

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

Adopted January 21, 2004

**Section VI**

**D     Fees and Expenses**

**1.0     Introduction**

On January 21, 2004, the East Brookfield Planning Board held a public hearing per MGL Ch.40A, §9 and pursuant to MGL Ch.41, §81Q, to consider amending it's Subdivision Rules and Regulations governing fees and expenses. At the close of the public hearing, the Planning Board voted to adopt said amendment as follows. This document constitutes the current fee schedule and rules governing the imposition of fees on the various types of applications that come before the Planning Board.

**1.1     *Purpose***

These regulations and fee schedules have been adopted to produce a schedule of fees which, reflects the costs of technical and legal review of applications to the Planning Board; and to promote informed decision-making by the Planning Board.

**1.2     *General***

The Planning Board shall impose reasonable fees for the review of applications that come before it with the following fee schedule.

**1.3     *Applicability***

The Planning Board shall assess an Application Fee to cover the cost of processing all Planning Board applications. Such Application Fees shall be made payable to the town of East Brookfield and be received by the Planning Board who in turn will submit it to the Town Treasurer. This Application Fee applies to all applications except those exempted in Section 1.10 below. Application Fees are to be submitted as part of the initial applications. An application filed without the inclusion of these fees shall be determined to be incomplete and no review work shall commence until the fee has been paid in full.

#### **1.4 Refunds of Application Fees**

Once the review process has been started, there shall be no refunding of Application Fees, including the case of withdrawal of the application by the Applicant. For this reason, it is important that Applicants consult with the Planning Board office prior to formal application to insure that the appropriate permits and review are being sought.

#### **1.5 Modification of Application**

For those applications that are assessed Application Fees calculated in part by the number of lots or units being sought, which during the review process undergo a change in design resulting in a change in the number of lots or units being sought, the following rules shall apply:

- a.) If the number of lots or units being sought increases over the number previously sought, 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 Planning Board office, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- b.) If the number of lots or units being sought decreases from the number originally sought, a refund of that portion of the application fee predicted on those lots or units shall be granted only if, in the judgment of the Planning Board, no review of those lots or units has taken place or no incremental expense has been incurred by the Board in the review process which would not have been incurred in the absence of the lots or units to be deleted. Such judgment by the Planning Board shall require a motion carried by a majority of elected or appointed Board members and the Board's judgment in such matters shall be deemed final.

#### **1.6 Schedule of Application Fees:**

The following is the schedule of fees for all types of applications that come before the Planning Board. This schedule supersedes all previous schedules as they appeared in the East Brookfield Zoning Bylaws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of Applicants.

<b>Type of Application</b>	<b>Application Fee</b>
ANR Plans	\$50 per lot
Preliminary Subdivision Plans	\$200, plus \$50 per lot for every lot.
Definitive Subdivision Plan	\$500 plus \$30 per for every lot
Modification of a Definitive Subdivision Plan	\$250
Roadway Inspection	\$2 per linear foot of roadway
Site Plan Review	\$200
Request to Release Lots from Covenant or Reduce Amount of Performance Guarantee	\$25
Major and Complex Projects	See Section 1.9

### ***1.7 Legal Advertising and Abutter Notification Expenses***

In addition to the Application Fees in Section 1.6, the Applicant shall be responsible for the cost of legal advertisement and notification of abutters and parties in interest, as applicable to a particular application.

### ***1.8 Multiple Applications***

When more than one type of application is being sought at the same time (for the same project), only the highest of the applicable Application Fees shall be collected, and not the sum of those fees.

### ***1.9 Major and Complex Projects***

Additional Application fees may also be assessed for "Major and Complex" Projects. For the purposes of assessing a fee under this subsection, a major and complex project is a project for which the Town is likely to incur substantial administrative expense during review, approval, and construction of the project due to factors such as the novelty and technical complexity of the project; the potential for adverse impacts; the need for close scrutiny of the project; and the size and scope of the project. Such fee shall be determined on a case by case and shall be based upon the Town's estimated administrative expenses.

### ***1.10 Exemptions and Waivers of Application Fees:***

- a.) Applications submitted by the Town of East Brookfield, other Town Departments, or any of the Town Water and Sewer Districts are exempt from Application Fees, except that the Planning Board may require reimbursement of legal advertisement and abutter notification fees.
- b.) The Planning Board may waive or reduce any fee under these provisions, if in the opinion of the Board, unusual circumstances regarding the subject project or the Applicant result in an application fee not envisioned or intended with the adoption of these regulations and fees schedules.

### ***1.11 Review Fees***

- a.) In addition to Application Fees, the Planning Board may also impose a Project Review Fee. This fee shall be imposed on those applications which, in the judgment of the Planning Board, will require the services of outside consultants for the review process 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 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.

### **1.12 *Appeal of the Selection of the Consultant(s)***

The Applicant may appeal the selection of an outside consultant to the Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of 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. The Applicant must specify the specific grounds which the Applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administration appeal.