

1.0 PROJECT REVIEW FEES

General. Project Review Fees: Pursuant to M.G.L. C. 44 Sec. 53G the Planning Board may impose a Project Review Fee on those applications which in the opinion of the Planning Board require the services of outside consultants for the review process. Such outside consultants may be required due to the size, scale, or complexity of a proposed project, the potential impacts of a project, or the inability of the Town to provide 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 professionals as appropriate who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Such assistance may include, but not 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.

- A. Monies from the Project Review Fees shall be collected from the applicant upon submission of the application and deposited into a special account pursuant to the provision of M.G.L. C.44 Sec. 53G as amended by Ch. 593 of 199 hereinafter referred to as the "593 Account".
- B. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account. The Applicant shall also furnish the Town Treasurer with either a federal identification number or a social security number for earned interest reported to the Internal Revenue Service.
- C. The Planning Board shall determine the account of initial deposit to be made, as set forth in the accompanying schedule, and the amount of any additional funds required during the process, should the applicant's 593 Account approach depletion.
- D. Any excess deposit attributable to a particular project including accrued interest, will be repaid to the applicant, or the applicant's successor in interest, at the conclusion of the review process. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

2.0 ADMINISTRATIVE APPEAL

- A. The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the applicant providing such appeal is initiated within two weeks of the initial selection.
- B. The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal filed by an applicant.
- C. There are only two conditions which will disqualify the selected consultant:

1. Conflict of Interest - A consultant may not have a financial interest in a project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law (Chapter 268A).
 2. Lack of Appropriate Qualifications – A consultant must possess the minimum required qualifications under M.G.L. C. 44 Sec. 53G (either 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).
- D. The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal.
- E. If no decision is rendered by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.
- F. This administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

3.0 ADMINISTRATION OF FUNDS FOR PROJECT REVIEW FEES

- A. Funds collected from various applicants for the 593 Account shall be turned over to the Town Treasurer by the Planning Board office for deposit into an account separate from other funds.
- B. A copy of the latest statement from the banking institution handling the 593 Account shall be forwarded from the office as soon as it is received to allow for timely and accurate accounting.
- C. The Town Accountant shall prepare a report on activity in each project in the 593 Account on an annual basis.
1. This report shall be submitted to the Selectmen for their review.
 2. This report shall be printed in the Annual Report for the Town of Weston.
- D. An accounting of an applicant's funds held in the 593 Account may be requested from the Town Treasurer by the applicant at any time.
1. This accounting shall include the following information:
 - a) The latest statement from the banking institution handling the account. The statement should include an accurate accumulated interest portion to the closing date of the statement, if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared

by the Planning Board office, based on the latest statement from the banking institution.

- b) A report of all checks authorized for issuance since that last banking statement.
2. This accounting shall not include an estimate of accumulated interest since the last banking statement.
- E. An applicant may request from the Planning Board an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced. It should be understood that this information will take a longer time period to gather. Because of the extra work involved, applicants should request this further accounting only if they are contemplating withdrawal or suspension of their application.
- F. If available, a brief account summary of the type described under item 3.D.a) and b.) above shall be furnished to both the Planning Board and the applicant at the Planning Board's request. This will allow the Board to determine if further funds will need to be collected and deposited into the 593 Account should it approach depletion.
- G. Excess fees in a 593 Account, including accumulated interest, shall be returned to the applicant at the conclusion of the review process as defined herein:
- 1. With the approval or disapproval (final action) of a Preliminary Subdivision Plan. The applicant may choose to leave the remaining funds in the 593 Account and those funds, including accumulated interest, shall be credited toward the definitive plan project review fee.
 - 2. With the approval or disapproval (final action) of a Definitive Subdivision Plan. The applicant may choose to leave the remaining funds in a 593 Account and those funds, including accumulated interest, shall be credited toward the inspection phase project review fee.
 - 3. With the final release of the performance bond at the end of the construction of an approved Definitive Subdivision Plan.
 - 4. With the final inspection or the approval or disapproval (final action) on all other types of applications under the Weston Zoning By-Law, whichever comes later.

4.0 SCHEDULE OF PROJECT REVIEW FEES

- A. Initial Deposits: The following Project Review Fees for the indicated application types are to be submitted with their initial applications. The project review fee is part of a complete submission. Review of the project will not begin until initial fees are deposited in the 593 Account.

A Preliminary Subdivision Plan or Modification of a Preliminary Subdivision Plan shall require the following initial Project Review Fee:

<u>Project Size</u>		<u>Fee</u>
1	Lot/Unit	\$2000
2-4	Lots/Units	\$3,000
5-10	Lots/Units	\$4,500
11-20	Lots/Units	\$5000
21-30	Lots/Units	\$6000
31-40	Lots/Units	\$6500
41-59	Lots/Units	\$7000
60-100	Lots/Units	\$7500

Greater than 100 to be determined by the Planning Board.

The Planning Board has the authority to reduce the fee for modification of a preliminary plan, depending upon the scope of modification.

A Definitive Plan, Special Permit Plan or Site Plan Approval Plan shall require the following initial Project Review Fee:

<u>Project Size</u>		<u>Fee</u>
1	Lots/Units	\$4000
2 – 4	Lots/Units	\$4,500
5 – 10	Lots/Units	\$6,500
11 – 20	Lots/Units	\$7,500
21-30	Lots/Units	\$ 15,000
31-40	Lots/Units	\$ 20,000
41-59	Lots/Units	\$ 25,000
60-100	Lots/Units	\$ 30,000

Greater than 100 to be determined by the Planning Board

Modification of a Definitive Plan, Modification of a Special Permit or Modification of Site Plan Approval shall require the following initial Project Review Fee:

<u>Project Size</u>		<u>Fee</u>
1	Lot/Unit	\$2,000
2 – 4	Lots/Units	\$2,500
5 – 10	Lots/Units	\$3,000
11 – 20	Lots/Units	\$3,500

21-30	Lots/Units	\$7,000
31-40	Lots/Units	\$12,000
41-59	Lots/Units	\$17,000
60-100	Lots/Units	\$21,000
Greater than 100 to be determined by the Planning Board.		

The Planning Board has the authority to waive or reduce the fee for this type of Project, depending upon the scope of the modification.

A Special Permit Multi-Family (Weston Zoning By-Law, Section V.C.) shall require the following initial Project Review Fee:

<u>Project Size</u>		<u>Fee</u>
2 – 4	Lots/Units	\$4,000
5 – 10	Lots/Units	\$5,500
11 – 20	Lots/Units	\$7,500
21-30	Lots/Units	\$15,000
31-40	Lots/Units	\$20,000
41-59	Lots/Units	\$25,000
60-100	Lots/Units	\$30,000
Greater than 100 to be determined by the Planning Board		

A Concept Plan for an Active Adult Residential Development:

<u>Project Size</u>		<u>Fee</u>
Less than 21	Lots/Units	To Be determined by PB
21-30	Lots/Units	\$20,000
31-40	Lots/Units	\$25,000
41-59	Lots/Units	\$30,000
60-100	Lots/Units	\$35,000

A Site Plan Approval application for projects that are not residential shall require the following initial project review fee:

<u>Project Size</u>	<u>Fee</u>
Less than 500 sq. ft.	\$2,500
500-1,000 sq. ft.	\$4,500
1,000- 10,000 sq. ft.	\$7,500
Greater than 10,000 sq. ft.	To be determined by the Board (see following section)

A Special Permit Application for Personal Wireless Service Facility:

Each Facility \$7,500

- B. Deferred Deposits: If an application does not squarely lie within one of the categories in 4.0 a Project Review Fee will not be required upon submission of the application. Rather, in such case the Planning Board shall consider at the first review session, or at any subsequent review session, whether such a fee is warranted, and if so, the amount of the fee. Such flexibility is necessary because the wide range of scope and scale of some applications makes it difficult to calculate an equitable Project Review Fee without consideration of the project on a case by case basis.
- C. Project review fees are considered a part of a complete submission. If the review fees are not deposited in the manner specified by this document, then the Planning Board shall reserve the right to deny approval of the Subdivision Plan/Site Plan Approval/Special Permit because it is incomplete.
- D. Subsequent Deposits: When the balance in an applicant’s 593 Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed under 4.0 above or 4.0.E, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the projected remaining project review and attendant costs. The Board may also choose to set a different threshold (other than 25% of the initial deposit) to trigger a reconsideration of the issue.
- E. Inspection Phase of Projects: After the granting of a Special Permit, a Definitive Plan approval, or any permit or approval which will culminate in construction requiring inspections by Planning Board consultants, the Board may wish to make an adjustment in the funds held in an applicant’s 593 Account.
 - 1. The 593 Account may be adjusted by issuing a refund to the applicant or by requiring a supplemental Project Review Fee.
 - 2. Adjustments should be made after all bills for review services have been accounted for.
 - 3. The following levels are suggested for the Board’s consideration:
 - a) All Projects (other than those covered by B below):

<u>Project Size</u>		<u>Fee</u>
2 – 4	Lots/Units	\$2,500
5 – 10	Lots/Units	\$3,500

11 – 20 Lots/Units	\$5,000
More than 20 Lots/Units	\$7,500

b) Special Permit Multi-Family (Weston Zoning By-Law) regardless of size \$5,000.

4. The Planning Board has the right to require supplemental Project Review Fees if the applicant’s 593 Account approaches depletion during the inspection phase of the review process. Such findings of the Board, while subject to the provisions of 5.1.B., do not require a formal hearing or prior notice to interested parties.

F. Dormant Projects: When an applicant knows there will be no construction activity on a project for at least one year after the permitting process, the applicant may ask the Board for a declaration of “Dormant” status with the following conditions:

1. The level of funds in the 593 Account will be adjusted to \$500, or some other amount that the Planning Board finds appropriate after all outstanding bills for review services have been accounted for.
2. The applicant must submit the appropriate Project Review Fee to bring the 593 Account back to the designated level for an active project before any work may be done on the site.

a) The 593 Account must be restored before the first inspection.

b) No building permits or lot releases will be granted until the Board is satisfied that all conditions of these provisions have been complied with.

The Planning Board may declare that a project no longer qualifies for “Dormant” status, if, in the Board’s opinion, circumstances render that status inappropriate.

A project brought out of “Dormant” status, or a project which, in the opinion of the Planning Board, no longer qualifies for “Dormant” status, which has not remained dormant for at least one year shall be subject to a processing fee of \$50.

Funds in the 593 Account for a “Dormant” project may, at the original applicant’s discretion, be assigned to a new owner or successor in interest, in the event of a sale or transfer of the land and permits. Appropriate documentation must be provided to the Planning Board establishing the authorization for the reassignment of the 593 Account. (This provision is consistent with 4.0.D which applies to returned funds at the conclusion of a project.)

5.0 REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES:

A. The Planning Board may review and revise its regulations and fee schedules, from time to time following a duly advertised public hearing. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendment

with the Weston Town Clerk and transmittal to the Registrar of Deeds or the Registrar of the Land Court.

- B. The Planning Board will review its regulations and fee schedule on an annual basis.
1. The Board may waive this provision in any year with a motion carried by a majority of the Board members.
 2. At the time of the Planning Board's annual review, the Board will consider any petitions submitted by an applicant or other member of the public to make revisions in the regulations or the fee schedules.
 - a) This is the only review initiated by the public.
 - b) Results of the hearing and any action or changes to the regulations or fee schedules undertaken by the Board are final.

6.0 DELINQUENT ACCOUNTS:

If any fees are owned to the Planning Board by an applicant such fees shall be subject to a monthly interest charge based upon an annual interest rate of 14%. All costs of collection associated with the past due accounts shall be born by the applicant.

No Building Permits or lot releases will be granted until the Board is satisfied that all conditions of the provisions in this Section entitled "Project Review Fees" have been compiled with.

