

PART VI. MISCELLANEOUS

6.01 Appeal

Any person aggrieved by the decision of the Conservation Commission, under [Article 3-13](#), whether or not previously a party to the proceeding, may appeal according to the provisions of the Massachusetts General Laws, C.249, s.4. Notice of said appeal and a copy of the complaint shall be sent certified mail, or hand delivered, to the Conservation Commission, its authorized representatives or assigns, and the Town Counsel. The complaint shall contain any facts pertinent to the issue, a copy of the decision appealed and bearing the date of the filing thereof, the complete name and address of the party filing the appeal, the name and address of the attorney, if any, representing the person filing the appeal and the relief sought.

6.02 Compliance

The Commission may require as a permit condition that the performance and observance of other conditions be secured by one or both of the following methods.

- 1) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town.
- 2) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded, or registered, in the case of registered land.

6.03 Bond

The amount of the Bond, which may be required under 6.02 (1) above shall be determined by the Commission. A bond estimate may be requested from the Commission and will remain effective for 60 days. The cost of this estimate will be borne by the applicant. The amount of the bond shall reflect the cost for the Town to complete the work and additional consultation fees. The Bond shall be released by the Commission only upon satisfactory completion of an Order of Conditions and issuance of a Certificate of Compliance.

6.04 Filing Fees

These fees are in addition to the fees for the filing under M.G.L. Ch. 131, s.40. In addition, the Conservation Commission is authorized to require the applicant to pay the costs and expenses of any expert consultant deemed necessary by the Conservation Commission to review the application and plans as well to conduct any other inspections, reviews or analysis deemed necessary by the Commission under M.G.L Chapter 44, Section 53G as Amended by §36 of Chapter 46 of the Acts of 2003, Rules for Hiring Outside Consultants.

Consultant Review Fee Schedule

The fees identified below will be imposed at the discretion of the Hanson Conservation Commission upon the filing of a permit application as identified below. Funds will allow the Commission to hire professional consultants as deemed necessary to conduct the review and render an informed decision as per 310 CMR **Chapter 44 § 53G as Amended by § 36 of Chapter 46 of the Acts of 2003**. Monies not utilized by the Commission for review of applicable projects will be returned to the Applicant with interest.

Permit Application	Lot Size	Review Fee
Request for Determination	< or = 1 acre	\$ 100
	> 1 acre	+ \$50/acre
Notice of Intent – Single family	< or = 1 acre	\$ 100¹
dwelling	> 1 acre	+ \$50/acre
Notice of Intent – commercial/	< or = 1 acre	\$ 2,000¹
industrial	> 1 acre	+ \$50/acre

Notice of Intent – Subdivision	< or = 3 lots	\$ 3,000¹
	> 3 lots	\$5,000^{1 2}
Notice of Resource Area Delineation		As per the Commission's Consultant's proposal³

¹ Additional fees may be necessary for certain projects such as, but not limited to, those requiring filling of wetlands and wetlands replication.

² Uniform procurement (G.L. Chapter 30B) requirements must be followed when hiring consultants. Procurements for less than \$5,000 simply need to be based on “sound business practices”; the Commission may select whom it wishes. Those from \$5,000 but less than \$25,000 require at least three written or oral quotes, the person or firm offering the lowest quote for the work needed must be selected.

³ The Applicant shall submit an extra copy of the NRAD to be forwarded to the Commission's Consultant for a proposal. The applicant shall submit the review fees, as per the proposal, prior to review of the ANRAD.

- **Schedule**

- Permit fees are payable at the time of application and are nonrefundable.
- Permit fees shall be calculated by this Commission as noted below.
- Town, State, County or Federal projects may be exempt from fees.
- Failure to comply with this By-law after official notification will result in fees twice those normally assessed.

- **Fees (per activity)**

- **Request for Blanket Determination of Applicability \$50.00**

A Simplified Review Process for projects that meet specific criteria including being at least 50 feet from the boundary of a wetland resource area and that the work will not have an adverse effect on the resource area in question. Eligible projects include:

- Excavation of test pits
- Performance of test pits
- Upgrade of septic systems (non-commercial properties only)

Above ground swimming pools

- Sheds (any size provided they are on concrete footings not to exceed 12" diameter)
- Playscapes and swingsets (provided they are on concrete footings not to exceed 12" diameter)

Decks and Sunrooms

- Gardens (vegetable or flower)
- Irrigation and domestic wells

- **Request for Determination of Applicability \$75.00**

NOTE: If a Positive Determination is issued, the \$75.00 fee paid for the Determination will be subtracted from the fee for the Notice of Intent.

- **Notice of Intent**

Category	Filing Fee	Certificate of Compliance Request	Total
Category 1	\$110.00	\$100.00	\$210.00
Category 2	\$500.00	\$100.00	\$600.00
Category 3	\$1,050.00	\$100.00	\$1,150.00
Category 4	\$1,450.00	\$100.00	\$1,550.00
Category 5	\$4.00 / linear foot	NA	See Explanation of Fees Appendix

d) Abbreviated Notice of Resource Area Delineation (ANRAD)

\$100.00 per resource area delineated on all resource area types as described below:

- each Bordering Vegetated Wetland
- each isolated Wetland regardless of type and size
- each Riverfront Area including any FEMA flood zone;
- each Vernal Pool; regardless of size
- each intermittent Stream, brook, etc.
- each “other” area that meets State and Local standards to qualify as a resource area and not listed in a – e.

*This fee is in addition to a Consultant Review Fee that may also be required as per Fee Schedule on page 36.

e) Extensions of Permits:

- Categories 1 or 2 : **\$50.00**
- Other Categories: **\$100.00**

f) Re-inspections of any kind: \$100.00 per inspection

g) Re-filing of a previously denied project within three years: original fee or \$1,000 whichever is less.

h) Certificate of Compliance: \$100.00 included in filing fee.

NOTE: A written request must be submitted to the Commission with at least 10 days notice.

i) Request for a letter, etc. for Bank Closings: \$50.00

j) Failure to file an Order of Conditions or the Extension or an issued Order of Conditions for which the Commission files same at Registry of Deeds: \$150.00

k) Request for an Amendment to an Order of Conditions: \$50.00

• **Other Fees**

- For all projects a fee of 50 cents per square foot of wetland disturbance and 2 cents per square foot of floodplain or buffer zone disturbed will be assessed.
- Copies of By-law and Rules and Regulations: \$50.00

- c) Copies of Conservation Commission records: \$.20 per page
- d) Research fees in accordance with Public Records Law
[G.L. c. 66 4 §7(26) & 950 CMR 32.00]
- e) Fax fees:
 - \$3.00 first page
 - \$1.00 each additional page

4) **Riverfront Resource Area**

- a) An additional 50% of the total fee of the total fee calculated – for projects having one or more resource areas as well as Riverfront Area.
- b) For projects proposed within the riverfront resource area only, use standard fees as listed above.

NOTE: ALL AFTER-THE-FACT FILINGS WILL BE SUBJECT TO DOUBLE (2X) THE ORIGINAL FEES