



TOWN OF STOUGHTON

MASSACHUSETTS, 02072

PLANNING BOARD

TOWN HALL
10 PEARL STREET
TELEPHONE: (781) 341-1300
FAX: (781) 341-1086

STOUGHTON PLANNING BOARD RULES & REGULATIONS GOVERNING FEES AND FEE SCHEDULES

*ADOPTED SEPTEMBER 11, 2008
REVISED MARCH 23, 2017*

SECTION 1. INTRODUCTION

Purpose. These regulations and fee schedules have been adopted, pursuant to G.L. C. 41 81Q and G.L. c. 40A, s.9, to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review and long term impact of applications to the Planning Board; to adopt the procedures offered by G.L. 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.

Applicability. This schedule supersedes all previous schedules as they may have appeared in the Stoughton Rules and Regulations for the Subdivision of Land, Site Plan Review Regulations, Special Permits and any listings which may have been compiled from time for the benefit of applicants.

SECTION 2. FEE STRUCTURES AND REGUALTIONS

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

SECTION 3. APPLICATION FEES

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

Schedule of Application Fees. The following schedule applies to the types of applications to the Planning Board set forth below.

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Table 3.1: Application Fees

Category	Application Fee
Approval Not Required (ANR) Plans	\$100, plus \$100 for each resulting lot
Preliminary Subdivision Plan	\$750 or \$2/linear ft of roadway, whichever is less
Definitive Subdivision Plan	\$2,500 when no Preliminary Plan is submitted, \$1,500 when Preliminary Plan is submitted
Modification to Definitive Plan	\$500 plus \$100 for each new or modified building lot, not to exceed \$1,500
Special Permit Application (SCMOUD)	1. \$500 plus \$.10/ square foot of gross building area as determined by zoning by-law.
Special Permit Application (Sign Only)	\$500
Site Plan Review	1. \$500 plus \$.10/ square foot of gross building area as determined by zoning by-law.
	2. Minor Modification to previously approved site plan, \$250.00 plus \$0.10 per square foot of total building gross floor area, not to exceed \$1,500
Scenic Road Application	\$250

Fees for Revised Applications. Where an Application has been submitted and is revised through Planning Board review process, should the revisions cause the necessity to re-advertise the hearing of the application, the Application Fee shall be recalculated based on the revised plans and difference shall be recalculated based on the revised plans and the difference shall be paid for the administration of the application.

Fee Waivers. The Planning Board may waive or reduce the Application Fee, if, in the opinion of the Board, extraordinary circumstances exist regarding the subject property or the applicant.

Refund. Once the application has been processed, the Planning Board shall not refund Application Fees, including the case of withdrawal of the application by the applicant.

SECTION 4. PROJECT REVIEW FEES

Applicability. In addition to an Application Fee, the Planning Board shall impose a Project Review Fee. A Technical Engineering Review performed by the Engineering Department is required for all projects that require approval by the Planning Board. In addition to the Technical Engineering Review by the Engineering Department, the Board may engage other engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, by-laws and regulations.

Submittal. Project Review Fees shall be submitted at the time of the submittal of the application. Any Project Review fee collected for the hiring of outside consultants shall be deposited in an account established pursuant to G.L. c. 44, s. 53G. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full and the Board receives collected funds.

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Schedule of Technical Project Review Fees performed by the Engineering Department.

The following table shall be used to calculate the Engineering Department Technical Project Review Fee. The review fee includes two follow-up reviews for plan and document revisions. This table shall not be used to calculate review fees for outside consultants. Additional fees may be required where the Board determines the hiring of outside consultants is required.

Table 4.1: Technical Engineering Review Fees performed by the Engineering Dept.

SITE PLAN REVIEW/SPECIAL PERMIT – PROJECT REVIEW FEES		
A. Residential Use	Units	Review Fee
	0-10	500
	10-20	750
	20-50	1,500
	50-100	2,000
	>100	2,500
B. Building Size	Gross Floor Area (GFA)	Review Fee
	0-5,000	500
	5,000 -10,000	750
	10,000 - 30,000	1000
	30,000 - 50,000	1250
	50,000-100,000	1,500
	>100,000	2,000
C. Required Parking Spaces	# Spaces	Review Fee
	0-10	500
	10-20	750
	20-50	1000
	50-100	1500
	100-300	2,500
	>300	3,000
D. Drainage Analysis Required	Required	Review Fee
	Yes	500
	No	0
E. Drive-thru Facility	Proposed	Review Fee
	Yes	1,000
	No	0
SUBDIVISION -PROJECT REVIEW FEES		
Approval Not Required (ANR)	\$100/resulting lot	
Preliminary Plans	\$750 minimum or \$100/lot whichever is greater	
Definitive Plans w/ no Preliminary Approval	\$1,000 plus \$5.00/ linear foot of roadway, or \$3,000 whichever is less	
Definitive Plans w/ Preliminary Approval	\$1,000 plus \$3.00/ linear foot of roadway, or \$3,000 whichever is less	
OTHER - PROJECT REVIEW FEES		
Minor Modification to Site Plan	\$500 plus \$0.10 per square foot of building	
Scenic Road Application	\$250	
Sign Special Permit Only	\$250	

Calculation of Project Review Fee. The Total Technical Project Review Fee performed by the Engineering Department is to be calculated by adding the applicable fees from A, B, C, D, E categories as depicted in Table 4.1. The minimum Technical Project Review Fee for any project that requires Site Plan Review Approval is \$500.

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Project Review Fee Waivers. The Planning Board may waive or reduce the Technical Engineering Review Fee by the Engineering Department, if, in the opinion of the Board and Town Engineer, extraordinary circumstances exist regarding the subject property or the applicant.

Replenishment. In cases where the Town hires an outside consultant, when the balance of an applicant's 53G Account falls below 25% of the initial Project Review, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the remaining project review. If required, review will not continue until said addition fee is paid and the Board receives collected funds.

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

- A. 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 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 showing collected funds shall be forwarded from the office of the Town Treasurer to the Planning Board office 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 at least on an annual basis or more often, as requested by the Planning Board.
 1. This report shall be submitted to the Selectmen for their review.
 2. This report shall be printed in the Annual Report for the Town of Stoughton.
- 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 for 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 Planning Board office, based on the latest statement from the banking institution.
 - b. A report of all checks authorized for the 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. Remaining 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 interest.

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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 band at the end of the 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 Stoughton Zoning By-law or Subdivision Rules and Regulations, whichever comes later.

Appeal. The choice of the consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen in accordance with General Laws Chapter, 53G.

- 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, 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.
 3. A record of state or professional sanction exists.
- 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 the law, based on the standards provided for in this Section.

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

Costs of Collection. All costs of collection associated with past due accounts shall be borne by the applicant.

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 by certified mail Return Receipt Requested.
- B. A copy of the applicable sections of these regulations with all amendments clearly indicated.

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- C. For the purpose of this Section there is 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.

Amendment. In its sole discretion 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 majority vote of the Board.
- B. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Stoughton 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.

SECTION 7. CONSTRUCTION INSPECTION FEES

After approval of a Definitive Subdivision Plan or a Site Plan, applicants will be required to pay an inspection fee to the Engineering Department to perform periodic site inspections during construction. The intent of these site visits is for the Engineering Department to observe and document construction activities, and report back to the Board periodically with status reports noting any construction changes from the approved plan. This information will help verify the final As-built Drawings supplied by the applicant once the project is constructed and help avoid repeated and costly As-Built Plan submittals from the applicant. Additional fees may be required, if outside consultants are needed to complete a task (i.e. material testing, compaction testing, sieve analysis, traffic signals installation, etc.)

Inspection shall occur at a minimum frequency to verify that underground structures, utilities, paving, grading, lighting, and landscaping are constructed as designed. Larger or more complex project may require additional funds for more extensive or lengthy construction or unforeseen subsoil conditions, inspections by the Engineering Department or outside consultants, as determined by the Board.

The following items require inspection:

- 1. Soil Testing for roadway, drainage, or foundation design purposes (if not done during permitting stage)
- 2. Site Clearing and Erosion/ Sedimentation Control Installation
- 3. Drainage (periodic visits)
 - a. Open Hole for Infiltration Structures/ Detention Basins/ Water Treatment Devices
 - b. Trench and Pipe Bedding

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- c. Component and Piping for Infiltration Structures/ Detention Basins/ Water Treatment Devices
- d. Final Backfill for all drainage facilities
- 4. Sewer (periodic visits)
 - a. Trench and Pipe Bedding
 - b. Manhole/ Grease Trap/ Pump Installation
 - c. Connection to existing mains or services
 - d. Testing of Sewer Pipe & Appurtenances if necessary required for all Subdivision Roadways (Video Camera, Air Tests, etc.)
 - e. Final Pump Test
 - f. Final Backfill for all drainage structures
 - g. Ball Test after final backfill.
- 5. Water (periodic visits)
 - a. Trench and Pipe Bedding
 - b. Connection to existing mains or services
 - c. Testing of Water Pipe & Appurtenances if necessary, required for Subdivision Roadways
 - d. Final Backfill
- 6. Grading (random visits to assure correct drainage patterns)
- 7. Subbase material for roadway, parking areas and sidewalk areas if necessary, required for Subdivision Roadways (periodic visits, compaction tests, proctor number and gradation tests)
- 8. Stormwater Pollution Prevention Measures/ Soil Stabilization (periodic visits throughout construction)
- 9. Paving Operation (first day to assist in correct methods then periodic monitoring)
- 10. Pavement markings/ Signage/ Dumpsters (periodic visits)
- 11. Sidewalks/ Wheelchair Ramps (periodic visits)
- 12. Lighting (two visits)
- 13. Landscaping (two visits, one after final as-built plan submitted)
- 14. Construction of Structural walls or other structural items (as needed)
- 15. Miscellaneous Testing (utility, soils, materials, etc.)
- 16. Final As-built Plan Review and Inspection
- 17. And other circumstances as deemed necessary in the sole discretion of the Engineering Department.

The minimum deposit for Site Construction Inspections is as follows:

TABLE 7.1: SITE PLAN CONSTRUCTION INSPECTION FEES

SITE LAND DISTURBANCE	INSPECTION FEE
<1 ACRE	\$1,000
1-3 ACRES	\$1,500
3-10 ACRES	\$2,000
>10 ACRES	\$2,500

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TABLE 7.2: SUBDIVISION CONSTRUCTION INSPECTION FEES

LENGTH OF PROPOSED ROADWAY	INSPECTION FEE/ LINEAR FOOT
0-500'	\$1,500
500'-1000'	\$2,000
1,000'-2,000'	\$3,000
>2,000'	\$4,000

Re-inspection costs will be incurred if communication is not clear or timely, or if construction is not in compliance with the approved design or typical standards. Re-inspection costs shall be \$100 per visit and shall be paid prior to the inspection.

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