

City of Methuen
Community Development Board

Rules and Regulations Governing:

- **Fees and Fee Schedules**
- **Special Permits and Site Plan Approval**

Adopted by the Methuen Community Development Board

April 25, 2007

Revised September 10, 2008

Table of Contents

- Regulations Governing Fees and Fee Schedules Page 3

- Regulations Governing Special Permit and Site Plan Approval
Application Procedures Page 8

Regulations Governing Fees and Fee Schedules

1) Section 1. Introduction

- a) **Procedural History.** On April 25, 2007 the Community Development Board held a public hearing, pursuant to G.L. c. 41, s. 81Q and G.L. c. 40 A, s. 9, to consider proposed regulations governing fees and to revise Section 3.2.3.1 Additional Professional Services and 3.2.3.2 Special Consultant Inspection Fees – Reimbursement to City of the Subdivision Rules and Regulations. At the close of the public hearing, the Community Development Board voted to adopt regulations governing fees and a new schedule of fees for review conducted by the Community Development 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 Community Development Board’s rules governing the imposition of fees and its current fee schedule.
- b) **Purpose.** These regulations and fees 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 Community Development Board; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Community Development Board.

2) Section 2. Fee Structures and Regulations

- a) **General.** The Community Development Board shall impose reasonable fees for the review of applications, which come before it. The Community Development Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.
- b) **Form of Payment.** All Administrative and Project Review Fees shall be paid by bank or certified check.

3) Section 3. Administrative Fees

- a) **Applicability.** The Community Development Board and its office shall assess an Administrative Fee to offset the expense of review with regard to all applications set forth in Section 3.3 below.
- b) **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.
- c) **Schedule of Administrative Fees.** The attached Schedule of Fees applies to all applications to the Community Development Board. This schedule supercedes all previous schedules as they may have appeared in the Zoning Bylaws, the Rules

and Regulations of the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of applicants.

- d) **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:
 - i) 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 Community Development Board office, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
 - ii) If the number of proposed lots or units decreases, 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 Community Development Board, no costs associated with the review of these lots or units has been yet incurred.
- e) **Refund.** Once the review process has been commenced, the Community Development Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.4B, above.

4) Section 4. Project review fees.

- a) **Applicability.** In addition to an Administrative Fee, the Community Development Board shall impose a Project Review Fee on those applications that require, in the judgment of the Community Development Board, review by outside consultants due to the size, scale, or complexity of a proposed project, the project's potential impacts, or because the City lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Community Development Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Community Development Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations. Such assistance may include, but not be limited to, monitoring or inspecting a project or site for compliance with the Community Development Board's decision or regulations, or inspecting a project during construction or implementation.
- b) **Submittal.** Project Review Fees shall be submitted at the time of the submittal of the application for deposit in a Guaranteed Deposit 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.

c) **Project Review Fees.** The following fee applies to the types of applications to the Community Development Board set forth below. This schedule supercedes all previous schedules, as they may have appeared in the Zoning Bylaw, the Rules and Regulation for the Subdivision of Land, and any listing that may have been compiled from time to time for the benefit of applicants.

i) Preliminary Plan, Modification of a Preliminary Plan, Modification of a Definitive Plan, or Modification of a Special Permit: \$5,000

ii) Initial Definitive Plan: \$5,000

iii) Initial Site Plan or Special Permit: \$5,000

Note: The Site Plan or Special Permit Project Review Fee may be waived, by majority vote of the Community Development Board, if the Board determines that the City Staff can review the project adequately.

d) **Replenishment.** When the balance in an applicant's Guaranteed Deposit Account falls below twenty-five (25%) of the initial Project Review Fee, as imposed above, the Community Development Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

e) **Inspection Phase.** After the granting of a Special Permit, Site Plan approval or Definitive Plan approval, the Community Development 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.

f) **Handling of Project Review Fees.** The Project Review Fee is to be deposited into a Guaranteed Deposit Account.

i) Outside consultants retained by the Community Development Board to assist in the review of an application shall be paid from this account.

ii) Project Review Fees shall be turned over to the City Treasurer by the Community Development Board for deposit into a Guaranteed Deposit Account.

iii) The applicant may request an accounting of an applicant's funds held in the Guaranteed Deposit Account at any time.

(1) The Community Development Board shall respond to said request in a timely fashion.

iv) An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.

- v) Excess fees in the Guaranteed Deposit Account, 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 purposes 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 Zoning Bylaw, whichever comes later.

- g) **Appeal.** The choice of a consultant selected by the Community Development Board for the review of an application may be appealed in writing to the Director of Economic and Community Development by the applicant, providing such appeal is initiated within 20 days of the initial selection.

- i) Two circumstances may disqualify the selected consultant. These 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, G.L. c. 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 or more years of practice in the field at issue or a related field.

- ii) The required time limits for action upon an application by the Community Development Board shall be extended by duration of the appeal.

- iii) If the Director renders no decision within one month following the filing of the appeal, the selection made by the Community Development Board shall stand.

- iv) This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

5) Section 5. Delinquent accounts.

The following rules apply to fees owed to the Community Development Board by applicants:

- a) **Monthly Interest Charge.** All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest of 14%.
- b) **Costs of Collection.** All costs of collection associated with past due accounts shall be borne by the applicant.
- c) **Cause for Denial.** The failure of an applicant to provide funds for all outstanding costs shall be cause for denial of the proposal.
- d) **Current Delinquents.** All applicants owing fees to the Community Development Board at the time of any amendment to these provisions of the regulations shall be sent the following:
 - i) A duplicate notice of the amount past due.
 - ii) A copy of the applicable sections of these regulations with all amendments clearly indicated.
 - iii) Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.

6) Section 6. Revision of fee schedules and regulations governing fees.

- a) **Amendment.** The Community Development Board may review and revise its regulations and fee schedules, periodically, as it sees fit.
 - i) A public hearing shall precede amendments.
 - ii) Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the City Clerk.
 - iii) The Community Development Board will review its regulations and fee schedule on an annual basis.
 - (1) The Board may waive this provision in any year with a motion carried by a majority of the Board members.

Regulations Governing Special Permit and Site Plan Approval Application Procedures

1) Section 1. Introduction

Procedural History. On September 10, 2008 the Community Development Board held a public hearing, pursuant to G.L. c. 41, s. 81Q and G.L. c. 40 A, s. 9, to consider proposed regulations governing the procedural requirements of Special Permit and Site Plan Approval applications before the Board. At the close of the public hearing, the Community Development Board voted to adopt regulations governing the procedural requirements of Special Permit and Site Plan Approval applications. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Community Development Board's rules governing the procedural requirements of Special Permit and Site Plan Approval applications.

2) Section 2. Application Form

Applications to the Board for either Site Plan Approval or Special Permits shall be made on the official application form for either of these two procedures. Application forms are available in the Community Development Department. The information required with the application as specified in Section 3 and the required fee shall be considered a part of the application and no application shall be deemed complete unless said information and fee are included.

3) Section 3 Filing

Applications to the Board for either Site Plan Approval or Special Permits shall be filed with both the City Clerk and the Community Development Board. The date of receipt by the City Clerk shall be considered the date on which the application has been filed with the Community Development Board. All required information and the filing fee shall be required at the time of filing unless waived by the Board.

4) Section 4 Information Required

- a) All applications for Special Permits and Site Plan Approvals in which the Community Development Board serves as the Special Permit Granting Authority shall be accompanied by the following:
 - i) Check for the Application Fee made payable to the City of Methuen
 - ii) Check for the Project Review Fee made payable to the City of Methuen (if required)
 - iii) 15 copies of the completed application

- iv) 9 sets of 2'x3' plans
 - v) 7 sets of 11"x 17" plans
 - vi) 3 sets of Drainage Calculations and Plans
 - vii) 1 set of 2' x 3' plans and drainage calculations mailed to the Community Development Board's consultant.
 - viii) Current Original Certified Abutters list from the Assessor's Office (copies are not permitted).
 - ix) 1 set of address labels for each abutter, the applicant, the applicant's attorney, engineer, and the Planning Board of every abutting city or town.
- b) The site plan must include the following information unless specified otherwise in Section XI Special Permits and Section XII Site Plan Approval of the Comprehensive Zoning Ordinance:
- i) Site plan shall be drawn at a scale of 1" = 40', unless another scale is requested by the Community Development Board.
 - ii) A Massachusetts professional engineer, registered architect, and registered landscape architect shall prepare the applicable portions of the site plan.
 - iii) The plan shall be stamped by a Massachusetts registered land surveyor who shall certify under the penalties of perjury, the accuracy of all property boundaries, building locations, setbacks, and all other required dimensions, elevations and measurements.
 - iv) A Massachusetts licensed engineer shall prepare the location of all existing and proposed facilities for sewage, refuse/waste disposal, surface/subsurface drainage, water supply, utilities, and fire hydrants.
 - v) The scale, date, north arrow, title, and applicant's name shall be shown on the site plan.
 - vi) A locus plan showing a 2,000' radius area of the development site shall be shown at a scale of 1" = 800'.
 - vii) A Zoning Table listing the number, dimensions, and square footage of all lots and the district zoning requirements shall be shown. Any variances that have been received must be noted in this table.
 - viii) All existing and proposed easements within the lot and abutting thereon shall be shown.

- ix) The location of all existing and proposed buildings on the lot shall be prepared by a Massachusetts registered architect and shall include the total square footage, dimensions, elevations, floor plans and perspective rendering of all buildings; the distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot; the elevation above average finished grade of the floor and ceiling of the lowest floor of each building; the elevation of all buildings above average finished grade of the abutting streets; percent of total building lot coverage.
- x) The total number of establishments and/or dwelling units, the use designation of each building or part thereof, and the use designation of each section of open space, plaza or useable roof space shall be shown.
- xi) Street plans, street profiles and pavement specifications showing the location, width and length of all proposed and abutting streets, fire lanes as specified in Section VI-B (11) of the Zoning Ordinance, the percent slope of each grade, and the radius, length, point of curvature and point of tangency of each curve shall be prepared by a professional engineer.
- xii) The location and size of walkways, signs, and outdoor storage/display areas, and waste/refuse containers.
- xiii) The location, size, and number of all existing and proposed parking spaces, including handicapped spaces as specified in Section VIII-B.7 of the Zoning Ordinance, and off-street loading areas as specified in Section VIII-D of the Zoning Ordinance.
- xiv) Whenever outside lighting is proposed every application shall be accompanied by a lighting plan which shall show:
 - (1) The location and type of any outdoor lighting luminaries, including the height of the luminaire;
 - (2) The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
 - (3) The type of lamp such as: metal halide, compact fluorescent, high pressure sodium;
 - (4) A photometric plan showing the intensity of illumination at ground level, expressed in foot candles; and
 - (5) That light trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross-section drawings, or other means.

- xv) The location of all existing wetlands, water bodies, wells, one-hundred-year floodplain elevation, and other natural features requested by the Community Development Board shall be provided.
- xvi) The topography at two (2) foot contours showing all existing and proposed grades shall be provided.
- xvii) A Massachusetts registered landscape architect shall prepare a landscape plan to include the total square feet of all landscape and recreation areas, depiction of materials to be used, and the quality, size and species of the plantings.
- xviii) If deemed necessary by the Community Development Board, due to the size, scale and potential impacts of a proposed project, a **Community Impact Analysis** (CIA) as follows will be required.
 - (1) The CIA is a comprehensive document whose purpose is to act as a tool to aid the Community Development Board in its deliberations. The Analysis provides the Board with a factual, scientific and economic analysis of proposed commercial developments, residential developments, proposed zoning changes or redevelopment of existing parcels.
 - (2) The intent of the CIA is to protect the health, safety, welfare and convenience of the inhabitants of Methuen.
 - (3) In the developing the CIA, the developer shall employ an interdisciplinary team of professionals. This team of professionals should include a Professional Civil Engineers, Traffic Engineers, Environmental Engineers, Traffic Engineers, Landscape Engineers, Architects, Land-Use Planners, Hydrologists or other professionals as may be required to provide a comprehensive analysis and issue a final report. These professionals shall be licensed, experienced in their respective fields or otherwise qualified to gather pertinent data, analyze it and form a conclusion on the overall effects of the proposal on the municipal infrastructure and the economic aspects of the proposal on the City.
 - (4) Form
 - (a) The CIA shall be a concise document, bound and printed on 8 ½ inch by 11 inch stock. Exhibits, such as plans and sketches shall be bound with the CIA and may be as large as 11 inches by 17 inches. The CIA shall contain an index and each indexed section shall be identified by a tabbed separation. The CIA shall contain no more than 75 (seventy-five) pages.

- (b) The CIA shall supplement any subdivision application, application for site plan approval, application for zoning change or any other application presented for approval or as deemed necessary by Methuen's ECD Director.
- (c) The CIA shall be delivered to the Department of Economic and Community Development for distribution along with a cover letter of transmittal identifying the project, hearing date, the board, commission or department to receive the document and contact information of the author and firm submitting the document. The CIA is to be submitted no later than one week prior to the hearing date; submissions after that time shall be considered late and may cause the hearing on the matter to be postponed to a later date.
- (d) The number of documents required to be submitted shall be equal to the number of Board or Commission members to review the document plus two copies for the ECD Office; one copy for the Police Department; one copy for the Fire Department; one copy for the Department of Public Works; one copy for the Public Health Department.

(5) Content

- (a) The CIA should define the project and its relationship to the neighborhood (a locus map should be included as an exhibit) along with any impact upon municipal services. The applicant should demonstrate that the existing municipal services can adequately support the development for the first five years of existence and project what, if any, upgrades will be required to any municipal service at five year intervals up to twenty years after the development's completion.
- (b) The following outline shall act as a guide to the information required in the final document:
 - (i) Municipal Services
 - 1. Municipal Water
 - a. Distribution System
 - b. Treatment Facility
 - 2. Sanitary Sewer System
 - a. Gravity System
 - b. Sanitary Sewer Pumping System
 - 3. Storm Drainage System
 - a. Capacity of Existing Storm Drain System
 - b. Capacity of Existing Water Courses
 - c. Natural

d. Man-made

(ii) Traffic

1. Condition and Effects on Existing Roadways within a 1000' Radius
2. Condition and Effects on major intersections within a 1000' Radius
3. Condition and Effects on the Existing Neighborhood(s)

(iii) Public Safety

1. Police (Staffing)
2. Fire
3. Ambulance Service
4. Fire Protection

(iv) School System

1. Nearest Public Schools
 - a. Effect on Student Population
2. Nearest Private Schools
 - a. Effect on Student Population

(v) Environment

1. Air Quality
2. Water Quality
3. Recreation
 - a. Active
 - b. Passive
4. Noise Pollution

(vi) Economics

1. Proforma
2. Tax Advantages / Disadvantages
3. Developer's Ability to Finance (Complete) the Project

xix) An applicant is encouraged to meet with the Community Development Board prior to submitting an application for a Special Permit in which the Community Development Board is the Special Permit Granting Authority and orally describe the project. The Community Development Board may waive any of the site plan requirements described herein and may also request any additional information it may need to clarify the application.

xx) In addition to the information required above, the Community Development Board may require the completion of traffic impact studies, drainage basin studies, and review by the Commonwealth of Massachusetts.