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■ **Review under MEPA** – Projects requiring review under the Massachusetts Environmental Policy Act (MEPA) may also require DRI review. An applicant may request a joint review process with the state and the Cape Cod Commission. For an informal opinion on whether a project qualifies as a DRI, an applicant may contact a Commission staff member listed on the back panel of this brochure. In addition, the applicant or town may request a “jurisdictional determination” from the Commission; this entails a 21-day process in which the Commission will determine whether or not a project qualifies as a DRI.

**Q. Are any projects exempt from full DRI review?**

**A.** Projects that are determined to be DRIs may, under certain circumstances, receive an exemption from full DRI review. To qualify, an applicant must prove a hardship or demonstrate that a project does not have regional impacts. In addition, projects that obtained certain local permits, as specified in the Cape Cod Commission Act, before July 1, 1989 or the effective date of the Act are exempt from DRI review.

**Q. How is a project referred to the Cape Cod Commission?**

**A.** The formal review process starts when the applicant applies for town permits. If a project triggers one of the previously listed thresholds, the local permitting authority will refer the project to the Commission for DRI review. If the project is referred to the Commission, the town-permitting time clock is suspended until the Commission completes the DRI review.

**Q. Where does an applicant start?**

**A.** The Cape Cod Commission encourages potential applicants to meet with Commission staff while each project is in the early stages of planning. The pre-application meeting allows the staff to assist with site planning, design issues, and the application process. A joint scoping session with the town may also take place at this time.

When an applicant applies for town permits and the project is referred to the Commission, the applicant must submit a DRI application. The application includes questions about property ownership, project location, and description. The applicant must also file project plans and other supporting documents, as necessary. Cape Cod Commission staff members are available to answer questions about the DRI application.

**Q. How long does the DRI review take?**

**A.** A complete application is key to a timely review. The average DRI review time to date is about five months, although it can be shorter. State law requires completion of the review process within seven months, unless the applicant and the Commission mutually agree to extend the period. The Cape Cod Commission tries to make DRI decisions as expeditiously as possible.

**Q. Who conducts a DRI review?**

**A.** The Cape Cod Commission is made up of 19 appointed members. Review of each DRI project is assigned to a subcommittee of five Commission members (one of whom may be the local representative). Commission staff prepare a report on the project for the subcommittee. The subcommittee holds at least one public hearing on the project in the town in which the project is located. Once the subcommittee’s review is complete, the subcommittee and staff make a report to the 19-member Commission, which holds a final public hearing and renders a decision on the project.

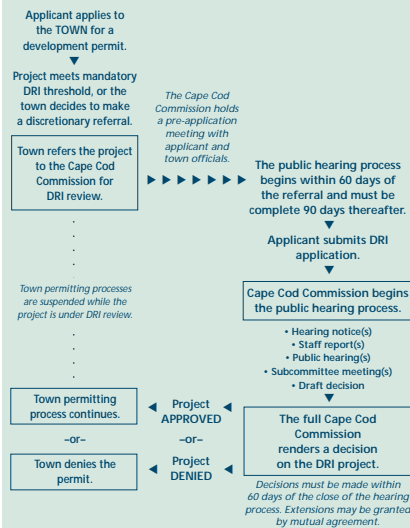
complete the town review and permitting process to obtain the necessary local approvals and proceed with the project. The time clock of the local board, which was suspended during DRI review, resumes after the Commission makes its decision.



**RESOURCES AVAILABLE ON REQUEST**

- Cape Cod Commission Act, the state legislation that established the Cape Cod Commission
- Regional Policy Plan and supporting documents, the regional standards guiding development on Cape Cod
- Regulations supporting the intent of the Cape Cod Commission Act (e.g., Regulations of General Application and the Administrative Regulations)
- Policies governing specific Commission protocol, including hardship exemption requests, change of use, affordable housing, and revisions to approved DRIs
- Technical bulletins and studies on specific topics, including nitrogen loading, open space, habitat assessment, and traffic fair-share guidelines
- Project reports completed by prior applicants or consultants
- Guidance documents and manuals on design, historic structures, and districts of critical planning concern
- Application forms for DRIs, exemption requests, and jurisdictional determinations

**Typical Process for the Review of a Development of Regional Impact (DRI)**



**Q. What does the Commission look for when reviewing a project?**

**A.** To be approved, a project must be consistent with the Cape Cod Regional Policy Plan, the local comprehensive plan, local development bylaws, and any designated Districts of Critical Planning Concern (areas that have been designated for special protection of important resources).

A project must also show that its benefits to Cape Cod outweigh its detriments. The DRI review process incorporates local concerns as much as possible.

To be approved, a project may be required to meet certain conditions, such as contributing a fair share of funds towards traffic improvements or providing affordable housing in new residential developments.

**Q. What happens after DRI review is complete?**

**A.** After a DRI project is approved by the Cape Cod Commission, the applicant needs to

**Q. How can an applicant keep costs down?**

**A.** The Cape Cod Commission works closely with applicants and local, regional, and state reviewing boards to help keep costs down. For example, the Commission may be able to coordinate local review and DRI review through a joint scoping process, saving time and money. Cape Cod Commission staff members and resources are also available to provide assistance and to minimize duplication of effort.

Timely submission of the requested information also ensures that the process goes smoothly. In addition, site plan submission requirements are similar to those that are required by town boards.

Fees vary according to the type of project and are listed in the DRI application packet. Under some circumstances, a full or partial waiver of the filing fee may be granted.

The resource list (above) and list of Commission staff (back cover) included in this brochure may help with the DRI review process. For further information, please call the Cape Cod Commission at (508) 362-3828.

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## CAPE COD COMMISSION DRI ASSISTANCE

- Overall Policy Questions and Community Liaison  
Executive Director: Margo Fenn  
Chief Planner/Deputy Director: John Lipman
- Regulatory Review  
Chief Regulatory Officer: Dorr Fox  
Senior Regulatory Planner: Sharon Rooney R.L.A.  
Staff Counsel: Margaret Callanan  
Planners: Andrea Adams, Martha Hevenor, Sarah Korjeff, Heather McElroy, Paul Sutton, Tana Watt, Gay Wells A.I.C.P., Seth Wilkinson  
Commission Clerk: Katharine Peters
- Informal Jurisdictional Determination  
Chief Regulatory Officer: Dorr Fox  
Senior Planner: Sharon Rooney R.L.A.  
Staff Counsel: Margaret Callanan
- Water Resources  
Program Manager: Tom Cambareri C.G.W.P., L.S.P.  
Technical: Gabrielle Belfit, Ed Eichner, Scott Michaud
- Coastal Resources  
Marine Resources Specialist: Steven Tucker
- Open Space, Wetlands, Wildlife and Plant Habitat  
Natural Resources/Land Protection Specialist:  
Kathy Sferra  
Planners: Heather McElroy, Paul Sutton
- Economic Development  
Economic Development Officer: James O'Connell
- Transportation  
Program Manager: Bob Mumford  
Technical: Glenn Cannon P.E., Paul Tilton
- Hazardous Waste Management  
Specialist: Andrea Adams
- Affordable Housing  
Affordable Housing Specialist: Ed Allard
- Heritage Preservation and Community Character  
Historic Preservation Planner: Sarah Korjeff  
Community Character Planners: Sharon Rooney R.L.A., Paul Sutton, Tana Watt, Seth Wilkinson
- DRI Support Staff  
Department Assistant: Carolle White

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## A guide to the review process for

# Developments of Regional Impact



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The Cape Cod Commission is a regional land use planning and regulatory agency created by an Act of the Massachusetts General Court in 1990. The Commission reviews projects that present regional issues identified in the Act, including water quality, traffic flow, historic values, affordable housing, open space, natural resources, and economic development. This guide answers questions frequently asked about the Development of Regional Impact review process. Members of the Cape Cod Commission staff are available to provide assistance with any questions you might have.



### What is a Development of Regional Impact?

Certain development projects, due to their size, location, or character, affect more than one community. For example, a proposed commercial development may impact water quality in two towns. The Cape Cod Commission Act calls such a project a "Development of Regional Impact," or DRI.



### What kind of project needs to go through the DRI review process?

The type, size, location, and character of a development determines the necessity for its review as a DRI. Projects come to the Cape Cod Commission for review in one of three ways:

- **Mandatory Referral** – DRI review is required by law if a project exceeds a specific threshold. Examples of projects that need to go through mandatory DRI review by the Cape Cod Commission are those involving:
    - subdivisions of 30 acres or more
    - development of 30 or more residential lots or dwelling units
    - development of 10 or more business, office, or industrial lots
    - commercial development or change of use for buildings greater than 10,000 square feet
    - transportation facilities for passage to or from Barnstable County
    - demolition or major changes to some national- or state-recognized historic structures
  - bridge, ramp, or road construction providing access to several types of water bodies and wetlands
  - new construction or change of use involving outdoor commercial space greater than 40,000 square feet
  - construction of any wireless communication tower exceeding 35 feet in height
  - site alterations or site disturbance greater than two acres without a valid local permit
  - mixed use residential and non-residential developments with a floor area greater than 20,000 square feet
- **Discretionary Referral** – DRI review may also be required for projects that do not meet a threshold but are forwarded to the Cape Cod Commission from the town in which they are located. The Commission must first vote to accept this type of referral as a development that has regional impacts.