

ARTICLE II: REGULATION FOR PROJECT REVIEW FEES

[Regulation Adopted February 28, 1995]

1.0 Purpose

These regulations are intended to protect the public health and safety of the community as well as the local environment by allowing the Board of Health to employ an outside consultant for review of applications or conducting project inspections.

2.0 Requirements

- A. When reviewing an application, or when conducting inspections in relation to a project, the Board of Health may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts or because of the expertise required. The Board of Health may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board of Health for the employment of outside consultants engaged by the Board of Health to assist in the review of an application or project.
- B. In hiring outside consultants, the Board of Health may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board of Health in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to analyzing the application, inspecting the project during construction or implementation, and monitoring the project for compliance with the Board of Health's decision.
- C. Funds received by the Board of Health pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application/permit.
- D. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board of Health'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. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board of Health with documentation establishing such succession in interest.

3.0 Appeal

Any applicant may make an administrative appeal from the selection of the outside consultant to the Select Board. Such appeal shall be in writing and within 10 days of the Board of Health's decision. 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 limit for action upon an application by the Board of Health shall be extended by the duration of the administrative appeal. In the event that no decision is made by the

Select Board within one month following the filing of the appeal, the selection made by the Board of Health shall stand.