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CAPE COD
COMMISSION

GUIDANCE DOCUMENT
REGULATORY PROJECT APPLICATION PROCESS & REQUIREMENTS
CAPE COD COMMISSION

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SECTION I. APPLICATION PROCESS

PRE-APPLICATION MEETINGS

To best facilitate timely review of an application, it is strongly recommended that an applicant have preapplication meetings with Cape Cod Commission (Commission) staff prior to the Town making a Development of Regional Impact (DRI) referral and the applicant formally submitting an application to the Commission.

The primary purpose of pre-application meetings is to provide an opportunity for Commission staff and the applicant (and town officials) to discuss the Commission's regulatory requirements, including the application and review process, at an early stage of project planning and design, prior to the running of the Commission's statutory review and hearing time periods on an application. An applicant should bring any draft conceptual plans, sketch plans, studies, or information on the property and/or development proposal to these meetings. An applicant should also prepare a pre-DRI Traffic Scoping memorandum¹ prior to submitting a Traffic Impact Analysis as part of an application.

Pre-application meetings may help to reduce the likelihood of problems or delays later in the application and review process, and avoid additional expenses occasioned by potential changes in project design and engineering. Specifically, for DRI applications, pre-application meetings allow Commission staff and the applicant to discuss what are the applicable, material and regionally significant goals and objectives from the Regional Policy Plan (RPP) relative to proposed development; what "Placetypes" from the RPP affect the proposed development site; the appropriateness of certain proposed methods for satisfying RPP objectives set out in the companion Technical Bulletins; and what materials referenced in said Technical Bulletins (see Section II) are required to be submitted in a DRI application

Certain types of development application may be submitted to the Commission without a municipal referral first having been made to the Commission, including DRI Exemptions, DRI Scoping Applications, Jurisdictional Determinations, Decision Modifications, Decision Extensions, and Development Agreements. Additionally, there is

¹ The pre-DRI Traffic Scoping memorandum should, at a minimum, include the proposed trip generation estimates, off-site study area intersections, and time periods of data collection.

no municipal referral when the Commission derives its DRI jurisdiction from review under MEPA (in such cases, the DRI hearing and review timelines commence immediately upon completion of MEPA review and the Commonwealth's issuance of the EIR certification).² Applicants should schedule a pre-application meeting prior to filing an application of any type.

APPLICATION FILING

After a project referral has been made by a town to the Commission, an applicant shall file its application with the Commission. Commission regulatory staff is available for application filing meetings with an applicant.

All application materials must be filed electronically and conform to the following requirements:

- ☐ PDFs must be text searchable.
- ☐ PDFs of plans must be provided, plotted to 11"x17" at a scale of 1"=40'. If necessary, an overall site plan with match lines at suitable scale should also be provided. Electronic and/or physical plans plotted to 24"x36" at an appropriate scale may be requested at the discretion of Commission staff.
- ☐ PDFs of plans must be flattened and must not include SHX data.
- ☐ Images must be high quality (300 DPI or higher).
- ☐ Applications must be submitted both as a combined, bookmarked PDF file; and individual PDF files for each component.
 - Each file must be dated and named in the following format:
YYYY-MM-DD [PROJECT NAME]-[DOCUMENT NAME]
example: 2025-11-24 Main St Store-Project Plans

The only items that must be mailed or delivered as hard copies are:

- ☐ The filing fee (if paying by check); and
- ☐ Three (3) sets of certified abutters labels on self-adhesive Avery 5160-compatible sheets.

² Pursuant to the 1991 Memorandum of Understanding (MOU) between the Cape Cod Commission and the Massachusetts Executive Office of Environmental Affairs—MEPA Unit, and where the Commission anticipates that a project will require DRI review, an applicant may apply for Joint Review. Applicants are encouraged to contact the Commission staff prior to the MEPA comment period for the project to determine if this process is appropriate.

The application must include all Required Materials (in accordance with Section II below).

APPLICATION REVIEW

An application consists of, collectively, those materials referenced in Section II below. Once filed, applications will then be reviewed for completeness by Commission staff. To be deemed complete, an application must contain all items listed below in Section II.

Completeness review is to ensure that an applicant has provided all materials necessary to allow the Commission to review development for consistency with applicable standards of review and approval, and to allow Commission staff the information necessary to proceed with preparing a Staff Report or draft decision in advance of a substantive public hearing. Substantive public hearings will not be scheduled until Commission staff determines that an application is complete.

For purposes of determining application completeness, the Executive Director, through the Commission's regulatory staff, may waive or deem inapplicable some of the following requirements due to the nature and characteristics of the proposed development or development site, informed by discussions and Commission staff requests made at pre-application meetings.

If an application is determined to be incomplete, a Hearing Officer may be required to open the public hearing period for procedural purposes only (no presentations will be made, and no testimony will be taken at these hearings). Failure to submit a complete DRI Application in a timely manner may result in a procedural denial of a project.

SECTION II. REQUIRED MATERIALS

GENERAL REQUIREMENTS

- ☐ **Certified List of Abutters** (required whenever an application requires a public hearing). A list of abutting property owners within 300 feet of the boundaries of the development site and their addresses. List must be certified by the Town Assessor's office.³
- ☐ **Abutters Labels.** Provide three (3) sets of the certified abutters list on self-adhesive labels. This list must be formatted in three columns consistent with the Standard Label Format designed to print on Avery Labels #5160.
- ☐ **Required Filing Fee.** Include a calculation of the fee, according to the Schedule of Fees (See Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact, Section 16), with the filing fee. Checks must be payable to the BARNSTABLE COUNTY TREASURER.
- ☐ **List of required permits.** List the local, state, or federal agencies or boards from which a permit or other actions have, will, or may need to be sought. Include agency/board name, type of permit, date filed, and file number.
- ☐ **Evidence of applicant's standing to make an application.** Copy of Deed, lease, Purchase and Sale Agreement or the like evidencing an Applicant's interest in a proposed development site and its standing to make application to the Commission.
- ☐ **Completed Application Cover Sheet**
- ☐ **Massachusetts Historical Commission (MHC) Notification Form.** An Applicant must complete and submit a Project Notification Form (PNF) to the MHC (PNF may be obtained from Commission staff or from MHC's website). Copies of all submitted materials and proof of receipt of PNF by the MHC must be provided to the Commission.
- ☐ **Certification of Local Filing.** Provide certification of filing copies of the application to the Commission with the Town in which a project is proposed.⁴
- ☐ **Detailed Project Description and Narrative.** The description and narrative must include the following:

³ Assessor's offices may take up to 10 days to certify an abutter's list. Include both local and off-Cape addresses.

⁴ It is the ongoing responsibility of the applicant to continue to provide the Town with all materials provided to the Commission throughout the Commission's review process.

- ☐ Description of the scope of work, including any proposed phasing, the relationship of the proposal to the existing conditions on-site and the existing and proposed uses.
- ☐ Discussion of the project's consistency with the Regional Policy Plan and corresponding Technical Bulletins (identify and describe the methods to be used to meet goals and objectives)
- ☐ Discussion of consistency with applicable municipal development bylaws, ordinances, and regulations (include correspondence from Town officials)
- ☐ Discussion of consistency with the certified Local Comprehensive Plans (include correspondence from Town officials)
- ☐ List of suggested project benefits to the region
- ☐ Relevant references, supporting studies, reports, or information.

REQUIREMENTS FOR PLAN SUBMISSIONS

- ☐ **Plan Size Requirements.** For each plan submitted, provide each of the following:
 - ☐ PDFs of plans must be provided, plotted to 11"x17" at a scale of 1"=40'. If necessary, an overall site plan with match lines at suitable scale should also be provided. Electronic and/or physical plans plotted to 24"x36" at an appropriate scale may be requested at the discretion of Commission staff.
 - ☐ PDFs of plans must be flattened and must **not** include SHX data.
 - ☐ Locus map as an individual PDF. The locus map must be 1:25,000 scale with the outline of the entire property clearly shown.
- ☐ **Legal Data to Appear on ALL Submitted Plans,** as appropriate:
 - ☐ Name and address of Applicant and authorization of owner if different from Applicant.
 - ☐ Name and address of owner(s) of record, if different from Applicant.
 - ☐ Name and address of person(s) or firm preparing the plan.
 - ☐ Current zoning classification of property, including exact zoning boundary if the development site is in more than one district.
 - ☐ Property boundary line plotted to scale. Distances, angles, and area should be shown.
 - ☐ North arrow, scale and date.
 - ☐ Property lines and names of owners of adjoining parcels.

- ☐ Locations, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within and adjoining the property.
- ☐ Date of plan(s) and subsequent revisions.
- ☐ Plans must be stamped with original stamp of registered sanitarian, registered architect, registered landscape architect, professional land surveyor or professional engineer, as appropriate.
- ☐ **Existing Conditions Plans.** Shall show the following:
 - ☐ EXISTING topography at contour intervals of no more than five feet.
 - ☐ Hydrologic features on-site or within 300 feet of the project boundary, including waterbodies and buffers, wetlands and 100-foot buffers, vernal pools and 350-foot buffer, and present and future floodplains.
 - ☐ Watershed delineations, including Zones 1 and 2, marine water recharge areas
 - ☐ Vegetative cover, including existing wooded areas, existing lawn and landscaped areas, and other significant features.
 - ☐ Indicate by survey point any trees that may qualify as Specimen Trees.
 - ☐ Where applicable, indicate in a table the square footage or acreage of the following: developed areas, open space or undisturbed areas, and wetlands.
 - ☐ Where applicable, location of mapped NHESP priority habitat, BioMap Core Habitat and Critical Natural Landscape, and Areas of Critical Environmental Concern.
 - ☐ Use, location, and dimensions of major buildings and/or structures, including but not limited to parking and loading areas, fences, walls, and docks.
 - ☐ Location and width of existing rights of way, roads, sidewalks and paths, including site access. Information should include road geometry, sight distances, and emergency vehicle access.
 - ☐ Location of any existing sewage disposal facilities, water supply facilities and stormwater utilities.
 - ☐ Electric, gas, telephone lines, cable TV and appurtenances, and any other easements.
 - ☐ Identify historically significant sites, buildings, and/or features.
- ☐ **Proposed Development Plans.** Shall show the following:
 - ☐ 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.)
- ☐ 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.
- ☐ Location and arrangement of site access and egress, including parking, loading, outdoor storage areas, signage 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 and packed gravel surfaces.
- ☐ Indicate in a table the square footage or acreage of the following: developed areas, open space or undisturbed areas, and wetlands.
- ☐ Location, design and construction of all water, sewage disposal, stormwater disposal, oil, electric, gas and solar energy facilities.
- ☐ General landscaping plan and planting schedule, including the treatment of buffer areas, the location, quantity, types, and size of all plant materials, the common and scientific names of plant materials, and natural areas to be retained.
- ☐ Coastal resource delineations, 100-foot buffers to those delineations, and present and future floodplain.

Additional issue area specific requirements may apply (see below)

SUBMISSION REQUIREMENTS SPECIFIC TO RPP ISSUE AREA

Review the specific requirements listed in each Technical Bulletin applicable to the project.

- ☐ **Application Materials referenced in the RPP Technical Bulletins**, including, as applicable, the following:

Water Resources

- ☐ A site-wide nitrogen loading analysis for existing and proposed conditions in accordance with Technical Bulletin 91-001, Nitrogen Loading, as amended, and Water Resources Technical Bulletin.
- ☐ Stormwater treatment and capacity calculations

- ☐ Calculation of estimated seasonal high groundwater level
- ☐ Summary table of existing and proposed area of impervious surfaces, engineered pervious surfaces (permeable asphalt, concrete, pavers, etc.) and landscaped or vegetated pervious surfaces
- ☐ Proposed monitoring well plan (sampling schedule), showing well locations, top of casing elevations, water table elevation, and other relevant information.
- ☐ Copies of any ground water discharge permits or wastewater treatment pilot project approvals from the Department of Environmental Protection, or any hydrogeologic evaluations or other ground water investigations or studies.
- ☐ Information on 21-E site assessments concerning environmental contamination on or affecting the project site.
- ☐ Operation and maintenance plans (wastewater, stormwater, drinking water, as applicable)
- ☐ Information on the types, amounts, methods of generation, use, storage, treatment, and disposal of hazardous materials and/or hazardous wastes.

Wildlife Plant Habitat, Open Space, Wetlands

- ☐ A Natural Resources Inventory prepared in accordance with Wildlife and Plant Habitat Technical Bulletin.
- ☐ If invasive species are present, an invasive species management plan.
- ☐ Landscape Plan showing proposed planting areas and schedule of plant species (including common and scientific plant species names, sizes, and quantities).
- ☐ As applicable, correspondence with the Commonwealth's Natural Heritage and Endangered Species Program and other state and federal agencies
- ☐ Calculation of Area of Development Impact and information on the provision of open space in accordance with Open Space Technical Bulletin.

Coastal Resiliency

- ☐ Narrative of alternatives considered
- ☐ Flood Risk Analysis: Hydrodynamic modeling for current and future flood conditions. Include flood depth, velocity, and pathways.
- ☐ Restoration plans (if applicable)

- ☐ Geotechnical report for coastal structures

Economy

- ☐ Economic Impact Assessment (EIA) (required for projects with ≥25 employees). Locus maps (showing competitors, suppliers, customers); Market niche and ownership info; Employment and wage data; Benefits and training programs; Fiscal impact analysis.

Housing

- ☐ Unit details: Number, size, bedroom count; Ownership/rental status; Year-round occupancy and/or affordability mechanisms (e.g., deed restrictions)

Cultural Heritage

- ☐ 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.
- ☐ 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.
- ☐ Identify: Historic resources (on-site and nearby); Cultural landscapes; Archaeological sensitivity (via MHC PNF); Public shoreline access; Agricultural or maritime uses

Community Design

- ☐ Written Design Narrative: Design concept; Alternatives considered; Contextual analysis (Placetype, surrounding development)
- ☐ Context Map: Shows surrounding development, open space, and resources
- ☐ Context Renderings: Visual simulations of proposed development in context
- ☐ Elevation drawings (to scale) of all building facades that also specify all exterior building materials as well as building heights
- ☐ A roof plan showing the direction of all roof slopes, all roof materials, and the location of all rooftop equipment
- ☐ Floor plans of proposed buildings and other structures for all floors as well as the measurements of all facade variations, setbacks, or projections

- ☐ Details (and where requested, samples) for all proposed exterior materials for projects not using traditional wood or brick building materials
- ☐ Location, size, materials, and design of all outdoor lighting facilities and signs, including fixture and material specification sheets
- ☐ Landscape Plan showing proposed vegetated and non-vegetated surface types as well as any proposed removal of existing vegetation
- ☐ For infrastructure projects, see additional requirements on page 41 of the Community Design Technical Bulletin.

Ocean Resources

- ☐ List of required permits and authorizations
- ☐ Characterization of existing environment
- ☐ Analysis of site assessment, construction, and operational impacts
- ☐ Cumulative impacts (with mapping)
- ☐ Resource protection plans: Rare species, eelgrass, marine mammals, sea turtles
- ☐ Construction noise mitigation
- ☐ Monitoring plans: Turbidity; benthic habitat; eelgrass restoration

Energy

- ☐ Documentation of: proposed Green power purchase agreements; On-site renewable systems (type, size, kWh output); Energy storage systems (location, specs, safety plan)
- ☐ LEED/Passive House/SEDI documentation
- ☐ Energy audit (with implementation plan)
- ☐ Decommissioning plan (required for energy generation projects)

Capital Facilities & Infrastructure

- ☐ Narrative of alternatives considered
- ☐ Statement of need: Demonstrates response to existing or future demand; Include quantitative data analysis
- ☐ Narrative on project resiliency addressing climate risks and design for resilience

Transportation

- ☐ A traffic impact analysis in accordance with the Transportation Technical Bulletin.
- ☐ Transportation Demand Management (TDM) measures

Climate Change

- ☐ Greenhouse Gas Impact Analysis and Mitigation Plan: Narrative of anticipated GHG contributions; Quantitative estimates (existing vs. proposed conditions); Mitigation strategies; and Energy modeling (if applicable)
- ☐ Electric Vehicle infrastructure (EV Capable, EV Ready, EVSE)
- ☐ Electrification strategies (e.g., heat pumps, appliances)
- ☐ Renewable energy systems (on-site or purchased)
- ☐ Carbon sequestration efforts (e.g., tree planting, reuse of materials)

Waste Management

- ☐ Construction and demolition waste management plan

SPECIAL REQUIREMENTS

- ☐ **Wireless Communications Facilities.** For projects involving wireless communication towers, information in accordance with Technical Bulletin 97-001, Guidelines for DRI Review of Wireless Communication Towers, as amended.
- ☐ **Claimed financial hardship.** with respect to the property/project:
 - ☐ A certified (by a C.P.A.) pro forma or financial statement for the project, developed using generally accepted accounting principles, or similar certified evidence of financial hardship.
 - ☐ Documentation of funds expended to date on the project, distinguishing those expenditures made in reliance on previously granted local permits, and anticipated costs including both soft (land acquisition, engineering and design) and hard (construction) costs.

SECTION III. IMPORTANT NOTES

Applicant's Responsibility to Provide Requested Information in a Timely Manner

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. Failure to provide information in a timely manner may result in cancellation and continuance of such meeting or hearing. This policy is intended to ensure that the Commission members and staff have sufficient time to review and analyze such new information prior to a public hearing or meeting.

Applicant's Responsibility to Pay Costs of Legal Notices and Other Fees

Applicants are responsible to pay for the actual costs of publishing and mailing legal notices throughout the review process. Please see the Schedule of Fees (within Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact) 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.

Questions

If you have any questions or require assistance regarding applications, 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