

CHAPTER 593 OF THE ACTS OF 1989

Adopted by the Mashpee Zoning Board of Appeals (ZBA)

on July 11, 1990

to empower the Board to hire consultants at the Petitioner's expense

- The ZBA may determine the use of outside consultants is warranted due to potential impact.
- The ZBA may hire engineers, etc. to assist the Board.
- The ZBA may require a "consultant's fee" for reasonable cost of outside consultants.
- The ZBA shall inform the Petitioner of selection of consultant. The Petitioner may appeal the selection to the Board of Selectmen within 14 days of notice of selection. If Board of Selectmen does not respond within one month of appeal, the selection of the Board shall stand.
- Funds received from the Petitioner shall be deposited in a separate account.
- At completion of work, any excess funds shall be returned to the Petitioner.

Revised: November 2012

**PART I. ADMINISTRATION OF THE GOVERNMENT**

**TITLE VII. CITIES, TOWNS AND DISTRICTS**

**MASSACHUSETTS GENERAL LAWS 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.