



## ***TOWN OF DEERFIELD***

Planning Board  
 8 Conway Street  
 South Deerfield MA 01373  
 Voice: 413.665.1400 ext.112  
 Facsimile: 413.665.1411

### **Form A: Application For Endorsement of a Plan Believed Not to Require Approval (ANR)**

**Use:** File this form if you are dividing land and believe the division does not constitute a subdivision as laid out in Chapter 264 of Deerfield's Bylaws, Subdivision of Land dated 9-15-2005, Sections 2400 and 2500 (*see attached*) and the Massachusetts Subdivision Control Law, M.G.L. Chapter 41, Sections 81K-81GG (*a link is available on the Town website and a hard copy is available in Town Hall*).

**Instructions for submission:** (*See also attached ANR Plan Flow Chart*)

- Please type or print all information. Incomplete applications will not be considered.
- Make copies and deliver the following items to the Deerfield Board of Selectmen's Office in Town Hall for review a minimum of 4 business days prior to a scheduled Planning Board Meeting. Office hours are 9 a.m. to 4 p.m., Monday through Friday.
  - Two copies of the Form A signed by the applicant.
  - An original reproducible Mylar plan prepared by a registered professional engineer, registered architect, registered landscape architect, or registered land surveyor **and** at least 3 paper copies of the original plan. Plans must comply with the requirements of Section 2420 of the Subdivision of Land (*see attached*).
  - A compact disk containing a Standard Digital File (SDF)<sup>1</sup> **and** a copy of the original CADD file in PDF format **plus** accompanying documents in PDF format to be submitted.
- Return completed Form A to Deerfield Town Clerk for signature.
- Pay fee (*see attached Fee Schedule*) in check or money order (payable to Town of Deerfield) to Town Clerk to receive a stamp verifying payment.

#### **Next steps after submission:**

- You will be scheduled to attend the next Planning Board Meeting. Possible outcomes:
  1. If the application is complete and meets the requirements of Chapter 264, Subdivision of Land, Sections 2400 and 2500 and M.G.L. Chapter 41, Sections 81K-81GG, the plans will be endorsed by the Planning Board. You will receive the signed original Mylar and the Planning Board will keep 3 signed paper copies.
  2. If the application is not complete or the Planning Board requires more information, the application will be rejected and you will receive additional instructions at that time.
  3. If the Planning Board determines that the plan requires subdivision approval, you will be asked to submit a subdivision application.
- Once the plans have been endorsed, you then register the ANR at the Franklin County Register of Deeds, located in the Franklin County Courthouse at 425 Main St., Greenfield, MA 01302, telephone 413-772-0329. Recording hours are Monday through Friday, 8:45 a.m. to 4:00 p.m.

<sup>1</sup>Standard Digital File (SDF) is defined by Version 2.0 of the MassGIS Standard for Digital Plan Submittals to Municipalities October 2007 (*a link is available on the Town website and a hard copy is available in Town Hall*).

**Attachments:**

1. Form A: ANR Application
2. ANR Plan Flow Chart
3. Chapter 264 of Deerfield's Bylaws, Subdivision of Land (dated 9-15-2005), Sections 2400 and 2500
4. Massachusetts General Laws, Chapter 41, Section 81P
5. Chapter 179 of Deerfield's Bylaws, Zoning (dated 11-01-2010), Section 2300, Dimensional Requirements
6. Deerfield Planning Board Fee Schedule

**Additional Resources:**

1. Massachusetts Subdivision Control Law, M.G.L. Chapter 41, Sections 81K-81GG
2. MassGIS Standard for Digital Plan Submittals to Municipalities (Version 2.0--October 2007)



# Form A: ANR Application

# Town of Deerfield Planning Board

1. **Name of Applicant:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2. **Property Owner(s)** (If different from above. All entities listed on deed must sign. Please attach additional sheets if necessary.)

**Name:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Name:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. **Name of Registered Land Surveyor/Engineer:** \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

4. **Parcel ID: Street Address:** \_\_\_\_\_

**Map:\*** \_\_\_\_\_ **Lot/Parcel #:\*** \_\_\_\_\_ **Zoning District\*:** \_\_\_\_\_

*\*This information can be found on your tax bill or you can call the Board of Assessors.*

**Number of existing parcels/lots:** \_\_\_\_\_ **Number of new parcels/lots:** \_\_\_\_\_

5. **What are the proposed changes to the plans? (Please describe in detail):** (Plans should include a statement that the Planning Board's endorsement is not a determination that the lots shown are buildable lots.)

I hereby request and grant an extension of the time for the Planning Board to take action pursuant to M.G.L. Ch. 81, Sec. 81P with regard to this application until \_\_\_\_\_ (3 days after the next posted meeting of the Planning Board). **Please initial here:** \_\_\_\_\_

**Applicant must file this form with the Town Clerk, Town of Deerfield.**

Town Clerk Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ANR Application Checklist*****For Office Use Only***

- ANR Plan Submission Requirements( to be submitted a minimum of 4 business days prior to a scheduled Planning Board Meeting)
- Two copies of the signed Form A.
  - An original reproducible Mylar plan prepared by a registered professional engineer, registered architect, registered landscape architect, or registered land surveyor **and**
  - at least 3 paper copies of the original plan.
  - A compact disk containing a Standard Digital File (SDF) as defined by Version 2.0 of the MassGIS Standard for Digital Plan Submittals to Municipalities **and**  
       \_\_\_\_\_ a copy of the original CADD file in PDF format **plus**  
       \_\_\_\_\_ accompanying documents in PDF format.
- Contents of Plan (*see Section 2420, Subdivision of Land*)
- Identification of the plan by the name of the owner of record and a locus plan of the development at a scale of one (1) inch equals 400 feet;
  - The statement "Approval Under the Subdivision Control Law Not Required", and sufficient space for the date, and all signatures of the members of the Board;
  - The statement "Endorsement of an ANR plan does not certify that the lots shown on the plan qualify as building lots under the Zoning Bylaw."
  - Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan;
  - In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant, if any;
  - Notice of any decisions by the Zoning Board of Appeals; including but not limited to variances and special permits regarding the land or any buildings thereon;
  - Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available records;
  - Distance to the nearest permanent monument;
  - Location of all existing buildings, including setback and side and rear yard designations.

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Date Plans rejected and sent back as incomplete: \_\_\_\_\_

**OR**

Date Plans Endorsed: \_\_\_\_\_

**OR**

Date Report filed that Subdivision Application required: \_\_\_\_\_

**OR** If no action by Planning Board in 21 days:

Date Certificate Of Approval issued by Town Clerk: \_\_\_\_\_

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Fee paid: \$\_\_\_\_\_ Date: \_\_\_\_\_ Town Clerk stamp: \_\_\_\_\_

Effective Date (signed by Town Clerk): \_\_\_\_\_

21 days from effective date: \_\_\_\_\_ **OR** Extended date: \_\_\_\_\_  
 (must be initialed on front)



# TOWN OF DEERFIELD PLANNING BOARD

## APPROVAL NOT REQUIRED (ANR) PLAN FLOW CHART

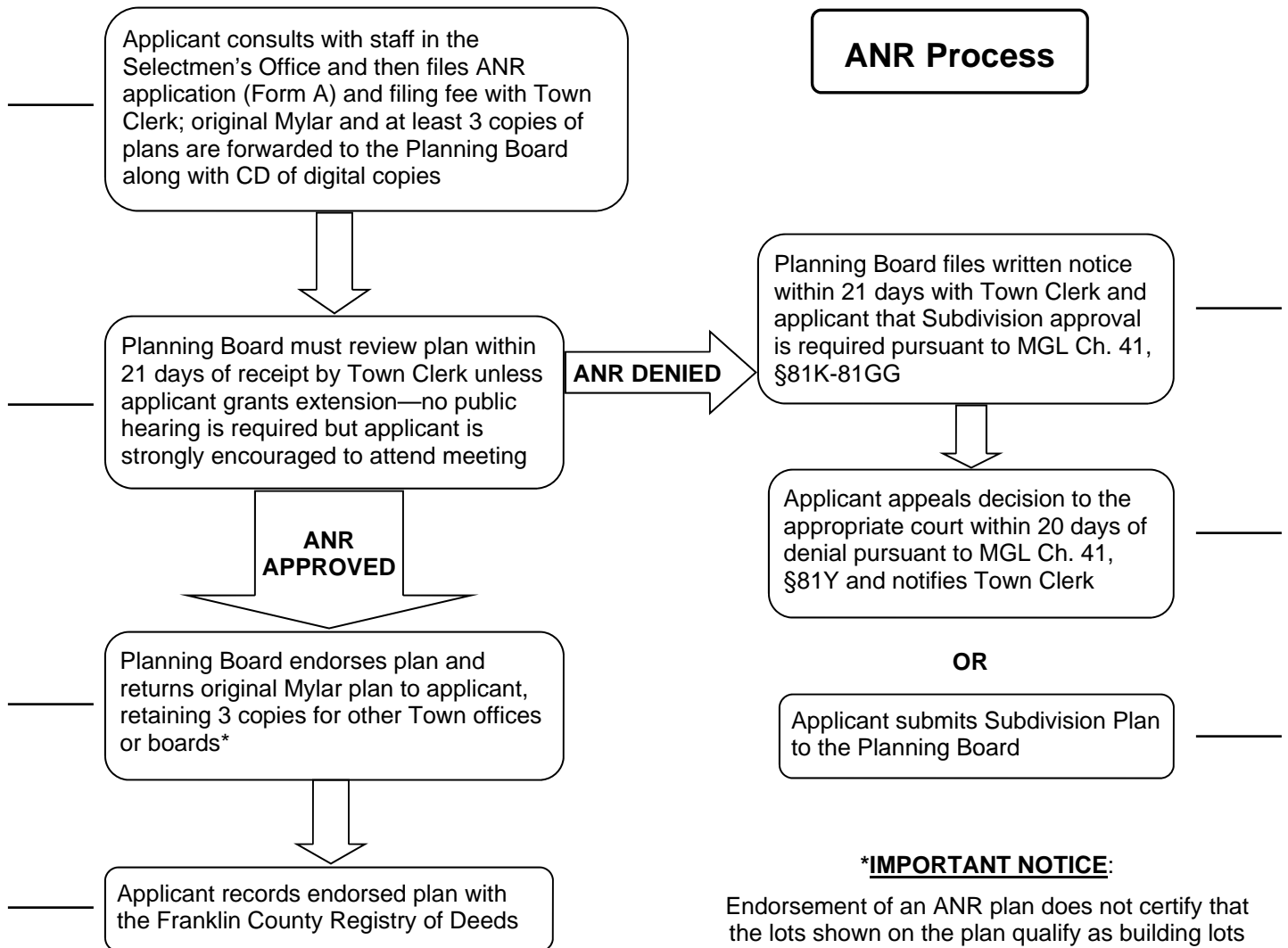
### Approval Not Required (ANR) Plans (as defined in M.G.L. Ch. 41, Sec. 81L):

A "subdivision" is a tract of land divided into two or more lots. However, ANR plans show the creation of lots with frontage on existing roads and do not constitute a "subdivision" requiring approval under the Massachusetts Subdivision Control Law. The Planning Board must determine if there is adequate frontage (as required by Section 2300 of the Deerfield Zoning Bylaws) and adequate access (as required by Section 2500 of the Deerfield Subdivision regulations). To qualify as an ANR, frontage must be on one of the following types of roads:

1. a public way or a way which the Town Clerk certifies is maintained and used as a public way;
2. a way shown on a subdivision plan which has been previously approved and endorsed by the Planning Board; or
3. a way which was in existence when the Subdivision Control Law took effect and which the Planning Board has determined is suitable for the proposed use of the lots.

Date Done:

Date Done:



**\*IMPORTANT NOTICE:**

Endorsement of an ANR plan does not certify that the lots shown on the plan qualify as building lots under the Zoning Bylaw. This determination is made by the Building Inspector.

**FEES AND OTHER EXPENSES:**

**ANR Application fee:** \$100.00 **plus** \$50.00 per proposed new lot to be created

**Consultant Review fee:** May be required for some projects. Fee to be determined by Planning Board and deposited in advance by applicant

**CONTACTS:**

**Building Inspector:** 413-665-1400 x108  
8 Conway St., South Deerfield, MA 01373

**Board of Selectmen's Office:** 413-665-1400 x105  
8 Conway St., South Deerfield, MA 01373

**Town Clerk:** 413-665-2130 x101  
8 Conway St., South Deerfield, MA 01373

**Registry of Deeds:** 413-772-0239  
Franklin County Courthouse, 425 Main St., Greenfield, MA 01301

**Town Website:** [www.deerfieldma.us](http://www.deerfieldma.us)

**HOURS AND SCHEDULES:**

**Town Clerk's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday

**Board of Selectmen's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday  
(Planning Board administrative staff in this office will assist you.)

**Planning Board Schedule:** Typically meets the first Monday of each month at 7:00 p.m. in Town Hall Meeting Room. This schedule or location may change due to holidays, earlier meeting start times, extra meetings in addition to the monthly meeting, etc. Please check with the Selectmen's Office to determine the next scheduled Planning Board meeting.

**Chapter 264**  
**SUBDIVISION OF LAND**

**§ 2400. Plan Believed Not to Require Approval.**

2410. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that said plan does not require approval under the Subdivision Control Law, may submit to the Board said plan, six (6) prints thereof, the filing fee in Section 2260, herein, and two (2) copies of a properly executed Form A – Application for Endorsement of a Plan Believed Not to Require Approval<sup>4</sup>, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination. The Board will review the plan to determine whether it is a subdivision. Failure by the Board to take action within (21) days of the date of submission will result in approval of the plan.

2420. Said plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 ½" x 14") but not to exceed a dimension of twenty-four inches by thirty-six inches (24" x 36"), and shall contain the following information:

- a. Identification of the plan by the name of the owner of record and a locus plan of the development at a scale of one (1) inch equals 400 feet;
- b. The statement "Approval Under the Subdivision Control Law Not Required", and sufficient space for the date, and all signatures of the members of the Board;
- c. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan;
- d. In the case of creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant, if any;
- e. Notice of any decisions by the Zoning Board of Appeals; including but not limited to variances and special permits regarding the land or any buildings thereon;
- f. Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available records;
- g. Distance to the nearest permanent monument;
- h. Location of all existing buildings, including setback and side and rear yard designations.

**§ 2500. Access Adequacy Regulations.**

2510. General. Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created

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<sup>4</sup> Editor's Note: Said Form A is on file in the office of the Town Clerk and may be examined there during regular office hours.

by such plan has adequate access as intended under the Subdivision Control Law, M.G.L.A. ch. 41, ss. 81K – 81GG.

2520. Standards of Adequacy. Streets within a subdivision shall be considered to provide adequate access if, and only if, complying with the standards established in the Planning Board's Subdivision Rules and Regulations. Ways providing access to streets within a subdivision shall be considered to provide adequate access, where prior to construction on any lots, applicant for subdivision approval assures that such access will be in compliance with the Subdivision Regulations for right-of-way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision.

2530. Obligations. The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in these regulations, above, and that the applicant make physical improvements within such way or compensate the town for the cost of such improvements in order to meet the standards specified above.

2540. Waivers. The Board may waive strict compliance with these access regulations only upon its determination, following consultation with the Selectmen, Highway Superintendent, Police Chief, Fire Chief, and Water Commissioner, that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

## **Endorsement of Plans Not Requiring Approval Under Subdivision Control Law**

### **Procedure**

### **Endorsement Within 21 Days**

### **If Approval Required, Notice to Clerk and Applicant Within 21 Days**

### **Failure to Act Deemed Approval**

### **Signature of Other Than Majority of Board**

### **Statement to Register of Deeds and Recorder of Land Court**

Any person wishing to cause to be recorded a plan of land situated in a city or town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the planning board of such city or town in the manner prescribed in section eighty-one T, and, if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing, endorse thereon or cause to be endorsed thereon by a person authorized by it the words "approval under the subdivision control law not required" or words of similar import with appropriate name or names signed thereto, and such endorsement shall be conclusive on all persons. Such endorsement shall not be withheld unless such plan shows a subdivision. If the board shall determine that in its opinion the plan requires approval, it shall within twenty-one days of such submittal, give written notice of its determination to the clerk of the city or town and the person submitting the plan, and such person may submit his plan for approval as provided by law and the rules and regulations of the board, or he may appeal from the determination of the board in the manner provided in section eighty-one BB. If the board fails to act upon a plan submitted under this section or fails to notify the clerk of the city or town and the person submitting the plan of its action within twenty-one days after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith the city or town clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the planning board, or in case of the certificate, by the city or town clerk to the person submitting such plan. The planning board of a city or town which has authorized any person, other than a majority of the board, to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law, shall transmit a written statement to the register of deeds and the recorder of the land court, signed by a majority of the board, giving the name of the person so authorized.

The endorsement under this section may include a statement of the reason approval is not required.

Added by St. 1953, c. 674, s. 7; Amended by St. 1955, c. 326, s. 1 and 2; St. 1957, c. 293, s. 1 and 2; St. 1960, c. 197; St. 1961, c. 332; St. 1963, c. 363, s. 1; St. 1987, c. 122.



2256. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert back to a nonconforming use.

### 2300. DIMENSIONAL REQUIREMENTS.

2310. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute (see G.L. c. 40A, s.6).

2320. Table of Dimensional Requirements. [Amended 4-26-2004 ATM, Art. 32; 4-26-2010 ATM, Art. 1]

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD
MINIMUM LOT SIZE (x 1000 square feet) <sup>1, 7</sup>	60	12 <sup>2</sup>	15	30	80	80	-
FRONTAGE (feet)	200	100 <sup>2</sup>	125	200	200	200	-
FRONT SETBACK (feet) <sup>3</sup>	30	30	20	50	40	50 <sup>4</sup>	-
REAR YARD (feet)	10	10	10	25	25	25 <sup>5</sup>	-
SIDE YARD (feet)	10	10	10	25	25	25 <sup>5</sup>	-
PERIMETER SETBACK							25
MINIMUM LOT WIDTH (feet) <sup>6</sup>	100	50	62.5	100	100	100	-
MAX. BUILDING HEIGHT (feet)	35	35	35	35	35	35	48
MAXIMUM LOT COVERAGE BY IMPERVIOUS SURFACES (%) Buildings, Parking Areas, Walkways, and other impervious surfaces - Low Impact Development (LID) techniques such as pervious pavers do not count as an impervious surface	30	75	70	60	60	70	80

NOTES:

- <sup>1</sup> A minimum of 80% of the area of the lot shall be uplands, and shall not be wetland resource areas as set forth 310 CMR 10.54, 10.55, 10.56, and 10.57. "Riverfront areas," defined in 310 CMR 10.58, which do not also include other wetland resource areas, may be calculated in their entirety (100%) toward the minimum lot size requirement.
- <sup>2</sup> Increase by 25% for two-family dwellings; by 50% for multi-family dwellings.
- <sup>3</sup> Provided, however, that no building need be set back more than the average of the setbacks of the buildings on the next lots on either side if any such building is within one hundred feet of the proposed building.
- <sup>4</sup> 75 feet if the street providing frontage is a state highway.
- <sup>5</sup> 75 feet if the property abutting the rear yard is in the RA District.

- 6 Lot width shall be measured by a line drawn between all non-intersecting lot lines, and having a minimum distance as specified in this Table 2320 for the zoning district. All lines projected for purposes of measuring minimum lot width shall be drawn perpendicular to the property line of origin. In cases of all curved lot lines, minimum lot width shall be measured by a line drawn perpendicular to a chord drawn from the end points of each curved line segment (arc) which is tangent to the arc and parallel to the chord, having a minimum distance designated in this Table 2320 for the zoning district (see illustrations 3<sup>3</sup>).  
The minimum angle between a front line and any adjoining lot line shall be 60 degrees.  
In the case of lots located in more than one zoning district, the requirements of the more restrictive zoning districts shall apply to the entire lot.
- 7 Any part of a lot which does not meet the minimum criteria for LOT WIDTH, shall not be considered toward the calculation of MINIMUM LOT SIZE.

**2400. RATE OF DEVELOPMENT. [Amended 5-14-2001 ATM, Art. 37; 4-26-2004 ATM, Art. 31]**

2410. Purpose. The purpose of this section, "Rate of Development," is to promote orderly growth in the Town of Deerfield, consistent with the rate of residential growth over the last ten (10) calendar years, to phase growth so that it will not unduly strain the community's ability to provide basic public facilities and services, to provide the Town, its boards and its agencies information, time, and capacity to incorporate such growth for the community, and to preserve and enhance existing community character and the value of property.

2420. General. Beginning on May 1, 2004 building permits for not more than 24 dwelling units shall be issued in each of the three full calendar years following said date, for the construction of new residential dwellings. In addition, building permits for not more than twenty (20) dwelling units shall be issued in the remainder of calendar year 2004. For the purposes of this section, a two-family structure shall constitute two dwelling units, and so on. A principal residence with an accessory apartment therein shall constitute two dwelling units.

2430. Procedures. Any building permits issued shall be issued in accordance with the following procedures:

2431. The Building Inspector or Commissioner shall act on each permit in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require a new submittal.

2432. The Building Inspector or Commissioner shall mark each application with the time and date of submittal, and shall act on each application in a timely manner.

2433. Any building permits not issued in any calendar year shall not be available for issuance in any subsequent year.

2434. At the end of the calendar year in which this bylaw is in effect, the Building Inspector or Commissioner shall retain all applications for which a building permit has not

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<sup>3</sup> Editor's Note: Said illustrations follow the definition of "lot width" in Article VI of this chapter.

**PLANNING BOARD**  
**REGULATIONS GOVERNING FEES**  
**AND**  
**FEE SCHEDULES**

**Adopted May 5, 2008**

**SECTION 1. INTRODUCTION.**

**1.1 Procedural History.** Pursuant to G.L. c. 41, §81Q and G.L. c. 40A §§ 9 and 12, the Planning Board has adopted regulations governing fees and a new schedule of fees for review 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 G.L. c. 44, §53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.

**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 may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

**2.2 Form of Payment.** All Administrative and Technical Review Fees shall be paid by bank or certified check.

**SECTION 3. ADMINISTRATIVE FEES.**

**3.1 Applicability.** An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and its office with regard to all applications set forth in Section 3.3, below.

**3.2 Submittal.** Administrative Fees shall be submitted 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. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Law, and Subdivision Rules and Regulations, and any listings which may have been compiled from time to time for the benefit of applicants.

- A. Site Plan Review — \$250.00 Basic Fee **plus** \$10.00 per 100 square feet of land disturbance.
- B. Modification or extension of a Site Plan shall also require the fee specified above.
- C. Special Permit Review — \$250.00 Basic Fee **plus** \$10.00 per 100 square feet of land disturbance.
- D. Modification or extension of Site Plan shall also require fee specified above.
- E. Approval Not Required Plan — \$100.00 **plus** \$50 per proposed new lot to be created.
- F. Preliminary Subdivision Plan — \$ 50.00 per proposed lot **plus** costs for any technical, legal and/or planning consultants whom the Planning Board deems necessary to review Special Permit Plans on the Board's behalf.
- G. Definitive Subdivision Plan — \$ 100.00 per proposed lot **plus** \$10.00 per 100 square feet of land disturbance.

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

- A. If the number of proposed lots or units 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 or units. No review of these additional lots or units shall take place until this additional fee is paid to the office of the Planning Board, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- B. If the number of proposed lots or units decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those lots or units has been yet incurred.

**3.5. Fee Waivers.** The Planning Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

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

#### **SECTION 4. PROJECT REVIEW FEES.**

**4.1 Applicability.** In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the 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 able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall 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.

**4.2 Submittal.** Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

**4.3 Schedule of Project Review Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Law and/or Subdivision Rules and Regulations, as well as any other listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board for action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

- A.** Original Special Permit, Site Plan, ANR Plan, Preliminary Subdivision Plan, and/or Definitive Subdivision Plan, or modification thereof:

<u>Project Size for Proposals not involving land divisions</u>	<u>Fee</u>
600 square feet disturbed land	\$ 800
601 — 4000 square feet disturbed land	\$ 1,200
4001 — 10,000 square feet of disturbed land	\$ 2,400
10,001 — 20,000 square feet of disturbed land	\$ 3,500
20,000 square feet of disturbed land	\$ 6,000

<u>Project Size for Proposals involving land divisions</u>	
2 — 4 Lots/Units	\$ 1,200
4 — 6 Lots/Units	\$ 2,000
7 — 12 Lots/Units	\$ 4,000
More than 12 Lots/Units	\$ 6,500

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

**4.5 Inspection Phase.** After the granting of a Special Permit, Site Plan, ANR Plan, Preliminary Subdivision Plan, and/or Definitive Subdivision Plan, the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

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

- A. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- B. Project Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 53G Account.
- C. A copy of the latest statement from the banking institution handling the 53G Account shall be forwarded from the office of the Town Treasurer to the office of the Planning Board as soon as it is received for timely and accurate accounting.
- D. The Town Accountant shall prepare a report on activity in the 53G Account on an annual basis.
  - 1. This report shall be submitted to the Board of Selectmen for its review.
  - 2. This report shall be printed in the Annual Report for the Town.
- E. An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
  - 1. The Planning Board shall respond to the request in a timely fashion.
  - 2. This accounting shall include the following information:
    - a. The latest statement from the banking institution handling the account, which 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 office of the Planning Board, based on the latest statement from the banking institution.

- b. A report of all checks authorized for issuance since that last banking statement.
- F. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- G. 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 filing of a decision with the Town Clerk denying or awarding a Special Permit, Site Plan, ANR Plan, Preliminary Subdivision Plan, or Definitive Subdivision Plan.
  - 2. With the filing of a decision with the Town Clerk regarding an Administrative Appeal.

**4.7. Appeal.** 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 Board of 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 of 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, G.L. 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 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, on the grounds provided for in this section.

**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 associate 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 provisions of the 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.
- B. Any new regulations or alterations to the fee schedule shall take affect upon filing a copy of the amendments with the Town Clerk.
- C. 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.