

Proposed revisions in red.

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## § 248-26 **Review fees.**

[Amended effective 10-8-1993]

### **A.**

When reviewing an application for or when conducting inspections in relation to **Site Plan Review**, a Special Permit, or approval of a subdivision, or any modification of **Site Plan Approval**, a Special Permit or approval of subdivision, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a projects potential impacts or because the Town lacks the necessary expertise to perform the work related to the Special Permit or approval. The Board may require that applicants pay a project review fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project.

### **B.**

In hiring outside consultants, the Board may engage engineers, planners, lawyers, hydrologists, landscape architects or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all the relevant laws, ordinances, bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations or inspecting a project during construction or implementation.

### **C.**

Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the Special Permit or disapproval of the subdivision.

### **D.**

At the completion of the Board's review of a project, any excess amount in the account, including any remaining 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 section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

E.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed or hand delivered notice to the applicant of the selection. 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 3 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 shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within 1 month following the filing of the appeal, the selection made by the Board shall stand.