

Zoning Board of Appeals Consultant Fee Regulation

Employment of Outside Consultants

- A. General. The Zoning Board of Appeals (the “Board”) may determine that the size or complexity of an application or its impacts warrant the services of outside consultants (including but not limited to engineers, planners, lawyers, hydrologists, geologists, traffic engineers, or others) for plan review, review of engineering or other expert reports, impact analysis, inspections, or other technical assistance in relation to the application. Such professionals shall be selected and retained by the Board as provided in G. L. c. 44, § 53G, with the reasonable costs for their services to be paid by the applicant.
- B. Selection and administrative appeal. The applicant shall be notified in writing with the name of the selected consultant(s) at least seven calendar days prior to initiation of the consultant’s efforts, unless this notice period is waived in writing by the applicant. The applicant may administratively appeal the selection of the consultant(s) to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the proposed consultant has a conflict of interest or does not possess the minimum required qualifications. Such an appeal may be initiated by the applicant filing notice with the Town Clerk within five working days after the Board’s date of notice of its selection. The consultant shall not begin its services until any appeal has been decided or 30 calendar days have elapsed without a decision by the Selectmen, in which case the selection of the Board shall stand. Required time limits for action by the Board upon an application shall be automatically extended by the duration of the administrative appeal.
- C. Funding. The applicant shall file with the Board an amount of money equal to the estimated cost for the services of the consultant(s), as determined by the Board. The cost will be estimated so as to be generally proportional to the size and complexity of the application, and the number of reviews and meetings required. The funds shall be deposited by the Town Treasurer into a special interest bearing account as provided by G. L. c. 44 § 53G. The funds in the special account, including accrued interest, shall be expended at the direction of the Board without further appropriation. If the unexpended balance falls below 30% of the initial estimate, or the estimate is raised to pay for additional services deemed necessary by the Board, the account shall be restored to its original level or such lower level as determined to be reasonable and necessary by the Board. Upon completion of the project and final payment of the outside consultant(s), any unexpended balance, including accrued interest, shall be repaid to the applicant or the successor in interest.
- D. Reporting. The Town Accountant shall submit annually a report of all such special accounts to the Board and Board of Selectmen for their review. The annual report shall be published in the Town Report and a copy submitted to the state Director of the Bureau of Accounts. A final report of the special account for a project shall be submitted to the applicant or his successor in interest.
- E. Remedy. Failure of an applicant to pay fees required hereunder (or any other fees required in other parts of this chapter) shall be grounds for the Board to continue hearings or disapprove the application,