



**TOWN OF OAK BLUFFS  
PLANNING BOARD**

P.O. Box 1327  
Oak Bluffs, MA 02557

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

Adopted June 20, 2001  
Revised July 11, 2019

**Section 1. Introduction**

- 1.1 Procedural History: On July 11, 2019, the Planning Board held a Public Hearing, pursuant to M.G.L. Chapter 41, Section 81Q and M.G.L. Chapter 40A, Section 9, to consider proposed updates to the Planning Board Regulations Governing Fees Adopted June 20, 2001. At the close of the Public Hearing the Planning Board voted to approve the new schedule of fees for Administrative and Project 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 M.G. L. Chapter 44, Section 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.

**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 Town Zoning By-laws, 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.

A. Approval Not Required (ANR) Plans - \$150.00.

B. Preliminary Plans - \$150.00 and \$10.00 per lot or dwelling unit for each lot after the first six (6).

C. Definitive Plans - \$350.00 and \$150.00 per lot or dwelling unit to be created by a subdivision or open space plan; and \$10.00 per lot if no preliminary plan was submitted.

D. Modification of a Preliminary Plan - \$100.00 plus \$100.00 for each lot or dwelling unit affected and for each new building lot or dwelling unit created. In addition, a fee of \$150.00 shall be required for the modification of a drainage structure. The total fee required should be the addition of all fees outlined above.

E. Modification of a Definitive Plan - \$200.00 plus \$100.00 for each lot affected and for each new building lot created. In addition, a fee of \$150.00 shall be required for the consideration of a modification of a road and a fee of \$150.00 shall be required for the modification of a drainage structure. The total fee required shall be the addition of all fees outlined above.

F. Special Permit - \$500.00. Modification or extension of special permit shall also require a fee of \$350.00.

G. Repetitive Petition - Consideration of a petition for a rehearing from the Zoning Board of Appeals - \$350.00.

H. Site Plan Review - \$350.00.

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 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 decrease, 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 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. Chapter 44, Section 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 Town Zoning Ordinance, the Rules and Regulations for the Subdivision of Land, and any listings that 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 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. Preliminary Plan, Modification of a Preliminary Plan, Modification of a Definitive Plan or Modification of a Special Permit:

*Project Size*

15 lots/dwellings	\$4,000	
16 – 20 lots/dwellings	\$6,000	
21 – 25 lots/dwellings	\$10,000	
More than 25 lots/dwellings	\$20,000	
10 or less parking spaces	\$2,500	
Eleven to 20 spaces	\$5,000	
Above 20 spaces	\$1,000	10 spaces Incrementally

**B. Initial Definitive Plan / Project Size**

*Project Size*

2 – 15 lots/dwellings	\$6,000
16 – 20 lots/dwellings	\$8,000
21 – 25 lots/dwellings	\$12,000
26+ lots/dwellings	\$30,000

*Parking Spaces*

10 or less parking spaces	\$2,500	
Eleven to 20 spaces	\$5,000	
Above 20 spaces	\$1,000	10 spaces Incrementally

**C. Special Permits & Site Plan Review**

*Project Size*

2 – 15 lots/dwellings	\$6,000	
16 – 20 lots/dwellings	\$10,000	
21-25 lots/dwellings	\$14,000	
26-30 lots/dwellings	\$18,000	
Above 30 lots/dwellings	\$4,000	10 lots/dwellings Incrementally
10 or fewer acres	\$6,000	
11 to 20 Acres	\$12,000	
Above 20 Acres	\$6,000	10 AC Incrementally

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 approval or Definitive Plan approval, 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 M.G.L. Chapter 44, Section 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 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 on an annual basis.
    - 1. This report shall be submitted to the Board of Selectmen for their review.
    - 2. This report shall be printed in the Annual Report of 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 Planning Board office, 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 approval or disapproval of a Preliminary Subdivision Plan.
    - 2. With the disapproval of a Definitive Subdivision Plan.
    - 3. With the release of the performance bond at the end of 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 Town Zoning Bylaws, whichever comes later.
- 4.7 Appeal: The applicant, providing such appeal is initiated within two (2) weeks of the initial selection, may appeal the choice of a consultant selected by the Planning Board for the review of an application in writing to the Board of Selectmen.
- A. The Board of Selectmen shall convene a formal hearing within twenty (20) days of a written appeal by an applicant.
  
  - B. Two circumstances may disqualify the selected consultant. Those 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-M.G.L. Chapter 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 (3) 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 the Board of Selectmen renders no decision within thirty (30) days 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 (1) 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 associated 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 thirty (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. A public hearing shall precede amendments.
  - B. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.

**SUMMARY**  
**FEES AND FEE SCHEDULE RATIFIED**  
**July 11, 2019**

**ADMINISTRATIVE FEES:**

Approval Not Required	\$150	
Preliminary Plans	\$150	
Definitive Plans	\$350	plus \$150/lot/dwelling
Modification of Pre Plan	\$100	plus \$100/lot/dwelling affected
Modification of Def Plan	\$200	plus \$100/lot/dwelling
Road/Drainage Modification	\$150	
Special Permit/Modification	\$500	
Repetitive Petition	\$350	
Site Plan Review	\$350	

**PROJECT REVIEW FEES**

**PROJECT SIZE**

15 lots/dwellings	\$4,000	
16 – 20 lots/dwellings	\$6,000	
21 – 25 lots/dwellings	\$10,000	
More than 25	\$20,000	
10 or less parking spaces	\$2,500	
Eleven to 20 spaces	\$5,000	
Above 20 spaces	\$1,000	/10 spaces Incrementally

**INITIAL DEFINITIVE PLAN / PROJECT SIZE**

2 – 15 lots/dwellings	\$6,000	
16 – 20 lots/dwellings	\$8,000	
21 – 25 lots/dwellings	\$12,000	
26+ lots/dwellings	\$30,000	
10 or less parking spaces	\$2,500	
Eleven to 20 spaces	\$5,000	
Above 20 spaces	\$1,000	/10 spaces Incrementally

**SPECIAL PERMITS & SITE PLAN REVIEW**

**PROJECT SIZE**

2 – 15 lots/dwellings	\$6,000	
16 – 20 lots/dwellings	\$10,000	
21-25 lots/dwellings	\$14,000	
26-30 lots/dwellings	\$18,000	
Above 30 lots/dwellings	\$4,000	/10 lots/dwellings Incrementally
10 or fewer acres	\$6,000	
11 to 20 Acres	\$12,000	
Above 20 Acres	\$6,000	/10 AC Incrementally