

RECEIVED

2011 AUG 17 PM 2:23

06/16/11 10:00 AM

February 13, 2003



DENNIS BOARD OF HEALTH Project Review Fees Regulation – Special Municipal Account

The Town of Dennis Board of Health adopts the following regulation pursuant to authorization granted by Massachusetts General Laws, c. 111, §31.

SECTION I

When reviewing an application for, or when conducting inspections in relation to (permit/approval), the Board, in its discretion, may determine that the assistance of outside consultants is warranted or necessary due to the size, scale or complexity of a proposed project, because of a project's potential impacts, environmental or otherwise on the Town of Dennis, or because the Town lacks the necessary expertise to perform the work related to the (permit/approval). The Board may assess and require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project. The Board's decision shall state the particular reason for the outside assistance and set forth the specific scope of services to be provided.

SECTION II

The Board may, in its discretion, engage consultants, engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/by-laws, 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 decision or regulations, or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.

SECTION III

Fees assessed and received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation and shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee by the date set forth in the Board's decision to engage outside assistance shall be grounds for denial of the (applicant/permit).

Project Review Fees Regulation

SECTION IV

At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project 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 applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

SECTION V

Any applicant may take an administrative appeal from the selection of the outside consultant to the Dennis Board of Selectmen. Such appeal must be made in writing and may be taken only within 10 days after receipt of the Board of Health's notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant or professional selected has a conflict of interest or is unqualified. 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 Dennis Board of Selectmen within 20 days following the filing of the appeal, the selection made by the Board shall stand.

DENNIS BOARD OF HEALTH

Adopted: February 13, 2003

**Thomas J. Perrino, Vice Chairman
Diane Chamberlain, Clerk
Curt A. Livingston
Barbara Bird**

Effective: February 27, 2003