

(iv) the Applicant is participating in the voluntary Joint Review Process before MEPA and the Commission, and the applicant fails to submit information requested by the Commission or its subcommittee or a Hearing Officer and/or fails to submit information requested by the Secretary in a timely manner;

(v) other instances where the project fails to progress continuously and expeditiously through required regulatory processes and the Commission determines that a procedural denial without prejudice may be properly granted; or

(vi) the Applicant fails to pay the entire filing fee specified in Section 16, Schedule of Fees.

(b) For the purposes of applying the standards set forth above, the Commission or its designee shall determine a time frame for submission of information in a timely manner on a case-by-case basis.

(c) The Commission shall notify the Applicant in writing of a pending procedural denial and provide the Applicant with an opportunity to address a DRI subcommittee or standing committee regarding the status of the project.

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** - \$10,434 base fee, plus \$313 per lot or unit

(b) Non-Residential Developments

•Buildings: Fifty-two (52) cents per square foot of gross floor area as defined in Section 1

•Outdoor Space: Fifty-two (52) 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:
\$3,130

1-3 WECF with an output of 1MW or greater each: \$9,391

Per WECF over 3: \$3,130 per WECF

Not eligible for Fee Reductions in Section (a)(ii)

Other Non-Residential Developments - \$10,434 base fee plus:

• Divisions of Land: \$313 per lot

• Gravel Pits, Mining and Extraction Activities and Golf Courses:
\$313 per acre

• Wireless Communication Towers: \$52 per linear foot of
tower/monopole height above ground level

• Water dependent uses including but not limited to docks, piers
and revetments: Twenty-six (26) cents per square foot

• Utilities and other linear development: Fifty-two (52) 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 - \$418

Other - \$2,609

(e) **Other** - For other types of land uses not covered above, \$10,434
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:** \$2,609 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:

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: \$1,043

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

- Minor Modifications #1 -- No fee
- Minor Modifications #2 -- \$2,087
- 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: \$2,087 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

(iv) **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.

(v) **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 \$261 and a maximum fee of \$1,043

(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.