

ATTACHMENT 5 JURISDICTIONAL DETERMINATION APPLICATION

This attachment is for an APPLICATION pursuant to section 12(j) of the Cape Cod Commission Act, chapter 716 of the Acts of 1989 (Act), as amended, for a JURISDICTIONAL DETERMINATION as to whether a proposed development is or is not a Development of Regional Impact under the Standards and Criteria set forth in Section 3 of the DRI Enabling Regulations and/or as to whether the proposed development is exempt from Commission review pursuant to Section 22 of the Act.

SECTION I. FILING PROCEDURES:

STEP ONE: PRE-APPLICATION MEETING

It is strongly recommended that an Applicant or Municipal Agency requesting a Jurisdictional Determination contact the Cape Cod Commission regulatory staff to set up a pre-application meeting. Its purpose is to provide an important opportunity to discuss Application requirements and the Jurisdictional Determination review process with Commission staff. Additionally, the pre-application meeting may help to reduce the likelihood of problems or delays later in the review process. The Applicant or Municipal Agency should bring any plans or information on the development 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 the **Application Cover Sheet and its Required Filing Materials** 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 the Application Cover Sheet and required filing materials (see below for additional copying requirements) at this appointment. **Application packages submitted for filing will be accepted only if they contain the Application Cover Sheet and its Required Filing Materials.**

STEP THREE: REVIEW OF ACCEPTED APPLICATIONS

Once accepted at the Application Filing Appointment, Jurisdictional Determination Applications will then be reviewed for *completeness* by planning and technical staff. In order to be deemed *complete*, a Jurisdictional Determination Application must contain all items listed below unless waived by Commission staff.

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 within seven (14) calendar days of receipt whether the Jurisdictional Determination Application has been deemed *complete*. This letter begins the 21-day timeclock to hold and complete the public hearing and render a decision on a Jurisdictional Determination Application. This letter will include the date, time and place of the public hearing to consider the Jurisdictional Determination Application. Staff will also notify the Applicant in writing if the Jurisdictional Determination Application is determined to be *incomplete*, and will specify the materials/information still required. Substantive public hearings

will not be scheduled on a Jurisdictional Determination Application until Commission staff determines that the Application is *complete*.

STEP FOUR: JURISDICTIONAL DETERMINATION REVIEW

Once a Jurisdictional Determination Application is deemed *complete*, it is reviewed by the Commission staff as to whether a proposed development is or is not a Development of Regional Impact under the Standards and Criteria set forth in Section 3 of the DRI Enabling Regulations and/or as to whether the proposed development is exempt from Commission review pursuant to Section 22 of the Act. Section 5 of the DRI Enabling Regulations will also be used in making a determination of whether a project is exempt from Commission review.

SECTION II. REQUIRED SUBMITTALS:

- 1. Application Cover Sheet and its Required Filing Materials.** Please note that Jurisdictional Determination applications do not require the submission of an abutters list.
- 2. Existing Conditions Plan.** If requested by staff, submit Existing Conditions Plan that illustrates existing site characteristics, including man-made and natural features, following Plan Size Requirements and General Requirements listed in 3(A) and 3(B) below.
- 3. Proposed Development Plans.** One copy of proposed development plan(s) 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 entire 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. All documents and analysis supporting the request for a Jurisdictional Determination.** Provide a statement about the provisions of the Act under which the Applicant or Municipal Agency believes the proposed development is or is not a Development of Regional Impact under Section 3(e) of the DRI Enabling Regulations and/or Section 22 of the Act. Please also refer to Section 5 of the DRI Enabling Regulations for guidance as to whether a project is exempt under Section 22 of the Act.
- 5. Copy of application(s) for any development permit(s) filed with Municipal Agency(ies) with filing date of such application(s).**
- 6. Certification of local filing.** Provide certification of filing copies of **this** completed application with the Planning Board, Building Inspector, Town Clerk and any other local board before which a permit is pending or action is required for this proposed project. It is the ongoing responsibility of the Applicant to continue to provide these municipal agencies and boards with all materials provided to the Commission throughout the Jurisdictional Determination review process.

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.

Copying Requirements

Under the Commission's policy on Delegations of Authority, the Commission or Chair of the Commission may delegate to a subcommittee the authority to hold one or more public hearings and to make a final determination on a Jurisdictional Determination.

- If the Commission has delegated the authority to make a final determination to a subcommittee, the Applicant should provide seven (7) copies of the completed application and any supplemental materials (for distribution to Commission Subcommittee members) once the Jurisdictional Determination Application is deemed *complete* and the project planner has scheduled a public hearing.
- If the Commission has NOT delegated the authority to a subcommittee to make a final determination, up to nineteen (19) copies of all materials should be submitted for distribution by Commission staff to Commission members (staff will advise Applicant of exact number required) at least seven (7) business days prior to a final hearing before the full Commission.

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 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. 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 all necessary Commission/Subcommittee members.

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