

ATTACHMENT 4 LIMITED DRI DETERMINATION APPLICATION FOR CHANGES OF USE

This attachment is for an APPLICATION pursuant to section 4(b) of the Cape Cod Commission Chapter A, Enabling Regulations governing Review of Developments of Regional Impact (DRI), for a Limited DRI Determination of a proposed Change of Use, or demolition and replacement resulting in a Change of Use. The purpose of this application is for the Regulatory Committee to determine the scope of the Commission's DRI review, which may result in no DRI review or a DRI review limited to certain issue areas. Applications for a Limited DRI Determination may only be made for a project proposed on a previously developed parcel of land and one that does not involve the demolition or substantial alteration of an historic structure.

SECTION I. FILING PROCEDURES:

STEP ONE: PRE-APPLICATION MEETING

It is strongly recommended that Applicants contact the Cape Cod Commission (the Commission) regulatory staff to set up a pre-application meeting prior to filing for any local development permits. This meeting provides an important opportunity for staff and Applicants to discuss application requirements and the review process for a Limited DRI Determination. Such a meeting may help to reduce the chance of problems or delays later in the review process. Applicants should bring any plans, studies, or information on the property and/or existing building(s) and the proposed change of use/redevelopment proposal to this meeting. Note that if, in the Commission staff's opinion, the Applicant has all required materials prepared and is ready to proceed with filing at this meeting, then the pre-application meeting may also serve as the Application Filing Appointment (see Step Two).

STEP TWO: APPLICATION FILING APPOINTMENT

Applicants shall file all Required Submittals (according to Section II below) with the Commission at its office during an Application Filing Appointment, which must be scheduled **at least two business days** in advance with the Chief Regulatory Officer, or his/her designee. Applicants **shall submit 3 sets** (one original, plus 2 unbound copies) of all required information and **one set of plans** (see Section III for additional copying requirements). **Application packages submitted will not be accepted at this appointment unless they contain the Application Cover Sheet and its required filing materials.**

STEP THREE: REVIEW OF ACCEPTED LIMITED DRI APPLICATIONS

Once accepted at the Application Filing Appointment, Limited DRI Determination Applications will then be reviewed for *completeness* by planning and technical staff. In order to be deemed *complete*, a Limited DRI Determination Application must contain all items listed below in Section II. Required Submittals (unless waived by the Executive Director). This review of submitted materials is to ensure that all materials have been provided and that Commission staff have the information necessary to proceed with writing a Staff Report in preparation for a substantive public hearing.

Staff will notify the Applicant in writing when the Limited DRI Determination Application has been deemed *complete*. This letter will include the date, time and place of the public hearing before the Regulatory Committee. Staff will also notify the Applicant in writing if the Limited DRI Determination Application is *incomplete*, and will specify the materials/information still required. A

substantive public hearing will not be scheduled before the Regulatory Committee until Commission staff determines that the Application is *complete*.

STEP FOUR: LIMITED DRI DETERMINATION

Once a Limited DRI Determination Application is deemed *complete*, it is reviewed by the Commission staff for its consistency with the Regional Policy Plan in effect at the time of the opening of the public hearing and prepare a staff report for the Regulatory Committee. The Regulatory Committee or its designee shall, within 45 calendar days of receipt of a complete application, review the information provided by the project proponent at a public hearing. Within 21 calendar days of the close of the public hearing, the Regulatory Committee or its designee shall determine the scope of the DRI review of the project, which may be limited to those subject areas where impacts are more detrimental (quantitatively and/or qualitatively) than the immediate prior use. In making such determination, the Committee or its designee shall consider the resources protected by the Act and RPP, including but not limited to water resources, coastal resources, wetlands, wildlife/plant habitat, economic development, transportation, waste management, capital facilities, energy, affordable housing, open space, recreation, historic preservation and community character. When determining the scope of DRI review, the Regulatory Committee shall consider whether the project's impacts involve deviation from the minimum performance standards of the RPP. The Regulatory Committee or its designee shall specify the proposed scope of the DRI review in its determination.

SECTION II. REQUIRED SUBMITTALS:

- 1. Application Cover Sheet and its Required Filing Materials.**
- 2. Existing Conditions Plan.** Submit Existing Conditions Plan including gross square footage calculations of existing building(s) on the project site (following Plan Size Requirements and General Requirements listed in 3(A) and 3(B) below), as well as photographs and/or any other pertinent information illustrating the most recent use(s) of the site.
- 3. Proposed Development Plan(s).** One copy of Proposed Development Plan(s) illustrating the proposed Change of Use as follows:
 - A. 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"
 - B. 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 property clearly shown.
 - Legal Data to Appear on ALL Submitted Plans, as appropriate:
 - 1. Name and address of applicant and authorization of owner if different from applicant.
 - 2. Name and address of owner(s) of record, if different from applicant.
 - 3. Name and address of person or firm preparing the plan.
 - 4. Current zoning classification of property, including exact zoning boundary if the development site is in more than one district.
 - 5. Property boundary line plotted to scale. Distances, angles, and area should be shown.

- 6. North arrow, scale, and date.
 - 7. Property lines and names of owners of adjoining parcels.
 - 8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within and adjoining the property.
 - 9. Date of plan(s) and subsequent revisions.
 - 10. Plans must be stamped with original stamp of registered architect, landscape architect, or professional engineer, as appropriate.
- 4. Historic Structure Determination.** Submit a written determination by local/state historical commission(s) regarding whether the existing structure(s) qualify for listing or are listed on the State and/or National Register of Historic Places. For assistance, please contact the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125 (617) 727-8470.
- 5. All documents and analysis supporting the Limited DRI Determination Application.** Provide a clear and concise written statement/narrative describing why the existing and proposed use(s) meet the criteria for a Limited DRI Determination in Section 4(b)(ii) of the DRI Enabling Regulations, and which illustrates the anticipated impacts of the proposed use in comparison with those of the immediately prior use.

SECTION III. IMPORTANT NOTES:

If you have any questions or require assistance in completing this application form, 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

The Commission staff and Commission members may not consider documents or information that are not submitted at least fourteen (14) calendar days prior to any scheduled public hearing or meeting before the Regulatory Committee. Additionally, failure to provide information in a timely manner may result in cancellation of such meeting or hearing. This rule is intended to ensure that all documents received by the Commission will have ample time to be reviewed by project staff and to be routed to and reviewed by Regulatory Committee members.

Copying Requirements

Once the Limited DRI Determination Application is deemed *complete* and the project planner has scheduled a public hearing, the Applicant should provide eight (8) copies of the completed application and any supplemental materials for distribution to Regulatory Committee members.

If the Applicant fails to provide the necessary copies in a timely manner, any copies that must be produced by the Commission will be charged to the Applicant in accordance with the Schedule of Fees. In the event that a significant volume of copying needs to be undertaken by the Commission that necessitates the services of an outside vendor, the Applicant will be charged for this copying.

In an effort to reduce non-recyclable materials, the Commission would prefer that all materials be submitted on **recycled content paper** and be **printed double-sided**. Additionally, please avoid the use of metal or plastic ring binders and plastic report covers.

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 the Enabling Regulations) for these and other charges that are the responsibility of the Applicant.