

**Wrentham Planning Board
Rules & Regulations Governing Fees and
Fee Schedules**

Adopted July 20, 2011

SECTION 1. INTRODUCTION

- 1.1 Procedural History.** On July 20, 2011, the Planning Board held a public hearing, pursuant to Massachusetts General Laws (MGL) c. 41, s. 81Q and MGL c. 40A, s.9, to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and a new schedule of fees for reviews conducted by the Planning Board and its consultants on the various types of applications which come before it. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.
- 1.2 Purpose.** These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by MGL c. 44, s. 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.
- 1.2 Effective Date.** These Rules & Regulations Governing Fees and Fee Schedules were adopted at a regularly scheduled Planning Board meeting held July 20, 2011, and became effective as of the date of filing with the Town Clerk.

These Regulations and Fee Schedules supersedes all previous fee schedules as they may have appeared in the Wrentham Zoning By-laws, the Rules and Regulations for the Subdivision of Land, Planning Board Special Permit and Site Plan Rules and Regulations and any listings which may have been compiled from time to time for the benefit of applicants.

SECTION 2. FEE STRUCTURES AND REGULATIONS

- 2.1 General.** The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board shall impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

SECTION 3. ADMINISTRATIVE FEES.

- 3.1 Applicability.** An Administrative Fee shall be assessed to offset the expense of review by the Planning Board, its office and other town departments, as applicable, with regard to all applications set forth in Section 3.3, below.
- 3.2 Submittal.** Administrative Fees shall be paid at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
- 3.3 Schedule of Administrative Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. [Refer to Section 4.0 for information on Project Review Fee included in this section.]

A. Pre-Submission Review (strongly encouraged)

Administrative Fee:	No Charge
Review Fee:	No Charge

B. Approval Not Required (ANR/81-P) Plans

Administrative Fee:

Plan which creates no buildable lots	\$100
Plan which results in new buildable lot(s)	\$200

C. Subdivision Plans

1a. **Preliminary Plans**

Administrative Fee:	\$500 plus \$100 per lot for each lot at full build out
Review Fee:	\$500 plus \$50 per lot for each lot at full build out

1b. **Each Revision to Preliminary Plans Under Review**

Administrative Fee:	\$100
Review Fee:	\$200 plus \$50 per lot for each lot at full build out

2a. **Definitive Subdivision Plans**

If filed within 7 months of submission of Preliminary Plan

Administrative Fee:	\$1,000 plus \$200 per lot for each lot at full build out
Review Fee:	\$2,500 plus \$250 per lot for each lot at full build out

If filed greater than 7 months of submission of Preliminary Plan

Administrative Fee:	\$1,500 plus \$400 per lot for each lot at full build out
Review Fee:	\$3,500 plus \$250 per lot for each lot at full build out

2b. **Each Revision to Definitive Plan Under Review**

Administrative Fee:	\$125
Review Fee:	\$500 plus \$100 per lot for each lot at full build out

2c. **Frontage waiver pursuant to MGL chapter 41, section 81-R**

Administrative Fee:	\$500 per lot on which frontage is waived.
Review Fee:	\$400 plus \$100 per lot on which frontage is waived

3a. **Amendment, Modification, or Other Revisions of Approved Definitive Plan**

Major (including but not limited to roadway realignment, intersection realignment or drainage system reconfiguration, at discretion of majority of Planning Board)	\$750
Review Fee:	\$1,000 plus \$250 per lot at full build out
Minor (all modifications not considered major):	\$350
Review Fee:	\$500 plus \$50 per lot at full build out
Extension of time of subdivision approval (must be submitted in writing no less than 30 days prior to date of expiration):	\$100

4. **Approved Subdivision Work**

4a. **Review of Endorsed Plans, including Legal Review of Conveyance of Easements and Utilities and Covenant**

Administrative Fee:	\$200
Review Fee:	\$1,000

5 **Bond Estimates, Including Reduction and Release Requests**

Administrative Fee:	\$50
Review Fee:	\$300 plus \$50 per lot for Bond Estimates

6 **Performance Inspections/Observations**

Administrative Fee:	\$100
Review Fee:	Planning Board/DPW Consulting Engineer Observation Fee - \$3,000 plus \$4 per linear foot of roadway paid prior to endorsement of plans

7 **Lot Release from Covenant**

Administrative Fee:	\$100 (includes all lots in single request)
Review Fee:	\$300

8	Street Acceptance	
	Administrative Fee:	\$500
	Review Fee:	\$500

D. Special Permits

1a.	Special Permits	
	Administrative Fee:	\$600 for first Special Permit; \$200 for each additional Special Permit request filed concurrent with first
	Review Fee:	\$2,500 initial deposit required; additional funds may be required based on scope/type of project.

1b.	Modifications to Special Permit	
	<u>Major</u>	
	Administrative Fee:	\$600
	Review Fee:	\$1,500 initial deposit required; additional funds may be required based on scope/type of project.
	<u>Minor</u>	
	Administrative Fee:	\$200
	Review Fee:	As required by majority of Planning Board
	<u>Extension Requests (no hearing)</u>	
	Administrative Fee:	\$100
	Review Fee:	None unless required by majority of Planning Board

E. Miscellaneous Special Permits/General Permit

Kennel Special Permit (non-commercial/accessory to residential use):	\$200
Common Driveway Special Permit	\$500 plus \$100 per lot served by Common Drive
Zoning Bylaw Amendment	\$350
Earth Removal submitted under Article 26 of Wrentham's General Bylaws	\$200 (if combined with Special Permit application. \$600 if stand alone permit)

F. Site Plan Approval

1a. **Site Plan Approval**

Administrative Fee:	\$600 for if stand alone (no concurrent Special Permit); \$200 if filed concurrent with Special Permit application.
Review Fee:	\$1,500 initial deposit required; additional funds may be required based on scope/type of project.

Note: fees do not include cost of public hearing advertisement costs (legal advertisement and abutter notification as required by MGL), which are to be paid by the applicant.

3.4 Fees for Revised Applications. Where an Administrative Fee has been calculated by the number of lots/units, and the application is revised after payment of said fee, the following rules shall apply:

- A. If the number of proposed lots/units or square feet of the total site area increases, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots/units or square feet of the total site area. No review of these additional lots/units or square feet of the total site area shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment within 14 days of the applicant being informed of additional fee amount shall result in the application being deemed incomplete and no further action will be taken.
- B. If the number of proposed lots/units or square feet of the total site area decreases, a refund of that portion of the Administrative Fee associated with those lots/units shall be granted only if, in its sole discretion, the Planning Board determines no cost associated with the review of those lots or units has been yet incurred.

3.5 Fee Waivers. The Planning Board, in its sole discretion, may waive or reduce any fee under these provisions, if, in the opinion of the Board, unusual circumstances result in an application fee not envisioned or intended with the adoption of these regulations and fee schedules. The Planning Board must be consistent in applying this provision. Such judgment by the Planning Board shall require a motion carried by a majority of the Board members.

3.6 Refund. Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, notwithstanding withdrawal of the application by the applicant, except as provided in Section 3.4.B, above.

3.7 Additional Costs. In addition to the application and review fees, the Applicant shall be responsible for the cost of advertising in a local newspaper (as required by Planning Board) and for the cost of mailing the abutters notifications.

SECTION 4. PROJECT REVIEW FEES.

4.1 Applicability.

In addition to an Administrative Fee, which the Planning Board has traditionally imposed, a second type of fee, referred to herein as the "Project Review Fee", is applicable. This fee is to be deposited into a special account as outlined by MGL c. 44, s. 53G. This fee shall be imposed on those applications which, as designated by the Planning Board, require the services of outside consultants for the review process due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks 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 appropriate professionals 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 be 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.

The Project Review Fee is required with most Planning Board applications. After receipt of a complete application package, the Planning Office will request the Applicant to send a complete copy of the submitted materials to a consultant(s) for review. In some circumstances, more than one consultant will be utilized. The applicant is responsible for the total cost of review by all consultants selected by the Planning Board. The consultant(s) will review the scope of the materials submitted and transmit to the Planning Office an estimate of the cost of that consultant's review. If the amount of the estimate is greater than the Project Review Fee amount that has been deposited with the Planning Board at the time of application, the Planning Office will notify the applicant of the additional amount required and the balance of the Project Review Fee shall be submitted to the Planning Office within 7 days. The consultant will not begin a detailed review of the materials until the full amount of the estimate has been received by the Planning Office.

When supplemental information is submitted for consultant review, the consultant(s) will provide the Planning Department with an estimate of the additional cost of review, if any. The consultant(s) will not begin a review of the new materials until the Project Review Fee funds have been received.

Failure to pay any deposit amount or any supplemental payment shall result in the application being considered incomplete and is therefore grounds for denial of the application.

The initial Project Review Fee required for each type of project is listed in Section 3.3 above.

4.2 Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee estimate, as described above, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.3 Inspection Phase. After the granting of a Special Permit, Site Plan Approval or Definitive Plan approval, the Planning Board will require a supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process. Supplemental Project Review Fees for inspections shall be submitted prior to endorsement of approved plans.

4.4 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in MGL c. 44, s. 53G.

- A. An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
- B. Excess fees in the 53G Account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. [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]:

1. With the approval or disapproval of a Preliminary Subdivision Plan.
2. With the disapproval of a Definitive Subdivision Plan.
3. With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
4. With the final inspection or the approval or disapproval on all other types of applications under the Wrentham Zoning By-law, whichever comes later.

4.5 Appeal. In accordance with MGL c. 44, s. 53G, 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.

- A. The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an applicant.
- B. Two circumstances may disqualify the selected consultant. These conditions constitute the *only* grounds for an appeal:
 1. Conflict of interest: A consultant shall not have a financial interest in the 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, MGL c. 268A.
 2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of 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.
- C. The required time limits for action upon an application by the Planning Board shall be extended by the duration of the appeal.
- D. 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.
- E. This appeal shall not preclude further judicial review, if otherwise permitted by law.

SECTION 5. DELINQUENT ACCOUNTS. The following rules apply to fees owed to the Planning Board by applicants:

- 5.1 Monthly Interest Charge.** All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.
- 5.2 Costs of Collection.** All costs of collection associated with past due accounts shall be borne by the applicant.
- 5.3 Current Delinquents.** All applicants owing fees to the Planning Board at the time of any amendment to these Regulations shall be sent the following:
 - A. A duplicate notice of the amount past due.
 - B. A copy of the applicable sections of these Regulations with all amendments clearly indicated.

- C. Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.

SECTION 6. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES.

6.1 Amendment. The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- A. Amendments shall be preceded by a public hearing and a majority vote of the Planning Board.
- B. Any new regulations or amendments to the fee schedule shall take effect upon filing a copy of the amendments with the Wrentham Town Clerk, after a public hearing and majority vote of the Planning Board.