



Application Cover Sheet

Cape Cod Commission
3225 Main Street, PO Box 226
Barnstable, MA 02630
Tel: (508) 362-3828
Fax: (508) 362-3136

For Commission Use Only

Date Received:
Fee (\$):
Check No:
File No:

A Type of Application (check all that apply)

- Development Agreement Two-Party Agreement
- Three-Party Agreement

B Project Information

Project Name: _____ Fee Waiver Request? yes no

Requested Participating Parties: _____ Total Land Area Subject to Development Agreement: _____

Project/Property Location: _____

Brief Project Description:

Include total square footage of proposed and existing development, gross floor area, number of lots existing or to be created, specific uses, description of existing and conditions, as applicable (attach additional sheets if necessary).

Existing zoning of the site and any proposed zoning amendments required by the Development Agreement: _____

List the local, state, or federal agencies from which permits or other actions have been/will be filed: _____

Proposed duration of the Development Agreement: _____

C Owner(s) of Record

List the following information for all involved parcels. Provide copies of each Deed and Purchase and Sale Agreement and/or evidence of leasehold interest, if applicable, for all involved parcels. Proof of ownership/legal rights for Applicant(s) to proceed with the proposed development must be documented prior to the Commission deeming any application complete (attach additional sheets if necessary).

Map/Parcel	Owner's Name	Lot & Plan	Land Court Certificate of Title #	Registry of Deeds Book/Page #
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

There **ARE/ARE NOT** (circle one) court claims pending or completed, involving this property (if yes, please attach relevant information).

D Certification

I hereby certify that all information provided on this application form and in the required attachments is true and accurate to the best of my knowledge. I agree to notify the Cape Cod Commission of any changes on the information provided in this application, in writing, as soon as is practicable.

APPLICANT	Applicant(s) Name: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____

CO-APPLICANT	Co-Applicant(s) Name: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____



Certification (continued from page 1)

CONTACT	Contact: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____

PROPERTY OWNER	Property Owner: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____

BILLABLE ENTITY	Name: _____ Tel: _____ Fax: _____
	Address: _____

REQUIRED FILING MATERIALS

The following must be attached to the Application Form at the time of its filing:

- Certified List of Abutters (unless such items are waived by the Executive Director or his/her designee)
- A list of abutting property owners within 300 feet of the boundaries of the development site and their addresses. Include both local and off-Cape addresses when applicable.
- This list must be formatted in three columns consistent with the Standard Label Format designed to print on Avery Labels #5160.
- List must be certified by the Town Assessor’s Office. Note: Assessor’s offices may take up to 10 days to certify an abutter’s list.
- If there are more than 50 abutters, applicants must provide three sets of the certified list on self-adhesive labels.
- Required Filing Fee. A filing fee in accordance with the Cape Cod Commission Schedule of Fees set forth in Chapter A, Enabling Regulations Governing Review of Developments of Regional Impact, in the form of a money order or certified check made payable to the Barnstable County Treasurer.
- A legal description and a recent survey of the land subject to the agreement and the names of its legal and equitable owners.
- A description of the public capital facilities and private infrastructure and facilities that will serve the development, including who shall provide such capital facilities and infrastructure, the date any new facilities will be constructed, and a schedule to assure capital facilities adequate to serve development are available concurrent with impacts of the development.
- A description of any reservation or dedication of land and waters for public purposes which may include recreational, conservation, agricultural, aquacultural, and historic purposes, or such other public uses which the Commission specifically approves.

(continued from page 2)

- Certification that a copy of this application has been filed concurrently with the town clerk, the inspector of buildings, and the municipal agency(ies) before which a permit application is pending, in the town in which the proposed development is to be located.
- Certification that the Qualified Applicant has a majority legal or equitable interest in the subject property.
- A copy of the Final Environmental Impact Report, certified as adequate by the Secretary of Energy and Environmental Affairs, if required under Sections 61-62h of Chapter 30 of the general laws.
- Additional data necessary to assess the impact of the proposed development as determined by Commission staff at a pre-application meeting.
- Attachment 1: Development Agreement Application.

I acknowledge that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve myself acting as Qualified Applicant or Participating Party of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

I hereby certify that the answers contained in and information attached to this application form are true and accurate to the best of my knowledge, under penalty of the law.

Qualified Applicant or Authorized Representative
Name (Please Print)

Signature

Date of Signature

The Commission will review your application and notify you by mail of your public hearing on this application after a determination that this application is complete. You may also call the Commission staff with any questions. Please direct any questions to the Cape Cod Commission (508) 362-3828. Complete and return this application by hand-delivery or certified mail to: Clerk, Cape Cod Commission, P.O. Box 226, 3225 Main Street, Barnstable, MA 02630.

ATTACHMENT 1 DEVELOPMENT AGREEMENT (DA) APPLICATION

SECTION I. DA REVIEW PROCEDURES:

STEP ONE: NOTICE OF INTENT

A Qualified Applicant shall file a Notice of Intent to file a Development Agreement application. The Cape Cod Commission's Regulatory Committee shall determine whether the proposed development is suitable and qualifies for the Development Agreement Process. The Regulatory Committee shall make a recommendation to the Cape Cod Commission (Commission), which shall vote at a public hearing whether the proposed development is suitable for consideration as a Development Agreement with the Commission, therefore allowing the Qualified Applicant to proceed with the Development Agreement application. If the Commission determines that the proposed project is suitable to be the subject of a Development Agreement, the Qualified Applicant shall have one year from the date of that determination to file a Development Agreement application with the Commission, and to pay the applicable fee in accordance with the Commission's Enabling Regulations.

STEP TWO: PRE-APPLICATION MEETING

It is strongly recommended that Qualified Applicants contact Commission regulatory staff to set up a pre-application meeting. This meeting is best held prior to the Qualified Applicant's filing of development plans at the local level. Its purpose is to provide an important opportunity for the staff, Qualified Applicants and the town to discuss the application requirements as well as the Development Agreement review process. Qualified Applicants should bring any conceptual plans, sketch plans, studies, information relating to the property, as well as their development proposal to this meeting. This step is especially important for the Qualified Applicant as it would allow him/her 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. (Note, that if in the Commission staff's opinion, the Qualified Applicant has all the required materials prepared, and is ready to proceed with filing the application at the time of this meeting, then the pre-application meeting may also serve as the application filing appointment, provided that the Qualified Applicant has filed for local development permits and the Commission has received a referral for the proposed project (see Step Three)).

STEP THREE: APPLICATION FILING APPOINTMENT

Qualified Applicants shall file all the required submittals (as listed below in Section II) with the Commission at its office during an application filing appointment. This appointment must be scheduled at least two business days in advance with the Chief Regulatory Officer, or his/her designee. Qualified Applicants shall submit three sets of all required information, which is to include one original and two unbound copies, one set of plans, and one CD containing the application information in a PDF format. (Refer to Section III for additional copying requirements). Application packages submitted will not be accepted at this appointment unless they contain the Application Cover Sheet and all of the required filing materials.

STEP FOUR: REVIEW OF ACCEPTED DA APPLICATIONS

Once accepted at the application filing appointment, Development Agreement applications will then be reviewed for completeness by the Commission's regulatory, planning, and technical staff. In order to be

deemed complete, a Development Agreement application must contain all the items listed in Section II of this form, unless these items are waived by the Executive Director or his/her designee.

This review of submitted materials is to ensure that all materials have been provided and that Commission staff has the information necessary to proceed with writing a Staff Report in preparation for a substantive public hearing.

Substantive public hearings will not be scheduled until Commission staff determines that a Development Agreement application is complete. If a Development Agreement application is determined to be incomplete, a Hearing Officer may be required to open the public hearing for procedural purposes only (no presentations will be made, and no testimony will be taken at these hearings). Failure to submit a complete Development Agreement application in a timely manner may result in a procedural denial.

STEP FIVE: DA CONSISTENCY REVIEW

Within ten days of certification by Commission staff that a completed Development Agreement application has been filed, Commission Chair shall appoint a subcommittee pursuant to Section (4)(a)12 of the Act, to represent the Commission in negotiating the Development Agreement. The authorized subcommittee and Participating Parties (as defined in Chapter D of the Commission's Enabling Regulations) shall conduct a public hearing to review relevant information on applicable subjects under the Act, the Regional Policy Plan (RPP), the Local Comprehensive Plan (LCP), and local zoning. At least one public hearing shall be held in at least one municipality(ies) in which the proposed development is located. The RPP and associated technical bulletins applicable to the Commission review of the proposed development shall be those in effect at the date of the first substantive public hearing.

When a Development Agreement is being negotiated by the Qualified Applicant with both the Commission and a municipality, the Qualified Applicant shall meet separately with both the subcommittee and the municipality in a public hearing to identify areas of compliance and noncompliance with regulatory standards applicable to the subjects identified pursuant to the initial public hearing (as discussed above). Following this split review, the subcommittee, the municipality(ies) and the Qualified Applicant shall meet together at a public meeting so that the subcommittee may make findings with respect to the development's consistency with the Act, the RPP and the LCP, and the municipality(ies) may make findings with respect to local zoning and applicable state law. The subcommittee and the Participating Parties shall reconcile any conflicts between the two separate reviews. The subcommittee may request that a draft Development Agreement be drafted by Commission staff.

SECTION II. REQUIRED SUBMITTALS:

- 1. Application Cover Sheet and its Required Filing Materials.**
- 2. Massachusetts Historical Commission (MHC) Notification Form.** Qualified 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 at: 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.

3. Certification of Local Filing. Provide certification of filing copies of **this** completed application with the Town Clerk, Building Inspector, DRI Liaison, Planning Board, 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 Qualified Applicant to continue to provide these municipal agencies and boards with all materials provided to the Commission throughout the DRI review process.

4. Required Plans.

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 the Qualified Applicant and authorization of owner if different from the Qualified Applicant.
2. Name and address of owner(s) of record, if different from the Qualified Applicant.
3. Name and address of person(s) 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.

C. Existing Conditions Plans. Shall show the following:

1. **Existing** topography at contour intervals of no more than five feet.
2. Hydrologic features on-site or within 300 feet of the project boundary, including water bodies, wetlands, vernal pools, and floodplains.
3. Vegetative cover, including existing wooded areas, existing landscaped areas, and other significant features.
4. Indicate by survey point any trees that may qualify as Specimen Trees (refer to definition of *Specimen Tree* in the 2009 Regional Policy Plan).
5. Where applicable, indicate in a table the square footage or acreage of the following: developed areas, open space or undisturbed areas, and wetlands.
6. Use, location, and dimensions of major buildings and/or structures, including but not limited to parking and loading areas, fences, walls, and docks.

7. Location and width of existing rights of way, roads, and paths, including site access. Information should include road geometry, sight distances, and emergency vehicle access.
8. Location of any existing sewage disposal facilities, water supply facilities and stormwater utilities.
9. Electric, gas, telephone lines, cable TV and appurtenances, and any other easements.
10. Identify historically significant sites, buildings, and/or features.

D. Proposed Development Plans. Shall show the following:

1. Grading and drainage plan showing **proposed** topography at appropriate contour intervals. Erosion control measures (hay bales, fences, etc.) proposed for use should be noted. (Note that proposed grading and drainage must be shown on a separate sheet from the existing conditions.)
2. Location, proposed use and dimensions of all buildings and other structures, such as retaining walls, fences, docks, outdoor storage tanks, air-conditioning units, and waste disposal units. Include total square footage of impervious building area.
3. Location and arrangement of site access and egress, including parking, loading, outdoor storage areas and all paths for pedestrian travel within the site. Information should include profiles and cross-sections of roadways and sidewalks showing grades and widths. Include total square footage of impervious area from all paved surfaces.
4. Indicate in a table the square footage or acreage of the following: developed areas, open space or undisturbed areas, and wetlands.
5. Location, design and construction of all water, sewage disposal, stormwater disposal, oil, electric, gas and solar energy facilities.
6. General landscaping plan and planting schedule, including the treatment of buffer areas, the location, quantity, types, and size of all plant materials, and natural areas to be retained.
7. Elevation drawings (to scale) of all building façades that also specify all exterior building materials.
8. A roof plan showing the direction of all roof slopes, all roof materials, and the location of all rooftop equipment.
9. Floor plans of proposed buildings and other structures for all floors (as requested by Commission staff).
10. Samples of all proposed exterior materials are required for projects not using traditional wood or brick building materials. A materials board must include samples of all proposed exterior wall, trim, and roof materials, as well as their proposed colors.
11. Location, size, materials, and design of all outdoor lighting facilities and signs.

5. Supporting Studies, Reports, or Information.

Note that the Commission's regulatory staff may initially waive some of the following requirements due to the location, size, or type of development. Guidance on these items, and the timing of their filing, may be obtained at the pre-application meeting.

- A.** Detailed Project Description. Clearly describe the scope of work, including the relationship of the proposal to the existing conditions on-site and the existing and proposed uses. Also:
- Clearly discuss the impacts of your project and how they will be mitigated.
 - Explain how the project benefits the community and the region by meeting or exceeding the Regional Policy Plan's Minimum Performance Standards and Best Development Practices.

- B.** **Written Design Narrative.** The narrative should present the Qualified Applicant’s analysis of the context of the project’s surroundings and the relationship of the project to this context (including a discussion of approaches taken and the success and appropriateness of the selected approach). Clearly explain the design concept, alternatives considered, and how the proposed project’s siting and building design are consistent with Technical Bulletin 96-001, *Designing the Future to Honor the Past, Design Guidelines for Cape Cod*, as amended. Include information regarding materials, colors, and construction methods to be used.
- C.** A traffic impact analysis in accordance with Technical Bulletin 96-003, *Guidelines for Transportation Impact Assessment*, as amended.
- D.** A nitrogen loading analysis for existing and proposed conditions in accordance with Technical Bulletin 91-001, *Nitrogen Loading*, as amended.
- E.** Proposed monitoring well plan (sampling schedule), showing well locations, top of casing elevations, water table elevation, and other relevant information (if applicable).
- F.** Copies of any ground water discharge permits or wastewater treatment pilot project approvals from the Department of Environmental Protection, or any ground water investigations or studies.
- G.** Information on 21-E site assessments concerning environmental contamination on or affecting the project site (if available).
- H.** A plant and wildlife habitat assessment in accordance with Technical Bulletin 92-002, *DRI Guidelines for Natural Resources Inventory*, as amended.
- I.** Project, employment, and economic impact information in accordance with Technical Bulletin 04-002, *DRI Economic Development Technical Bulletin*, as amended.
- J.** Information on how the project will satisfy the Regional Policy Plan’s affordable housing requirements.
- K.** Information on the sales price and/or rent including the methodology and assumptions used, breakdown on the number of bedrooms, size of bedrooms for affordable housing units and provisions for special needs housing.
- L.** Information on the types, amounts, methods of generation, use, storage, treatment, and disposal of solid wastes and/or hazardous materials and/or hazardous wastes.
- M.** Information on the provisions of open space in accordance with Technical Bulletin 94-001, *Guidelines for Calculation & Provision of Open Space in DRIs*, as amended.
- N.** For projects involving a structure that is listed on the National or State Register of Historic Places, or that is a historic structure, submit photographs of the existing property, buildings, and the surrounding properties.
- O.** Information on construction sequencing for any rehabilitation or alteration work proposed on a structure that is listed on the National or State Register of Historic Places.
- P.** Information on exterior lighting in accordance with Technical Bulletin 95-001, *DRI Guidance for Exterior Lighting Design*, as amended.
- Q.** Information on energy compliance in accordance with Technical Bulletin 09-002, *Guidelines for Energy Compliance*, as amended.
- R.** For projects involving telecommunications facilities (monopoles, self-supporting or guyed towers, etc.), information in accordance with Technical Bulletin 97-001, *Guidelines for DRI Review of Wireless Communication Towers*, as amended.

SECTION III. IMPORTANT NOTES:

Additional Assistance

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

Note that additional copies of all submitted materials will be requested prior to scheduled meetings and hearings throughout the review process in accordance with the schedule below:

-Once the DA Application is deemed *complete* and the project Regulatory staff has scheduled a public hearing, the Qualified Applicant shall provide eight (8) copies of the completed application (for inclusion in the Commission's files and distribution to subcommittee members).

-Fourteen (14) calendar days prior to any scheduled Subcommittee public hearing or meeting, the Qualified Applicant shall provide eight (8) copies and one (1) electronic copy of any supplemental materials, revised reports or plans.

-Seven (7) business days prior to a final hearing before the full Commission, the Qualified Applicant shall up to nineteen (19) copies of all materials should be submitted for distribution by Commission staff to Commission members.

If the Qualified 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 Qualified 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 use of paper, the Commission can accept certain application materials electronically and/or on a CD. Also, 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 Qualified Applicant is responsible for paying 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. All fees must be paid in full prior to issuance of a Certificate of Compliance from the Commission.

Prior to a Decision of the Commission

Before a final public hearing is scheduled before the Commission, Qualified Applicants must request and receive a letter from the relevant Town Planner informing the Commission that the Qualified Applicant's project complies with local zoning.