



TOWN OF WAYLAND
BOARD OF HEALTH

WAYLAND MASSACHUSETTS

CONSULTANT REVIEW FEES REGULATION

The Board of Health of the Town of Wayland, acting under the authority of Chapter 111, Section 31 of the General Laws and Amendments and Additions thereto, and by any other power thereto enabling, and acting thereunder, has voted at its regularly scheduled meeting on March 23, 1992 to adopt the following Consultant Review Fees Regulation:

- (a) Services: The Board of Health (hereinafter "Board") may retain qualified consultants and recover actual and reasonable costs for consultant services each in order to itself independently evaluate any matter submitted to it for review. The Board's decision to retain a consultant under this section shall be based upon a finding that the size, potential impact, or other specific conditions arising from the land or the nature of the proposal necessitate the assistance of an engineering, sanitation, environmental, soils, hydrologic, legal or other consultants to assist the Board in analyzing a project to ensure compliance with all relevant laws, codes, bylaws, and rules and regulations.
- (b) Deposits to Special Accounts: Funds in an amount of money equal to the estimated cost determined by the Board shall be deposited with the Town Treasurer/Collector who shall maintain such funds separate from the general fund. A special accounting of activities and interest earned on each separate project shall be maintained. If the unexpended balance falls below thirty percent (30%) of the initial estimate, an additional deposit, as determined by the Board to be reasonable and necessary to complete the consultant review, shall be made by the Applicant to replenish the special account.

- (c) Expenditures From Special Accounts: Expenditures from this special account, only for the purpose originally stated, may be made at the direction of the Board without further appropriation. Accrued interest may not be spent for this purpose. At the completion of review of a project by the Board, any excess amount in an account, including interest, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest.
- (d) Administrative Appeals: Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen providing that such appeal is taken within 14 days of notification of the Board's appointment of the consultant. 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 required time limit for action upon an application by the Board 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 the Board shall stand.
- (e) Failure to Pay: Failure or refusal of an applicant to deposit the estimated Consultant Review Fee, or to replenish the special account when requested, shall be grounds for denial of the application or permit.

Adopted MARCH 23, 1992

Published APRIL 2, 1992