

**RULES REGARDING CONSULTANT REVIEW FEES
FOR WIRELESS TELECOMMUNICATIONS FACILITIES**

(Adopted – July 10, 2000)

- A. In any matter related to Wireless Telecommunications Facilities (Town of Belmont Zoning Bylaw, Section 6.8) under the Zoning Board of Appeals review where the Board determines that the assistance of independent consultants is warranted to review the special permit, the Board shall require that applicants pay a “review fee” to cover all reasonable costs of the Board for the employment of such consultants. (Town of Belmont Zoning Bylaw, Section 7.6.2)
- B. In hiring outside consultants, the Board may engage engineers, planners, urban designers, architects, attorneys or other appropriate professionals who can assist in analyzing a project to ensure compliance with all relevant laws, bylaws, regulations, and Board decisions.
- C. An initial deposit, which shall be applied toward the required “review fee”, shall be paid by the applicant to the Town of Belmont, Office of Community Development at the time of submission of a special permit application for a wireless telecommunications facility.

The initial review fee deposit shall be determined in accordance with the following schedule:

<u>Facility Type</u>	<u>Deposit Amount</u>
Roof -Mounted or Façade-Mounted wireless telecommunications facility, no portion of which extends more than 10’-0” above building height	\$2,500
Other Roof-Mounted or Façade-Mounted wireless telecommunications facility	\$5,000
Free-standing wireless telecommunications facility not exceeding 50’-0” in height	\$7,500
Free-standing wireless telecommunications facility more than 50’-0” in height but less than 75’-0” in height	\$10,000
Free-standing wireless telecommunications facility greater than 75’-0” in height	\$20,000

Any review fees and deposits shall be paid by certified check or money order made payable to the “Town of Belmont”. Any Application not accompanied by the appropriate deposit amount shall be deemed incomplete. During the period of review of the project, the Zoning Board of Appeals shall continue to assess, from time to time, the need for

consultants and to estimate the fees associated therewith and may notify the applicant that additional review fee deposits are required to cover any such anticipated fees. Within three (3) business days of receipt of notice that an additional review fee deposit is required, all applicants shall deliver such additional deposit to the Town of Belmont, Office of Community Development.

The failure of an applicant to pay any review fee or deposit thereon shall be grounds for rejection of a special permit.

- D. Funds received by the Board pursuant to these rules shall be deposited with the Town Treasurer who shall, pursuant to M.G.L Chapter 44, Section 53G, establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Zoning Board of Appeals without further appropriation by Town Meeting. Expenditures from this special account, including review fees, deposits thereon and accrued interest shall be made only in connection with the review of the specific project for which a review fee has been or will be collected from the applicant.
- E. At the completion of said project, any excess amount in the account (after taking into consideration amounts payable to consultants), including any interest earned by the special account, attributable to the application, shall be repaid to the applicant or the applicant's successor in interest. There shall be no requirement that the funds deposited by the applicant actually be invested to produce interest income. A final report of said account shall be made available to the applicant or the applicant's successor in interest, provided that any person or entity claiming to be an applicant's successor in interest shall provide the Zoning Board of Appeals with documentation establishing to the Board's satisfaction such succession in interest and indemnification of the Town from liability for so doing.
- F. Pursuant to M.G.L. Chapter 44, Section 53G, any applicant may make an administrative appeal from the Zoning Board of Appeals' selection of the outside consultant to the Board of Selectmen, within seven (7) days of receipt of notice to the applicant of the identity of the consultant selected by the Zoning Board of Appeals. 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. Such minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practical experience in the field at issue or a related field. The required time limits for action upon an application to the Zoning Board of Appeals shall be extended by the duration of the administrative appeal. In the event that the Board of Selectmen does not make a decision within thirty (30) days following the filing of the appeal, the selection of consultants made by the Zoning Board of Appeals shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided herein.