

Review Fee for Outside Consultants, As Amended
(Chapter 18, Article III, Section 18-21 of the Stoneham Town Code)
As Voted By The Stoneham Board of Appeals
(June 27, 2013)

Sec. 18-21. Review fees for Outside Consultants

Pursuant to G.L. c. 44, sec. 53G, G.L. c. 40A, sec. 12, and G.L. c. 40B, sec. 21, the Board of Appeals, through this regulation, provides for an applicant's payment of the fees for outside consultants as set forth below:

(a) When conducting any hearing, including those for variances, special permits, and comprehensive permits (pursuant to G.L. c. 40B, secs. 20-23) or deciding any issue raised by an application, petition or appeal, (the subject of which is hereinafter referred to as a "proposal"), the Board of Appeals may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposal or because of its potential impact. The Board may require that applicant(s) pay a 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 an application.

(b) In hiring outside consultants, the Board may engage engineers, planners, traffic consultants, lawyers, and/or other appropriate professionals (including financial analyst(s) when a *pro forma* is required in connection with an application for a comprehensive permit application pursuant to G.L. c. 40B, sec. 20-23) who can assist the Board in reviewing and analyzing a proposal to ensure compliance with all relevant laws, bylaws and regulations. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue or a related field.

(c) Funds received by the Board pursuant to this section may be deposited with the Town Treasurer who shall establish a special account for this purpose in accordance with the provisions of Chapter 44, Section 53G of the General Laws. Expenditures from this special account may be made at the direction of the Board in connection with the hearing of a specific proposal for which a review fee has been collected from the applicant without further appropriation. Failure of the applicant to pay a review fee shall be grounds for the denial of the variance, special permit or comprehensive permit at issue.

(d) Review fees may only be spent for services rendered in connection with the specific proposal from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a proposal, 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 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 an outside consultant(s) to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant(s) selected has a conflict of interest or does not possess

the minimum, required qualifications. Such appeal must be made in writing and may be taken only within twenty (20) days after the Board has mailed or hand-delivered notice to the applicant of the selection(s). The time limit for the Board's action on the proposal shall be extended by the duration of any such administrative appeal. In the event that no decision regarding the appeal is made by the Board of Selectmen within one month following the filing of such appeal, then the selection of the Board of Appeals shall stand.