

## APPLICATION & CONSULTING FEES

### 6.1 APPLICATION FEES:

6.1.1. The Planning Board shall not accept an application or schedule a public hearing if the full fee amount, as determined herein, is not submitted with the application and plans. The following fees shall apply to all plans submitted:

<b>Form A (Approval Not Required)</b>	\$50.00 per lot or parcel
<b>Form B (Preliminary Plan)</b>	\$100.00 per Plan
<b>Form C (Definitive Plan)</b>	\$500.00 if no Preliminary Plan  \$250.00 if submitted with a Preliminary Plan  Plus: with or without Preliminary Plan: an additional \$150.00/lot and an additional \$2.00 per linear foot of roadway
<b>Site Plan Review</b>	\$200.00 for Site Plan applications involving up to 2 acres and \$50.00 for each additional acre over 2 and up to 10 acres. The fee is \$600.00 for all applications in excess of 10 acres.
<b>Modification of Definitive Plan</b>	Same as Form C (Definitive Plan)
<b>Special Permit</b>	\$200.00
<p>** Except for Flexible Development and Special Residential Development: Flexible Development shall be per Form C above plus the Special Permit fee, Special Residential Developments are specified in the relevant By-Law.</p>	
<b>Scenic Highway</b>	Site Plan Review fees apply
<b>Scenic Highway Tree Removal</b>	\$50.00

\*Should an applicant petition for withdrawal of an application, the Planning Board may, at its sole discretion, retain up to 20% of an application fee to offset incurred administrative expense.

### 6.2 OUTSIDE CONSULTANT FEES and PROCEDURES

#### 6.2.1 STATUTORY AUTHORITY AND ADOPTION OF RULES AND REGULATIONS

Under the authority vested in the Planning Board (the "Board") of the Town of Rochester by M.G.L. Chapter 40A, Sec. 9 (governing rules relative to the issuance of Special Permits), M.G.L. Ch. 41, § 81-Q (governing the rules and regulations of the subdivision of land), and the Rochester Zoning By-laws, said Board hereby adopts the following rules and regulations

regarding procedures for the submission and expenditure of Consultant Funds pursuant to Chapter 593 of the Acts and Resolves of 1989 (M.G.L. Ch 44, Sec. 53G.) for the imposition of reasonable fees for the employment of outside consultants, with such fees to be deposited in a special account.

## **6.2.2 CONSULTANT REVIEW FEES AND PROCEDURES**

6.2.2.1 Applicability. The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or use of the land warrants the use of outside consultants (such as engineers, planners, lawyers, hydrogeologists, or others). Such consultants shall assist the Planning Board, for review and comment prior to action by the Planning Board in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant.

6.2.2.2 Submittal. Consultant Review Fees shall be submitted upon receipt of notice of estimated consultant review cost for deposit in an account established pursuant to Chapter 593 of the Acts of 1989, M.G.L. c. 44, s. 53G (593 Account). Any application shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

6.2.2.3 Those projects which are deemed by the Planning Board to require review by outside consultants shall be delivered to the selected consultant or consultants, who shall submit a cost for the requested consultant services to the Planning Board. To the extent possible, the Board shall select consultants that are not working for an applicant currently before the Planning Board.

6.2.2.4 Replenishment. When the balance in an applicant's 593 Account falls below twenty-five percent (25%) of the initial Consultant Review Fee, as imposed above, the Planning Board may require a supplemental Consultant Review Fee to cover the cost of the remaining project review.

6.2.2.5 Monitoring and Inspection Phase. As a condition of approval of a Definitive Plan or a Special Permit, the Planning Board may require a Supplemental Consultant Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

6.2.2.6 Handling of Consultant Review Fees. The Consultant Review Fee is to be deposited into a special account (593 Account) as set forth in M.G.L. C. 44, s. 53G.

6.2.2.6.1 Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.

- 6.2.2.6.2 Consultant Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 593 Account.
- 6.2.2.6.3 A copy of the latest statement from the banking institution handling the 593 Account shall be forwarded from the office of the Town Treasurer to the Planning Board Office as soon as it is received for timely and accurate accounting.
- 6.2.2.6.4 An accounting of an applicant's funds held in the 593 Account may be requested by the applicant. The Planning Board Office, through the own Treasurer, shall respond to the request in a timely fashion.
- 6.2.2.6.5 Excess consultant review fees in the 593 Account, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, at the conclusion of the review process as determined by the Planning Board.
- 6.2.2.6.6 Selection Appeal. The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. Chapter 44, § 53G, the applicant may administratively appeal the selection of the consultant to the Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three (3) or more years of practice in, or closely related to, the field at issue. Such an appeal may be initiated by the applicant filing notice with the Town Clerk within seven (7) calendar days of notice of the selection. The consultant selection made by the Planning Board shall stand if one (1) month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.
- 6.2.2.6.7 Remedy. Failure of an applicant to pay the consultant review fee determined by the Planning Board, or to replenish the special account when requested, may be grounds for disapproval.

**6.2.3** Interpretation and application of the above fees is at the sole discretion of the Planning Board. Waivers to the above may be considered solely at the discretion of the Planning Board in situations judged appropriate.

**6.2.4** Town legal and court costs incurred in litigation of fee and engineering escrow issues shall be paid by the applicant.