

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**

**In the Year Two Thousand and Eleven**

Ordinance 11-04

**To amend Chapter A Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended.**

**SECTION 1: GENERAL PROVISIONS**

**Add the following definition:**

**(c) Definitions**

Wind Energy Conversion Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

**SECTION 16: SCHEDULE OF FEES**

(a) Pursuant to Section 6(d) of the Act, the Commission shall charge the following fees:

**(i) Filing Fees**

For all projects, in addition to the fee outlined below, if the Executive Director of the Commission determines that it will require the services of an outside consultant or other additional resources to assist in any aspect of the project evaluation, the project Applicant will deposit with the Commission an amount of money estimated to cover 100% of these services. If this initial estimate is insufficient to adequately review the project proposal, the applicant will provide the additional funds necessary. Any funds not expended at the conclusion of the review will be returned to the Applicant.

**[1]Development of Regional Impact Applications:**

(a) **Residential Developments** - \$10,000 base fee, plus \$300 per lot or unit

**(b) Non-Residential Developments**

- Buildings: Fifty (50) cents per square foot of gross floor area as defined in Section 1
- Outdoor Space: Fifty (50) cents per square foot (including but not limited to outdoor display areas, swimming pools, tennis courts, and miniature golf courses)

**\* Wind Energy Conversion Facilities (WECF):**

- 1-3 WECF with an output of 250kW up to less than 1MW each:\$3,000
- 1-3 WECF with an output of 1MW or greater each: \$9,000
- Per WECF over 3: \$3,000 per WECF
- Not eligible for Fee Reductions in Section (a)(ii)

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**Other Non-Residential Developments - \$10,000 base fee plus:**

- Divisions of Land: \$300 per lot
- Gravel Pits, Mining and Extraction Activities and Golf Courses: \$300 per acre
- Wireless Communication Towers: \$50 per linear foot of tower/monopole height above ground level
- \* Water dependent uses including but not limited to docks, piers and revetments: Twenty-five (25) cents per square foot
- Utilities and other linear development: Fifty (50) cents per linear Foot

(c) **Mixed Use Projects** -the applicable residential and non-residential per lot/unit/foot fee set forth above. The residential base fee is not applied to Mixed Use Projects.

(d) **Historic Properties** –

Single Family or Accessory Building - \$400  
Other - \$2,500

(e) **Other** - For other types of land uses not covered above, \$10,000 base fee plus (to be determined as needed, based upon similar uses in the fee schedule above.)

(f) **Limited DRI Review** – dependent on number of issue areas to be reviewed (i.e. water, traffic, etc.)

- 30% of regular DRI review if one issue area
- 40% of regular DRI review if two issue areas
- 50% of regular DRI review if three issue areas
- 100% of regular DRI review if more than three issue areas.

(g) **Discretionary Referral** – fee based on full or limited review fee as described above.

[2] **Limited DRI Determination pursuant to Section 5 of the Enabling Regulations:** \$2,500 fee. If Regulatory Committee determines that a full or limited DRI review is required, appropriate review fee shall apply. This base fee may be applied to the full / limited DRI review fee if a DRI review is initiated within six months of the date of the Limited DRI determination.

[3] **Request for Hardship Exemption:**

Fifty percent (50%) of the cost of a full DRI review as required by section 16(a)(i)[1](a-g) above. The Applicant may also request up to an additional 15% reduction in the application fee if it qualifies for at least one of the criteria pursuant to Section 16(a)(ii) below. Should the exemption request be denied, the exemption filing fee may be applied to the full DRI review fee if a DRI review is initiated within six months of the date of the exemption request denial.

[4] **Development of Regional Impact Exemption:**

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Fifty percent (50%) of the cost of a full DRI review as required by section 16(a)(i)[1](a-g) above. Should the exemption request be denied, the exemption filing fee may be applied to the full DRI review fee if a DRI review is initiated within six months of the date of the exemption request denial.

[5] **Development Agreements:** Fee shall equal the applicable DRI review fee. The Applicant may request payment in two phases with 50% of the entire fee due upon application and 50% of the entire fee due prior to the Commission noticing a hearing for consideration of execution of a final Development Agreement.

[6] **Request for Jurisdictional Determination:** \$1,000

[7] **Modifications** to Approved DRIs and Exemptions as categorized under Section 12 above:

- Minor Modifications #1 – No fee
- Minor Modifications #2 - \$2,000
- Major Modification #3 - dependent on number of issue areas to be reviewed (i.e. water resources, traffic transportation, etc.)
  - 30% of regular DRI review if one issue area
  - 40% of regular DRI review if two issue areas
  - 50% of regular DRI review if three issue areas
  - 100% of regular DRI review if more than three issue areas.

[8] **Extensions:** \$2,000 per request

(ii) Reduction in Application Fee – the Applicant may request that DRI fee, up to a maximum discount of 50% (or up to a maximum discount of 65% total if the Applicant is also applying for a Hardship Exemption), identified in Section 16(a)(i)[1] of these regulations be reduced if:

[1] The development is located in an Economic Center as designated by the Land Use Vision Map – 15% reduction

[2] The project is Redevelopment – 15% reduction

[3] The Applicant provides documentation of non-profit organization status pursuant to 26 U.S.C. §501(c)(3) or charitable trust status – 10% reduction

[4] The project is a division of land for estate purposes or for a conservation donation – 10% reduction

(iii) **Fee for Actual Costs of Publishing and Mailing Notice of Public Hearing**

[1] Public Hearing to Consider a Request for a Jurisdictional Determination

[2] Public Hearing to Consider a Request for a Hardship Exemption

[3] Public Hearing to Consider a Request for a Development of Regional Impact Exemption

[4] Public Hearing to Consider a Development of Regional Impact

[5] Public Hearing to Consider an application for a Limited DRI Determination

[6] Public Hearing to Consider a Development Agreement

(iiiiv) **Fee for Actual Costs of Copying** - Applicant shall submit appropriate number of copies of written material as described in application form. If not submitted, fee of \$0.20 per page of text, \$5.00 per oversized copy such as map/plan/etc., or actual cost of reproduction will apply.

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**(iv) Fee for Actual Costs of Recording Documents at the Barnstable County Registry of Deeds/Registry District of the Land Court.**

**(vi) Fee for Post Decision Monitoring Costs** – For projects approved with a requirement for monitoring by Cape Cod Commission staff, a fee based on an estimate of staff time required shall be specified in the final decision.

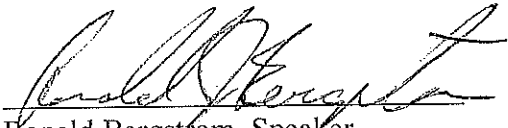
**(vii) Fee for Establishing an Escrow Agreement/Account** – 1% of the Escrow Fund with a minimum fee of \$250 and a maximum fee of \$1,000

(viii) The fees established in this section shall be adjusted annually using the Consumer Price Index (CPI). The base period for the adjustment is the year in which this provision becomes effective. The CPI used will be for All Urban Consumers (CPI-U) for the Boston-Brockton-Nashua, MA-NH-ME-CT (Series All Items, Index Base Period 1982-84=100) as determined by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) unless and until major CPI revisions or changes in the CPI index base period are made by the BLS at which time the revised CPI and base period will be used. The revised fee amounts shall become effective on July 1 of each year and shall be rounded to the nearest dollar or cent, as appropriate

(b) Municipalities within Barnstable County and federal agencies, in those instances where such or federal agency is an Applicant for a proposed development shall be exempt from the fees charged by the Commission. In those instances where such municipality or federal agency is requesting a DRI modification, the modification fee shall be waived.

In the instance where an Applicant is seeking a reduction in the application fee per Section 16(a)(ii) above, the Executive Committee may determine whether the Applicant qualifies for reductions pursuant to Section 16(a)(ii)[3] and [4] above.

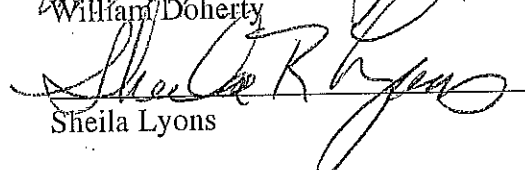
Adopted by the Assembly of Delegates on March 16, 2011.

  
Ronald Bergstrom, Speaker  
Assembly of Delegates

Approved by the Board of Regional Commissioners 3/23/11 at 3:30 p.m.  
Date Time

Mary Pat Flynn

  
William Doherty

  
Sheila Lyons