

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, June, 12, 2013

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Regulations Governing Fees and Fee Schedules

1) Introduction

a) Procedural History

- i) 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.
 - ii) On June 12, 2013 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 revisions to the 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 these revisions.
- 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) 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) 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.

- 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 above.

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) Delinquent accounts.

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

- i) **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%.
- ii) **Costs of Collection.** All costs of collection associated with past due accounts shall be borne by the applicant.
- iii) **Cause for Denial.** The failure of an applicant to provide funds for all outstanding costs shall be cause for denial of the proposal.
- iv) **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:
 - (1) A duplicate notice of the amount past due.
 - (2) A copy of the applicable sections of these regulations with all amendments clearly indicated.
 - (3) Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.

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 affect 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) Introduction

a) Purpose

- i) The purpose of these rules and regulations is to establish procedures and provide clear guidelines for the smooth administration of the Special Permit and Site Plan Approval function, when the Community Development Board is acting as the Special Permit Granting Authority or Site Plan Approval authority under the Methuen Zoning Ordinance.
- ii) These rules and regulations are not a complete statement of all rules and procedures applicable to the Community Development Board. Additional requirements are specified in the Methuen Zoning Ordinance, in State law, and in the Board's Subdivision Rules and Regulations. In cases of inconsistency between these rules and the Zoning Ordinance, the Ordinance shall govern. In cases of inconsistency between these rules or the Zoning Ordinance and State law, the State law shall govern.

b) Procedural History

- i) 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.
- ii) On June 12, 2013 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 revisions to the 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 these revisions.

- 2) **Authority.** These Rules and Regulations are adopted by the Community Development Board under the authority in M.G.L. Ch. 40A, Section 9 and Section XI and XII of the Methuen Comprehensive Zoning Ordinance. These Rules and Regulations become effective upon their adoption by majority vote by the

Community Development Board at a public meeting, and supercede all previous Regulations of the Board, which are hereby repealed. These Rules & Regulations are subject to revision from time to time by the Methuen Community Development Board and may be amended by majority vote.

- 3) **Voluntary pre-application meeting.** Applicants are encouraged to discuss proposed applications with Community Development staff prior to a formal submission. The purpose of the pre-application meeting is to review the application submittal requirements of a particular proposal, discuss potential issues and to allow prospective applicants to ask questions about the development review process.
- 4) **Applicant.** An Applicant is defined as a property owner, agent, or prospective purchaser who submits certification of a property interest and authority from all land owner/owners to file the application may submit an application.
- 5) **Application procedure**
 - a) Any Applicant who desires to obtain a Special Permit or Site Plan Approval from the Community Development Board shall file with the Board both on paper and electronically, all of the items listed below:
 - i) Application Form
 - ii) Administrative and Project Review Fees as set forth in the Fee Section of the Regulations
 - iii) Certified Original Abutters list from the Assessor's Office (copies are not permitted)
 - iv) Site Plan showing information listed below under "Plan Requirements" below
 - v) Findings of Fact letter:
 - (1) Special Permit applications must include a statement as to how the proposed project complies with Section XI-B (2) Criteria and other criteria as may be required under each individual special permit section.
 - (2) Site Plan applications must include a statement as to how the proposed project complies with Section XII-C Approval
 - vi) Drainage Calculations and Plans as required
 - vii) Traffic Reports plans, studies etc. as required
 - viii) All items as listed on the most recent "Application Checklist" as prepared by the Community Development Department

- ix) If deemed necessary by the Community Development Board, due to the size, scale and potential impacts of a proposed project, a Community Impact Statement (CIS) will be required. (See Appendix for requirements)
- b) The Community Development Office will review application materials for completeness prior to forwarding a copy of the Application to the City Clerk's office. An application shall not be deemed complete until all copies of the required information and the application fee have been filed, or a waiver of applicable requirements is requested in writing.
- c) If an application is found to be incomplete after a public hearing thereon has been scheduled, and the applicant fails or refuses to supply the required information, such failure or refusal may constitute grounds for denial on the application.

6) Plan requirements

- a) Site Plans accompanying Special Permit applications and Site Plan Approval applications shall be prepared by a Massachusetts Registered Professional Engineer, Massachusetts Registered Land Surveyor, Massachusetts Registered Landscape Architect, Massachusetts Registered Architect, or other professional as approved by the Community Development Board.
- b) The plan's dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.
- c) All Plan Set sheets shall contain the following information:
 - i) Project name, address, and Assessor's map, block, and parcel #
 - ii) Name and address of applicant (and owner if different)
 - iii) Name, address, and stamp of the surveyor, engineer, etc. who prepared the plan
 - iv) Scale, north arrow
 - v) Date with revisions as applicable
- d) All Plan Sets shall include but not be limited to the following information (unless waived by the Board):
 - i) **Title Sheet:** The Title Sheet must include a Locus Map showing the entire project and its relation to adjoining areas, critical intersections, and zoning boundaries. A scale of 1" = 100' is recommended.

ii) **Existing Conditions Plan:** The Existing Conditions Plan must 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, easements, and measurements.

iii) **Site Development Plan:** The Site Development Plans must include the following information as applicable and may require more than one sheet:

- (1) Location of all existing and proposed buildings, structures, parking and loading areas, waste/refuse containers, entrances, exits, driveways, fire lanes etc. with all zoning setbacks, widths, lengths, etc. noted.
- (2) Location of all existing and proposed signs and a Sign Key as applicable.
- (3) 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.
- (4) Waterways, floodplain, wetland areas and wetland buffer zones and other natural features as may be requested by the Board.
- (5) Areas for snow storage.
- (6) Existing and proposed topography at two (2) foot contour intervals.
- (7) Zoning District boundaries.
- (8) Access and Utility Easements.
- (9) The location of all existing and proposed facilities for sewage, surface/subsurface drainage, water supply, utilities, and fire hydrants.
- (10) 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.
- (11) Parking Calculations Table (refer to Section VIII of the Zoning Ordinance)
- (12) Property boundaries/lot lines and names of property owners of all abutters and abutters to abutters within 300 feet of the subject property including the location of all homes and structures on properties directly abutting the project location and their setbacks from the property lines
- (13) Street plans, street profiles and pavement specifications showing the location, width and length of all proposed and abutting streets, the percent slope of each grade, and the radius, length, point of curvature and point of tangency of each curve.

iv) **Grading, Drainage & Erosion Control Plan**

v) **Utility Plan**

vi) **Landscape and Lighting Plan:** a landscape plan must be submitted including 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. If requested by the Community Development Board, the plan shall be prepared

by a Massachusetts Registered Landscape Architect. See Section VII of the Comprehensive Zoning Ordinance for details concerning outdoor lighting

vii) Construction Details

- 7) **Fees.** See the applicable Section of these Rules and Regulations concerning the required fees.
- 8) **Public hearing.** The Community Development Board shall convene a public hearing in accordance with the provision of MGL Ch. 40A, S. 11 within sixty-five day's following the submittal of a completed application.
- 9) **Withdrawal of application.** An applicant, prior to publication of the public hearing notice, may withdraw an application without prejudice by submission of a letter to the Community Development Board requesting such withdrawal. An application for which notice of public hearing has been published may be withdrawn only with approval by the Community Development Board.
- 10) **Waivers.** Any of the requirements of these Rules & Regulations may be waived, in part or in total, at the discretion of the Community Development Board, if the Board determines that the waiver(s) will not be detrimental to the purpose of the Special Permit and Site Plans sections of the Ordinance, and will be in the best interest of the City.
- 11) **Modifications to special permits/site plan approvals.** A Special Permit issued by the Community Development Board may be modified in the following manner:
 - a) **Minor Changes.** Proposed changes to the plans or conditions attached to the Special Permit which are deemed by the Board to be minor in nature may be allowed following submittal of a written request including the reason such changes are necessary, to the Community Development Department. The Board shall vote to approve such changes only if it finds that the scope and nature of the original Special Permit would not be significantly changed.
 - b) **Major Changes.** Proposed changes to plans or conditions attached to a Special Permit, which are deemed by the Community Development Board to be major in nature, may be made only after following the same notice and hearing procedures as for the original Special Permit. The petitioner shall submit a written request describing such changes, accompanied by the reason such changes are necessary, and the applicable application fee.

APPENDIX

Community Impact Statement (CIS)

- 1) The CIS 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 CIS is to protect the health, safety, welfare and convenience of the inhabitants of Methuen.
- 3) In the developing the CIS, 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 CIS 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 CIS and may be as large as 11 inches by 17 inches. The CIS shall contain an index and each indexed section shall be identified by a tabbed separation. The CIS shall contain no more than 75 (seventy-five) pages.
- b) The CIS 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 CIS 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 CIS 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 CIS 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
- (2) Distribution System
- (3) Treatment Facility
- (4) Sanitary Sewer System
- (5) Gravity System
- (6) Sanitary Sewer Pumping System
- (7) Storm Drainage System
- (8) Capacity of Existing Storm Drain System
- (9) Capacity of Existing Water Courses
- (10) Natural
- (11) 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
- (2) Effect on Student Population
- (3) Nearest Private Schools
- (4) Effect on Student Population

v) Environment

- (1) Air Quality
- (2) Water Quality
- (3) Recreation
- (4) Active
- (5) Passive
- (6) Noise Pollution

vi) Economics

- (1) Proforma
- (2) Tax Advantages/Disadvantages

SCHEDULE OF ADMINISTRATIVE FEES

Revised June 12, 2013

Special Permit	\$300 plus \$300 per dwelling unit for residential plus \$0.15 per square foot gross floor area for non-residential
Modification or Amendment of a Special Permit	\$150
Wind Energy Conversion Facilities	\$1,000
Personal Wireless Service Facilities	\$1,000
Large Scale Ground Mounted Solar Photovoltaic Installations	\$1,000
Repetitive Petitions	\$100
Applications for Amendments to the Zoning Ordinance	\$300
Site Plan Approval	\$300 plus \$300 per dwelling unit for residential plus \$0.15 per square foot gross floor area for non-residential