

ATTACHMENT 6 REQUEST FOR JOINT MEPA/DRI REVIEW

This attachment is for an APPLICATION for a Joint Review pursuant to the Memorandum of Understanding (MOU) between the Cape Cod Commission (Commission) and the Massachusetts Executive Office of Environmental Affairs – MEPA Unit (MEPA). The Joint Review process has been established due to the extensive overlap of the statutory responsibilities of the two agencies in regard to development in Barnstable County. The Joint Review process is voluntary and is intended to provide a coordinated review of projects that are subject to both Commission and MEPA 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. As such, the information needed for the Joint Review application will vary depending on when in the process the Joint Review is initiated. These differences are listed in Section II below.

SECTION I. JOINT REVIEW PROCEDURES

The following generally describes the Joint Review process. Further details can be reviewed in the attached MOU, the MEPA regulations (301 CMR 11.00) and the Commission's Enabling Regulations.

STEP ONE: PRE-APPLICATION MEETING

It is strongly recommended that Applicants contact the Commission regulatory staff to set up a pre-application meeting. This meeting should be held prior to the Applicant's filing of an ENF with MEPA. Its purpose is to provide an important opportunity for staff and Applicants to discuss the Joint Review process and to agree on a future filing date for the Joint Review application and a date for a public hearing/scoping session for the project. Applicants should bring any conceptual plans, studies, or information on the property and/or development proposal to this meeting. This is especially important for the Applicant in order to receive clear direction prior to investing in design and engineering costs. Additionally, the pre-application meeting may help to reduce the likelihood of problems or delays later in the review process.

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 12 sets** (including one unbound original) of all required information as specified in Section II below. **Application packages submitted will not be accepted at this appointment unless they contain the Application Cover Sheet and its required filing materials.**

STEP THREE: JOINT REVIEW OF ACCEPTED APPLICATIONS

ENF Process

Once a Joint Review application has been submitted and accepted, a public hearing/scoping session will be scheduled within 20 days of the publication of the ENF in the *Environmental Monitor* (published by MEPA). The public hearing/scoping session is intended to allow interested persons to comment on the project and is held during the required ENF 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 ENF.

Following the public hearing/scoping session, and prior to the ENF comment period ending, the subcommittee will meet to decide on its comments to MEPA. The subcommittee then sends a comment letter to MEPA that includes a recommended scope for the Joint Review process. It should be noted that the Commission's scope of review may be broader than the MEPA jurisdiction.

Following the close of the ENF comment period, the Secretary of Environmental Affairs (Secretary) will issue a certificate for the project. If the Secretary does not require an EIR, the joint Commission/MEPA process concludes. However, the Commission DRI process continues if a mandatory threshold is exceeded and a town referral is received (see Attachment 1 for the applicable DRI review process). If the Secretary requires an EIR, the scope is detailed in the Secretary's certificate and the Joint Review process continues with the preparation of a Draft EIR.

Draft EIR Process

A Draft EIR is prepared and submitted to MEPA that responds to the scope of the Secretary's ENF certificate. The preparer should also submit 12 copies of the Draft EIR to the Commission. The preparer of the Draft EIR should ensure that all materials required for the Commission's DRI review be included in the document based on the ENF scoping letter submitted by the Commission subcommittee. During the public comment period on the Draft EIR, the Commission may hold a public hearing to receive input from the public on the document. Prior to the closing of the public comment period, a Commission subcommittee submits a letter to MEPA commenting on whether the Draft EIR adequately responds to the EIR scope. Following the close of the Draft EIR comment period, the Secretary issues a certificate on the adequacy of the Draft EIR and either requires the preparation of a supplemental Draft EIR or a Final EIR.

Final EIR Process

The proponent prepares a Final EIR that may be limited to aspects of the project or issues that require further description or analysis. The Final EIR also contains a response to comments raised by the Commission and others. The preparer submits the Final EIR to MEPA and 12 copies of the Final EIR to the Commission. During the public comment period for the Final EIR, the Commission may hold a public hearing to receive input from the public on the document. Prior to the closing of the public comment period, a Commission subcommittee will submit a letter to MEPA commenting on whether the Final EIR is adequate. Following the close of the Final EIR comment period, the Secretary issues a certificate on the adequacy of the Final EIR and either requires the preparation of a supplemental Final EIR or determines the Final EIR to be adequate. Once the Secretary issues a certificate that determines the Final EIR to be adequate, the state environmental review process concludes and the Commission's statutory timeframes begin.

Commission DRI Review Process

The Commission must open a public hearing within 45 days of the date of the certificate issued by the Secretary indicating that the Final EIR is adequate. Additional hearings may be held as necessary throughout the Commission's review process.

Before a substantive public hearing can be held, all information required for a complete DRI application must be submitted, included in the EIR or waived by the Executive Director. If the DRI application is incomplete at the conclusion of the environmental review process, a hearing officer may be required to open the public hearing for procedural purposes. The required submittals and required number of plans for a DRI application are itemized in "*Attachment 1: DRI Application Filing Procedures & Requirements*" that may be obtained from Commission staff or the Commission's web site (www.capecodcommission.org). Additional information may be required by the Commission to address any remaining issues. The Commission reviews a proposed project for its consistency with the Cape Cod Commission Act, the Regional Policy Plan, Districts of Critical Planning Concern, local regulations, and certified Local Comprehensive Plans.

SECTION II. REQUIRED SUBMITTALS:

1. Application Cover Sheet and its Required Filing Materials.

The Application should include a statement that if an EIR is required, the EIR will cover issues of concern to, and within the jurisdiction of, both MEPA and the Commission.

2. A completed Environmental Notification Form (ENF), as required by the Massachusetts Executive Office of Environmental Affairs – MEPA Unit.

3. Massachusetts Historical Commission (MHC) Notification Form. Applicant must complete and submit a Project Notification Form (PNF) to the MHC (PNF may be obtained from Commission staff or from MHC's web site (<http://www.sec.state.ma.us/mhc/mhcform/formidx.htm>).

a. If the proposed project involves demolition or alteration of a historic structure, current photographs of the historic structure and elevation drawings showing all proposed building facades should be included with the PNF. (This will allow MHC to provide comments on the PNF more quickly.) Copies of all submitted materials must be provided to the Commission.

b. Submit proof of receipt of PNF by the MHC.

4. Certification of Local Filing. Provide certification of filing copies of **this** completed application with all relevant municipal agencies, including any 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 Joint Review process.

5. Development Plans & Supporting Studies.

Applications for Joint Review that are initiated at the ENF filing stage should include the information required in sections A, B and C below. Applications for Joint Review that are initiated at the EIR filing stage (or any EIR prepared for a Joint Review) should include the information required in sections D and E below.

***** FOR JOINT REVIEW INITIATED AT ENF FILING *****

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

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

B. Existing Conditions Plans.

Submit Existing Conditions Plan including gross square footage calculations of existing building(s) on the project site (following Plan Size Requirements listed in 5(A) above), as well as photographs and/or any other pertinent information illustrating the most recent use(s) of the site.

C. Proposed Development Plans.

Plans should illustrate the proposed project clearly, although the design does not need to be fully developed at the ENF stage.

All plans should be drawn at an appropriate scale that provides sufficient detail to understand the project.

If the plan requires more than one sheet, a cover sheet showing the entire property must be included.

Include a locus map with the outline of the entire property clearly shown.

***** FOR JOINT REVIEW INITIATED AT EIR FILING and INFORMATION TO BE INCLUDED IN ALL JOINT REVIEW EIRS *****

D. Required Plans.

Plans submitted for Joint Review at EIR stage should include all information necessary for DRI review as listed in Section II (4), Attachment 1: DRI Application Filing Procedures & Requirements, that may be obtained from Commission staff or the Commission's web site (www.capecodcommission.org).

E. Supporting Studies, Reports, or Information.

Supporting Studies, Reports, or Information needed for DRI review should be included at the EIR stage of the Joint Review and should include all information listed in Section II (5), Attachment 1: DRI Application Filing Procedures & Requirements, that may be obtained from Commission staff or the Commission's web site (www.capecodcommission.org).

SECTION III. IMPORTANT NOTES AND POLICIES:

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 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 Joint Review process. Please see the Schedule of Fees (within the Enabling Regulations) for these and other charges that are the responsibility of the Applicant. All publishing and mailing notices for the DRI review shall also be the responsibility of the Applicant.