

**MASHPEE ZONING BOARD OF APPEALS
FEE SCHEDULE**

CHAPTER 40A PETITIONS

PETITION FORMS:

Petition forms for Appeals, Special Permits, and Variances are available in the Building Department.

Each Petition must be accompanied by a filing fee payable by check to the Town of Mashpee.

Filing fee: \$125 for residential petitions.
 \$250 for commercial petitions.

ABUTTERS' LISTS:

Massachusetts General Laws Chapter 40A § 11 requires that abutters and abutters to the abutters within 300 feet of the property line be notified by mail of the Public Hearing on all Petitions. The Petitioner is not responsible for preparation of the **Mashpee** abutters' list. The Assessor's office will certify the list and the Mashpee Zoning Board of Appeals will process the mailing. In addition to a small Assessing Department preparation fee, a fee of \$2.00 per abutter name will be billed to the Petitioner for postage, supplies, and processing costs. Petitioners are advised to review their proposed plans with their immediate neighbors prior to the Public Hearing. If abutters are located in adjoining Towns, it is the responsibility of the Petitioner to obtain a certified list of those abutters.

CHAPTER 40B PETITIONS

3.02: The application shall be accompanied by a filing fee based upon the number of proposed housing units of:

- (a) for Limited Dividend Organizations - \$1000 flat fee plus \$50.00 per unit
- (b) for Non-Profit Organizations - \$1000 flat fee plus \$25.00 per unit
- (c) for Public Agencies or governmental entities - \$0

These fees are applicable for both original applications as well as for applications for permit modifications that are deemed to be substantial by the Board.

Additionally, the application fee shall include \$5,000.00 to pay for the services of legal counsel for assistance in any project of 25 units or less, and \$7,500.00 for any project in excess of 25 units but not exceeding 75 units and \$10,000.00 for any project in excess of 75 units. This cost is a reasonable estimate of the administrative costs for counsel retained to assist the Board with the multitude of legal issues that must be explored in the c. 40B process. Furthermore, in order to assist the Board in the determination of whether or not any proposed conditions will render the project uneconomic, as required under G.L. c. 40B, §§20-23, the application fee shall include an additional \$5,000.00 for the retention of a financial expert. The Board, in its sole and unfettered discretion may waive any or all of these additional fees if it is determined that legal and/or financial review is not necessary. Alternatively, the applicant may opt to pay for the Board's legal counsel or financial consultant in the manner prescribed by G.L. c. 44, §53G and Section 4.00 hereof. Upon request by the applicant, the Board may, for good cause shown, waive the legal or consulting fees contemplated under this paragraph for non-profit or public applicants.

Mashpee Zoning Board of Appeals

Fee Schedule

The Board may also require a Petitioner to deposit fees into a special account under the following M.G.L. guidelines:

CHAPTER 44. MUNICIPAL FINANCE MISCELLANEOUS PROVISIONS

Chapter 44: Section 53G. Employment of outside consultants

Section 53G. Notwithstanding section 53, any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 or section 31 of chapter 111, or by rules promulgated by a conservation commission established by a city or town under section 8C of chapter 40 when implementing the authority conferred under said section 8C of said chapter 40, section 40 of chapter 131, or under any local wetlands ordinance or by-law, for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of 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. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. The municipal accountant shall submit annually a report of said special account to the chief elected body and chief administrative official of the municipality for their review. Said report shall be published in the city or town annual report. The municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.

REVISED: November 2012