information on the types, amounts, methods of generation, use, storage, treatment, and disposal of hazardous materials and/or hazardous wastes.
- ___ Information on the provisions of open space in accordance with *Open Space Technical Bulletin*.
- ___ For projects involving a structure that is listed on the National or State Register of Historic places, or that is a historic structure, submit photographs of the existing property, buildings,

and the surrounding properties.

- ___ Information on construction sequencing for any rehabilitation or alteration work proposed on a structure that is listed on the National or State Register of Historic Places.
- ___ Information on exterior lighting in accordance with the *Community Design Technical Bulletin*.
- ___ Information on the project's energy use in accordance with the *Energy Technical Bulletin*.
- ___ For projects involving wireless communication towers, information in accordance with Technical Bulletin 97-001, *Guidelines for DRI Review of Wireless Communication Towers*, as amended.

Section III. Important Notes

If you have any questions or require assistance regarding applications, please contact a member of the Commission's Regulatory Staff at (508)362-3828. A copy of the current Regional Policy Plan and Commission regulations are available at the Commission office or on the web at www.capecodcommission.org

■ Applicant's Responsibility to Provide Requested Information in a Timely Manner

Commission staff and Commission members may not consider documents or information that are not submitted at least seven (7) calendar days, or as otherwise requested, prior to any scheduled public hearing or meeting. Failure to provide information in a timely manner may result in cancellation and continuance of such meeting or hearing. This policy is intended to ensure that the Commission members and staff have sufficient time to review and analyze such new information prior to a public hearing or meeting.

■ Applicant's Responsibility to Pay Costs of Legal Notices and Other Fees

The Applicant is responsible to pay for the actual costs of publishing and mailing legal notices throughout the review process. Please see the Schedule of Fees (within *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact*) for these and other charges that are the responsibility of the Applicant. All fees must be paid in full prior to issuance of a Certificate of Compliance from the Commission.