



Town of Westford Planning Board Special Permits/Subdivisions/Site Plan Approval Use of Consultants Regulations

(Pursuant MGL Chapter 44, Section 53G, Review Fees)

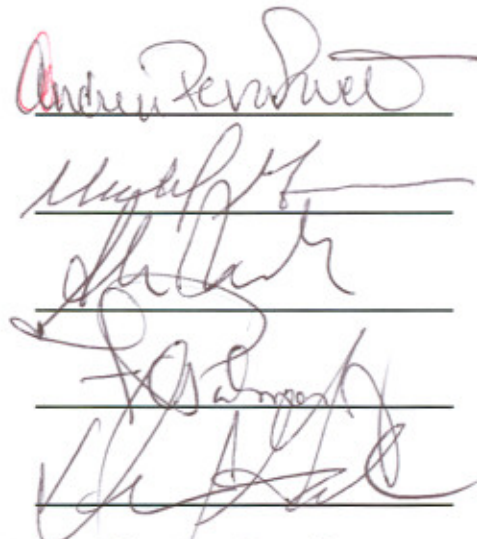
Consultant Review Fees

- 1. Applicability:** So that the Planning Board may make the findings required under the Bylaw and insure that the public safety will be protected, in addition to the Application Fee, the Planning Board may impose a Consultant 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.
- 2. Submittal:** Consultant Review Fees shall be submitted at a time to be determined by a majority vote of the Board for deposit in an account established pursuant to G. L. c. 44, s. 53G (53G Account). Failure to submit the fee as required by the Board shall be cause for the Board to discontinue or suspend the proceedings and no review work shall commence until the fee has been paid in full.
- 3. Replenishment:** When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Consultant Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Consultant Review Fee to cover the cost of the remaining project review.
- 4. Excess amount and interest:** At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be the applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- 5. Appeal From the Selection of the Consultants:** The applicant may appeal in writing the selection of an outside consultant to the Board of Selectmen, *providing such appeal is initiated within two weeks of the initial selection.* The

Board of Selectmen shall convene a formal hearing within twenty one (21) days of receiving a written appeal by an applicant. 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 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 duration of the appeal. If no decision is rendered by the Board of Selectmen within thirty (30) days following the filing of the appeal, the selection made by the Planning Board shall stand. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

Adopted on April 2, 2007

Date: April 20, 2007



**The Planning Board
Town of Westford**