# FEES

**8.1 Fee Schedule**

Fees shall accompany each application and can be found in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PLANNING BOARD POLICIES AND PROCEDURES.

* + - Subdivision Regulations: $\_\_\_
    - Form-A Subdivision/ANR Plan: $\_\_\_
    - Outside Consultant Fee: $\_\_\_
    - Preliminary Subdivision Plan: $\_\_\_
    - Definitive Subdivision Plan $\_\_\_
    - Plan Revision:
* Public Hearing still Open: $\_\_\_
* Public Hearing Closed: $\_\_\_

- when the Planning Board determines that it’s a

minor revision: $\_\_\_

- when the Planning Board determines that it’s a

major revision or the revision is required because

work was not done in compliance with approved plan; $\_\_\_

* + - Inspection Fee $\_\_\_
    - Partial Performance Guarantee Release & Inspection Fees: $\_\_\_
    - Final Performance Guarantee Release & Inspection Fees: $\_\_\_

**8.2 Hiring “Outside Consultants”**

See the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PLANNING BOARD POLICIES AND PROCEDURES and Appendix G.

[EDITOR’S NOTE: It is highly recommended that Planning Boards hire a qualified outside engineering consultant to conduct a peer review of projects. Even municipalities that have in-house engineering capacity should consider this as they are often overworked and under budgeted. It is also recommended that the Planning Board select the engineering firm to conduct the peer review to ensure that said engineer is working for the Planning Board and representing the Board’s/Town’s interests. The municipality also should consider hiring a qualified outside engineering consultant on a yearly retainer to conduct peer reviews for all of the municipality’s Boards/Commissions authorized under MGL Ch. 44, Sec 53G with the understanding that said outside engineering consultant shall not present applications to said Boards/Commissions while they are working for such Board/Commission. This would provide both continuity and consistency in the peer reviews as well as expediting the peer review process.

**8.3 Rules for Hiring Outside Consultants**

8.3.1 As provided by MGL Ch. 44, Sec. 53G (see Appendix G.), the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Bylaw/ordinances, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Subdivision Regulations, and any other [Town/City] bylaw/ordinance, regulation, or rule as they may be amended or enacted from time to time.

8.3.2 Funds received by the Planning Board pursuant to these rules shall be deposited with the [Town/City] Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in GL Ch. 44, 53G (see Appendix G.). Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

8.3.3 Specific consultant services may include but are not limited to the engineering of roads and ways, private and public, driveways, grades, grading, and sanitary systems, to hydrogeologic and drainage analysis, to impact analyses of various kinds, and to environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.

8.3.4 The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) days of the date notice is given.

* + 1. The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is administratively incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant, copied to [Town/City] Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. For applications to be considered under the local bylaw/ordinance regulations only, failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.
    2. The applicant may appeal the selection of the outside consultant to the Select Board/City Council, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal

must be in writing and received by the Select Board/City Council and a copy received by the Planning Board within ten (10) days of the date consultant fees were requested by the Planning Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

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