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CAPE COD
COMMISSION

**NOTICE OF AMENDED FEE SCHEDULE FOR FY 2022
SECTION 14, ENABLING REGULATIONS**

Date: April 21, 2021

Re: Section 14: Schedule of Fees as amended for Fiscal Year 2022 & effective July 1, 2021, Chapter A: Code of Cape Cod Commission Regulations of General Application/ Enabling Regulations Governing Review of Developments of Regional Impact/ Barnstable County Ordinance 90-12 (recorded with the Barnstable County Registry of Deeds in Book 7273 Page 138), as amended by Barnstable County Ordinances 90-14, 91-11, 94-3, 94-7, 94-10, 94-11, 96-5, 96-11, 97-6, 97-7, 98-18, 99-12, 02-20, 03-01, 03-16, 05-02, 09-10, 09-14, 10-08, 11-04, 13-04, 14-03 & 20-07 (“Enabling Regulations”)

The Cape Cod Commission hereby promulgates the updated and amended Schedule of Fees in the Enabling Regulations (attached) for Fiscal Year 2022, effective July 1, 2021, which supersedes and replaces all prior Schedules of Fees including those appearing in the documents recorded with the Barnstable County Registry of Deeds in Book 33014 Page 296 and Book 33157 Page 240.

Schedule of Fees

SECTION 14 CAPE COD COMMISSION ENABLING REGULATIONS

As amended for Fiscal Year 2022 and effective July 1, 2021

Pursuant to Section 6(d) of the Act, the Commission shall charge the following fees:

Development of Regional Impact Applications

Residential Developments	\$11,971 base fee, plus: \$359 per lot or unit
Non-Residential Developments	<i>No base fee</i>
Buildings	Sixty (60) cents per square foot of gross floor area as defined in Section 1
Outdoor Space	Sixty (60) cents per square foot (including but not limited to outdoor display areas, swimming pools, tennis courts, and miniature golf courses)
Other Non-Residential Developments	\$11,971 base fee, plus:
Divisions of Land	\$359 per lot
Gravel Pits, Mining and Extraction Activities, Ground Mounted Photovoltaic/Solar Arrays and Golf Courses	\$359 per acre
Wireless Communication Towers	\$60 per linear foot of tower/monopole height above ground level
Water dependent uses including but not limited to docks, piers and revetments	Thirty (30) cents per square foot
Utilities and other linear development:	Sixty (60) cents per linear foot
Mixed Use Projects -	The applicable residential and non-residential per lot/unit/foot fee set forth above. The residential base fee is not applied to Mixed Use Projects.



Historic Properties

Single Family or Accessory Building	\$481
Other	\$2,995

Other - For other types of land uses not covered above

.....	\$11,971 base fee, plus (to be determined as needed, based upon similar uses in the fee schedule above.)
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Discretionary Referralfee based on DRI review fee as described above

DEVELOPMENT OF REGIONAL IMPACT EXEMPTION

.....\$2,394. Should the exemption request be denied, the exemption filing fee may be applied to the full DRI review fee if a DRI review is initiated within six months of the date of the exemption request denial.

DEVELOPMENT AGREEMENTS

.....Fee shall equal the applicable DRI review fee. The Applicant may request payment in two phases with 50% of the entire fee due upon application and 50% of the entire fee due prior to the Commission noticing a hearing for consideration of execution of a final Development Agreement.

REQUEST FOR JURISDICTIONAL DETERMINATION

.....\$1,196

MODIFICATIONS TO APPROVED DRIS AND EXEMPTIONS

As Categorized Under Section 12 Above

Minor Modifications #1	No fee
Minor Modifications #2	\$2,394
Major Modification #	Equal to regular DRI review fee

EXTENSIONS

.....\$2,394 per request

SECTION 12 CERTIFICATE REQUEST

.....\$2,394

Reduction in Application Fee

the Applicant may request that DRI review fee established above, up to a maximum discount of 65%, based upon the criteria below

- [1] The development is located in a Community Activity Center, Growth Incentive zone, or similar area as designated by the Commission
- [2] The project is Redevelopment – 15% reduction
- [3] The Applicant provides documentation of non-profit organization status pursuant to 26 U.S.C. §501(c)(3) or charitable trust status – 10% reduction
- [4] The project is a division of land for estate purposes or for a conservation donation – 10% reduction

Fee for Actual Costs of Publishing and Mailing Notice of Public Hearing

- [1] Public Hearing to Consider a Request for a Jurisdictional Determination
- [2] Public Hearing to Consider a Request for a Development of Regional Impact Exemption
- [3] Public Hearing to Consider a Development of Regional Impact
- [4] Public Hearing to Consider a Development Agreement

Fee for Actual Costs of Copying

Applicant shall submit appropriate number of copies of written material as described in application form. If not submitted, fee of \$0.20 per page of text, \$5.00 per oversized copy such as map/plan/etc., or actual cost of reproduction will apply.

Fee for Actual Costs of Recording Documents at the Barnstable County Registry of Deeds/Registry District of the Land Court.

Fee for Post Decision Monitoring Costs

For projects approved with a requirement for monitoring by Cape Cod Commission staff, a fee based on an estimate of staff time required shall be specified in the final decision.

Fee for Establishing an Escrow Agreement/Account

1% of the Escrow Fund with a minimum fee of \$300 and a maximum fee of \$1,196.

Fee for Transcript

In cases where the Executive Director or Commission determine that a verbatim transcript of public hearing sessions of the DRI should be made for the project record, the applicant shall bear the costs of such transcript and pay to the Commission such costs prior to the close of the public hearing on the project.

COSTS FOR PEER REVIEW - For all projects, in addition to the fee outlined below, if the Executive Director of the Commission determines that it will require the services of an outside consultant, verbatim transcript or other additional resources to assist in any aspect of the project evaluation, the project Applicant will deposit with the Commission an amount of money estimated to cover 100% of these services. If this initial estimate is insufficient to adequately review the project proposal, the applicant will provide the additional funds necessary. Any funds not expended at the conclusion of the review will be returned to the Applicant.

ANNUAL ADJUSTMENT - The fees established in this section shall be adjusted annually using the Consumer Price Index (CPI). The base period for the adjustment is the year in which this provision becomes effective. The CPI used will be for All Urban Consumers (CPI-U) for the Boston-Brockton-Nashua, MA-NH-ME-CT (Series All Items, Index Base Period 1982-84=100) as determined by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) unless and until major CPI revisions or changes in the CPI index base period are made by the BLS at which time the revised CPI and base period will be used. The revised fee amounts shall become effective on July 1 of each year and shall be rounded to the nearest dollar or cent, as appropriate.

Municipalities within Barnstable County and federal agencies, in those instances where such or federal agency is an Applicant for a proposed development shall be exempt from the fees charged by the Commission. In those instances where such municipality or federal agency is requesting a DRI modification, the modification fee shall be waived.

In the instance where an Applicant is seeking a reduction in an application fee per relevant sections of the Act, the Executive Committee is authorized to consider such requests.

Pursuant to the provisions in the Schedule of Fees: Section 14 (viii) of Chapter A Enabling Regulations Governing Review of Developments of Regional Impact, the fees established in Section 16 have been adjusted for Fiscal Year 2022 based on the annual Consumer Price Index and rounded to the nearest dollar or cent as appropriate. The adjustment to the Schedule of Fees: Section 16 is effective July 1, 2021.



Executed this day of April 2021.

For the Cape Cod Commission by:

Kristy Senatori, Executive Director

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

April , 2021

Before me, the undersigned notary public, personally appeared Kristy Senatori, whose name is signed on the preceding document, and such person acknowledged to me that she signed such document voluntarily for its stated purpose in her capacity as Executive Director of the Cape Cod Commission. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [X] personal knowledge of the undersigned.

SEAL

Notary Public
My Commission Expires: