**NORTHBOROUGH ZONING BOARD OF APPEALS**

**REGULATIONS FOR HIRING OUTSIDE CONSULTANTS**

**Adopted September 26, 2023**

As provided by MGL Chapter 44, Section 53G, the Zoning Board of Appeals may impose reasonable fees for the employment of outside consultants for reviewing comprehensive permit, special permit, variance, and site plan review applications which, by reason of location, size, complexity, or other factors, require the assistance of professional consultant(s) such as but not limited to an engineer, architect, landscape architect, or environmental scientist.

1. Funds received by the Zoning Board of Appeals pursuant to these Regulations shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Zoning Board of Appeals or its Agent without further appropriation as provided in MGL Chapter 44, Section 53G. Expenditures from this account shall be made only in connection with the review and inspection of a specific project or projects for which a consultant fee has been collected from the applicant.
2. The consultant shall be chosen by the Zoning Board of Appeals and shall report to the Planning Director and Zoning Board of Appeals. The Zoning Board of Appeals shall determine the minimum qualifications that must be met in order for a consultant to be considered eligible to provide peer review services. At a minimum, such qualifications shall consist of an educational degree in or related to the field at issue and three or more years of practice in the field at issue or a related field.
3. The Zoning Board of Appeals shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the estimated amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred if the application is withdrawn within five days of the date notice is given.
4. The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is incomplete (except in the case of an appeal). The Board or its agent shall state such in a letter to the applicant, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee.
5. The applicant may appeal the selection of the outside consultant to the Select Board, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Select Board and a copy received by the Zoning Board of Appeals within ten (10) days of the date consultant fees were requested by the Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.