Town Of Ashburnham Planning Board

REGULATIONS GOVERENING FEES AND FEE SCHEDULE

Adopted September 14, 2006
Revised December 27, 2007

1. INTRODUCTION.

These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by M.G.L., c.44, § 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

2. FEE STRUCTURES AND REGULATIONS.

The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

3. ADMINISTRATIVE FEES.

3.1 Applicability

An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and its office with regard to all applications set forth in § 3.3, below.

3.2 Submittal

Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

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3.3 Schedule of Administrative Fees

The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Rules and Regulations for the Subdivision of Land, and any listings, which may have been compiled from time to time for the benefit of applicants. ***Section 3.3 amended 12/27/2007***

a. **Approval Not Required (ANR) Plans:** $50 – One (1) new lot or marked to be made part of an existing lot. $100 plus $100 per lot for plan of two (2) or more lots b. **Preliminary Subdivision Plan:** $500 c. **Definitive Subdivision Plan:** $2000 + $100 per lot ($500 credit if preliminary Plan submitted and approved) d. **Open Space Residential Development (OSRD)Special Permit:** $500 + $50 per lot (No Definitive Plan submitted in conjunction with OSRD) $500 + Definitive Plan fee, if submitted in conjunction with an OSRD e. **Modification to Approved Plan:** $50 - Definitive Plan (Minor Modification) $250 - Definitive Plan (Major Modification) $50 - OSRD (Minor Modification) $250 - OSRD (Major Modification) f. **Request for extension of time to complete road:** $200 g. **Request for Covenant Release:** $100 per request	h. **Site Plan Review:** $50 – Existing Construction (Minor) $200 – New Construction (Major) i. **Site Plan Modification:** $50 j. **Scenic Road Hearing:** $100 k. **Common Driveway Special Permit:** $200 **l.** **Accessory Dwelling Special Permit:** $50

3.4 Fee Waivers

The Planning Board may waive or reduce any Administrative Fee, if in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.5 Refund

Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant.

4. PROJECT REVIEW FEES.

4.1 Applicability

In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

4.2 Submittal

Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to M.G.L. c.44, § 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Project Review Fees

The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

a. Definitive Plan/Open Space Residential Development:

Project Size	Fee
2 - 15 Lots/Units	$ 4,000
16 - 20 Lots/Units	$ 6,000
21 - 25 Lots/Units	$10,000
More than 25 Lots/Units	$15,000

b. Performance Guarantee Cost Calculations:
$1500

c. Common Driveway Special Permit:
$2000

d. Site Plan Review:
$1000

Initial Project Review Fees are to be submitted with application and Administrative Fees.

The exact fee will be determined after consultation with the Town Engineer (PB Consulting Engineer).

Additional Project Review Fees may be required after consultation with the Town Engineer (PB Consulting Engineer).

Type and extent of work to be completed may dictate a review fee more than indicated above.

4.4 Waivers

The Planning Board may waive or reduce any Project Review Fee, if in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

4.5 Replenishment

When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board shall require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.6 Inspection Phase

After the granting of a Special Permit, Site Plan Review or Definitive Plan approval, the Planning Board shall require an Inspectional Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

Normal inspections covered by inspection phase are outlined in § 8.1.4 of the Planning Board Subdivision Regulations for roadways in subdivisions and for roadways, drainage and parking areas for Site Plan projects, as well as other site development, exclusive of buildings, as required by the Planning Board for Special Permit projects. Inspection fees to be determined by the Town Engineer (PB Consulting Engineer) and a "Scope of Inspections" must be submitted prior to start of any work. Inspection fees for projects submitted under a phasing schedule may be calculated and submitted for each phase.

A re-inspection fee will be charged for additional inspections beyond those listed above that are made necessary due to unsatisfactory materials or construction that leads to a failure to pass the original inspection.

Inspection fees specified above shall be submitted to the board within 20 calendar days following the approval of any special permit and/or definitive subdivision plan and prior to the Board's endorsement of any subdivision plan or special permit decision.

Any re-inspection fees due shall be submitted prior to the release of any roadway covenant or performance bond for road construction or other facilities covered by a subdivision or special permit approval.

4.7 Handling of Project Review and Inspectional Fees

Pursuant to the provisions of Chapter 44, § 53G of the General Laws, the Planning Board may impose reasonable fees for the employment of outside consultants to review preliminary or definitive subdivision applications submitted for approval by the Board. The decision to seek consultant assistance, the selection of a consultant, the establishment of a consultant fee or fee schedule and any request to the applicant for payment shall be made by majority vote of the Board at a public meeting.

Said funds shall be paid by the applicant within 20 calendar days of a request by the Board for payment and shall be deposited in a special account established by the Town Treasurer and be kept separate and apart from other monies. Failure to pay the required fees may be considered grounds for disapproval of the application.

Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. Standard Town accounting and reporting procedures relative to special accounts and consistent with the provisions of Chapter 44, § 53G of the General Laws shall be followed. The special account, including any accrued interest, shall be expended at the direction of the Planning Board without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Subjects for which consultant assistance may be sought may include, but are not limited to, water quality impacts of a project, stormwater management systems, wastewater collection and treatment systems, traffic and transportation impacts, mitigation and facilities, including bicycle and pedestrian facilities, public safety, site design, wetlands delineation or other subjects relevant to the proposed project and its impacts on neighboring properties, the town or adjacent towns. Such assistance may be sought either to develop original information and reports to the Board, or to review plans, reports and other information submitted on behalf of an applicant.

Selection of any consultant will be by the Board, in conformance with any applicable General Laws or regulations of the Commonwealth, and may include use of consultants retained on a continuing basis by the Board.

Any applicant may file an administrative appeal from the Board's choice of consultant to the Board of Selectmen. Grounds for administrative appeal from the selection of the outside consultant to the Board of

Selectmen shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications, consisting either of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field.

The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in M.G.L., c.44, § 53G.

6. OFF SITE INSPECTION FEES

If an approved Definitive Subdivision Plan requires the construction of new infrastructure or the modification of existing infrastructure that extends beyond the ownership limits of the development (e.g. off-site improvements), the Planning Board may at their discretion (or at the request of the Town Engineer), engage the services of a qualified consultant to inspect the construction of the improvements. Examples of off-site improvements would include, but are not necessarily limited to:

Extensions or improvements to sewer or water main piping systems.
Construction or modification to off-site pumping facilities.
Extensions or improvements to existing drainage systems.
Improvements to existing streets such as reconstruction, widening, repaving, or signalization.
Extensions or connections of sidewalks.

Fees for off-site inspections shall be in addition to the 'Inspection Fees' listed above for subdivisions, and will be established on a case by case basis, depending upon the type of work involved and the level of inspection determined to be warranted by the Planning Board. Funding for off-site inspections shall be as provided for herein and in accordance with M.G.L., c.44, § 53G.

8. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES

The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

Any new regulations or alterations to the fee schedule shall take affect upon filing a copy of the amendments with the Town Clerk.

Appendix A – M.G.L. c.44 § 53G

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 44. MUNICIPAL FINANCE

MISCELLANEOUS PROVISIONS

Chapter 44: Section 53G. Employment of outside consultants

Section 53G. Notwithstanding the provisions of section fifty-three, any city or town that provides by rules promulgated under section 8C of chapter 40, section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 or section 31 of chapter 111 for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. The municipal accountant shall submit annually a report of said special account to the chief elected body and chief administrative official of the municipality for their review. Said report shall be published in the city or town annual report. The municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.