

R:1-10 CONSULTANT SERVICES.x

R:1-10.1 Use of Consultant

Upon receipt of an application, or at any point during the application process, the Board of Health is authorized to require the applicant to pay fees for the reasonable costs and expenses borne by the Board of Health for specific engineering or other consultant services deemed necessary by the Board of Health to come to a final decision on the application. The specific consultant services may include review any design plan, septic installation or soil and site conditions. Such fees are called "consultant fees". No such consultant services shall commence until such time as the applicant has agreed in writing to the scope and funding for such a review. Selection of a consultant by judgment of the Board of Health to perform a review shall be based upon experience, qualifications, credentials and the cost of the consultant.

The applicant may appeal the selection of the outside consultant to the Board of Selectmen. 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. The minimum qualifications shall consist either 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 required time limits for action upon an application by the Board of Health shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by Board of Health shall stand. Such an administrative appeal does not preclude further judicial review, if otherwise permitted by law.

The project shall not be segmented to avoid the consultant deposit fee. These deposit fees are good faith estimates of the cost of the review but the actual fees will be the actual cost that is incurred by the Board of Health. The amount to be deposited in advance of the work being commenced may therefore be modified at the sole discretion of the Board of Health as warranted by the particular project.

R:1-10.2 COST OF CONSULTANT

Residential Lots and Subdivisions

Project Size	Deposit Fee
1 lot/unit	\$2,000.00
2-15 lots/units	\$4,000.00
16-20 lots/units	\$6,000.00
21-25 lots/units	\$8,000.00
More than 25 lots/units	\$10,000.00

Commercial and Industrial Property

Project Size	Deposit Fee
Less than 10,000 sq. foot of gross floor area	\$3,000.00
10,001 to 30,000 sq. foot of gross floor area	\$5,000.00
30,001 to 50,000 sq. foot of gross floor area	\$8,000.00
More than 50,001 sq. foot of gross floor area	\$11,000.00

A consultant fee may also be assessed for major or complex projects. A major or complex project means a project for which the Board of Health is likely to require substantial outside technical or legal assistance due to factors such as the novelty or complexity of the project, the potential adverse impact, the

need for close scrutiny and the size and scope of the project. The Board of Health, by majority vote, may require a deposit fee of up to \$25,000.00 for major or complex projects.

When the balance of the applicant's consultant fee account falls below 25% of the initial consultant review fee, as imposed by the paragraph above, the Board of Health shall consider whether to require a supplemental consultant fee to cover the remaining project review and the attendant costs still to come.

An account shall be established by the town treasurer in the town treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the Board of Health without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account will be made available to the applicant or to the applicant's successor in interest. The town accountant shall submit annually a report of said special account to the Board of Selectmen for their review. Said report shall be published in the town annual report.

This regulation shall take effect on August 24, 2005. The vote of the Board of Health members was taken at a Public Hearing held on August 23, 2005.