

Final Draft: Town of Athol Ch. 43D Streamline Permitting Guidebook

A Guide to the Review and Approval Process
for Priority Development Sites



November 2007

Chapter 43D Streamline Permitting Guidebook

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Introduction: This guidebook is designed to streamline a permitting process by presenting a description of the permitting process for both applicants and Town staff in the Town of Athol. It is intended solely for the development of Chapter 43D Priority Development Sites that are located in the Town of Athol and is only to be used for such purposes. According to state regulations, a Priority Development Site (PDS) must be:

- Commercially or industrially zoned (including mixed use);
- Eligible for construction of a structure of 50,000 sq. ft. or more;
- Designated by the state of Massachusetts Interagency Permitting Board; and
- Wherever possible, priority development sites should be located adjacent to areas of existing development or in underutilized buildings or facilities, or close to appropriate transit services.

The Expedited Permitting Program gives a town the ability to promote commercial development on pre-approved parcels by offering expedited local permitting on those parcels. Such development shall be primarily commercial however mixed-use properties shall also qualify for priority designation so long as they conform to the statutory requirements for a priority development site. Other advantages of designating priority development sites in a community include eligibility for and priority consideration for PWED and CDAG funding, priority consideration for other quasi-public financing, brownfields remediation assistance, enhanced online marketing and technical assistance from MassDevelopment and/or the Montachusett Regional Planning Commission.

The Town of Athol seeks to foster high quality development in the Town that will create jobs for residents, broaden the Town's tax base and enhance Athol as a viable place to live and work. At the April 30, 2007 Annual Town Meeting it was voted that the Town accept provisions of Chapter 43D of the MA General Laws (See Attachment 1, Chapter 43D of the MA General Laws) as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as an overlay for land within the following areas (See Attachment 2, Map, Location of Priority Development Sites):

- Bearsden Economic Opportunity Area (EOA)
- North Quabbin Business Park EOA,
- Downtown EOA and
- LPL LLC – Mohawk Plaza EOA

Projects located on Priority Development Sites continue to have flexibility; the applicant may still apply for permits and approvals under Chapter 40B to the same extent as if the property was not designated as a Priority Development Site. However the provisions of Chapter 43D relating to permit processing and appeals shall not apply to projects seeking permits and approvals under Chapter 40B.

This manual may not include all regulations and permits required for every project and does not fully describe permits that may be required by federal or state agencies, and, when in conflict, Chapter 43D of the MA General Laws take precedence over this

Guidebook. However, strict adherence to local permitting requirements will prevent expensive project delays and reduce the risk of having to make costly plan revisions. In turn, officials will work closely with applicants to guide them through the development process to help achieve the successful completion of projects.

SECTION 1: Chapter 43D Step-by-Step Permitting Instructions

The following is a chronological step-by-step explanation of the permit process. Time periods are expressed in calendar days. If the last day of a time period falls on a federal or state holiday or on a weekend, the time period ends the next weekday. When calculating public hearing dates, the date of the hearing is in addition to the required time periods.

1. **Contact the Permit Manager** to schedule a preliminary consultation with him. Before spending a large amount of time and money developing a project proposal, you should first contact the Permit Manager. The Permit Manager will be able to tell you if your project meets the regulations, what permits are needed, and approximately how long the process will take. He can also help you identify the local, state and federal permits that will be required. The Town Manager has been designated as Permit Manager; the single point of contact for the purposes of coordinating and facilitating the Chapter 43D land use permitting process.
2. Determine if you want to **Schedule an Informal Preliminary Consultation** with the Permit Authorizing Committee (See Section 2 for Committee Members, Roles and Potential Permits). If appropriate, meet with the Permit Authorizing Committee to discuss details of the project for a preliminary consultation. The Permit Manager will schedule the meeting. The Committee can help applicants and potential applicants through the development review and permit process by identifying regulations that apply to the project, identify site design issues that are of concern and discussion of potential solutions and identify permits that will be required and the process for obtaining them. This allows prospective applicants to discuss proposed developments and receive input prior to officially submitting permit applications.

In an effort to make these meetings as productive as possible, it is highly recommended that a preliminary plan or conceptual plan be submitted at least one week prior to the preliminary consultation. This will enable the Permit Authorizing Committee to conduct a preliminary review. The more detail contained on the plan, the more productive and informative the meeting will be. The procedure for obtaining advisory reviews may not exceed 30 days and shall not constitute final action on the permit review.

Upon completion of the meeting, the Permit Manager will prepare a Summary Report outlining the issues discussed and permits to be obtained. This report will be forwarded to the project proponent and to Committee Members that have jurisdiction over the project. The Permit Manager shall provide the applicant with a comprehensive packet of permit applications necessary for the PDS project.

3. **Submit the completed application form to the Permit Manager.** The Application Form must be accompanied with the appropriate Filing Fee and the

appropriate number of copies of all plans and supporting documentation for determination of completeness prior to submission to the Town Clerk for certification. Associated fees have been established by the Town of Athol to be assessed on Priority Development Site Permit Applications to be used by the municipality for implementing Chapter 43D (See Attachment 3, Permit Application and Attachment 4, Fee Schedule).

Within 20 days of the receipt by the Permit Manager, the Permit Manager shall determine whether it is complete or incomplete (400 CMR 2.08) and shall notify the applicant in writing by certified mail within 20 business days from receipt of the completed form of additional information needed or requirements that it may have. If the applicant is not noticed within 20 business days, the application shall be deemed complete. The 180-calendar-day review period shall commence the day after notice is mailed.

If it is determined by the Permit Manager that an application is incomplete, the Permit Manager shall timely notify the applicant in writing by certified mail with an explanation as to why the application is incomplete, and request the information necessary to complete the application. The resubmission of an application package will begin a new 20-business-day completeness review period. Subsequent completeness decisions must be sent by certified mail and conform to the process previously described.

4. **The Permit Manager will transmit copies of your completed application for Committee Review within ten (10) days.** Priority Development Site reviews must take place within 180 days beginning the day after notification of completeness by the Permit Manager. Failure of the Committee to take action within 180 days of the acceptance of a complete application shall be deemed approval with a very limited number of exceptions (See Attachment 1, Chapter 43D Regulations, 400 CMR 2.09 Expedited Permitting). However, while lack of time is not an adequate basis for a municipality to deny a permit, the 180-calendar-day review period may be extended by the Permit Authorizing Committee, if a previously unidentified permit or review has been determined necessary within the first 150 calendar days of the process.

When it has been determined that a previously unidentified permit is necessary, the Permit Manager must send immediate notice of such additional requirements to the applicant by certified mail and copy the state's Interagency Permitting Board (400 CMR 2.09). The Permit Manager may exercise the extension for a maximum of 30 calendar days. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.

The applicant can still request a permit modification if deemed necessary (400 CMR 2.10). Permit modification requests are to be submitted to the Permit

Manager. The applicant shall be informed within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or requires additional information for the Permit Authorizing Committee to issue a decision. If additional information is required, the issuing authority shall inform an applicant by certified mail within 20 business days after receipt of the required additional information whether the modification is approved or denied or that further additional information is required by the Permit Authorizing Committee in order to render a decision.

5. **Make sure that you apply concurrently for all other development related permits, approvals and licenses from the State of Massachusetts and Federal Permits.** While the Permit Manager and the Permit Authorizing Committee can provide guidance, the applicant is responsible for applying for state and federal permits. Page 14 of this document provides an overview of some common state and federal permits that may be necessary for your project.

Chapter 43D requires that MEPA and Mass Historic Commission reviews shall conclude within 120 calendar days of a state determination of completeness of required review materials (400 CMR 2.16). The reviews are conducted concurrent to the 180-day municipal review period. The secretary of environmental affairs and the state secretary shall establish time frames for all required filings and additional filings by the applicant in order to comply with this section. In the event an applicant fails to comply with all relevant time frames, the time shall be tolled until the applicant files the required documents.

6. **A Public Hearing will be scheduled within forty five (45) days after notification of application completeness.** Before approval, modification, or disapproval of the project is given, a public hearing shall be held by the Permit Authorizing Committee. Fourteen (14) days before the public hearing, notice must be posted, published (once in each of 2 consecutive weeks) and sent to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the priority development site as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town (400 CMR 2.03). The assessors maintaining any applicable tax list shall certify to the issuing authority the names and addresses of persons entitled to notice of public hearing and such certification shall be conclusive for all purposes. Expenses for notification of abutters, advertising of legal notices and recording of permits has been included in the total application fee.
7. **Attend the Public Hearing with the Permit Authorizing Committee** to present the proposed project. The committee may require the Applicant to provide reasonable additional technical data in response to concerns of the Committee or people who have submitted comments for the record. In doing so, the committee shall establish reasonable time limits for the submission and review of the data, in

order that the review process will not be delayed. At any time prior to a decision of the Permit Authorizing Committee, the Applicant may withdraw a submission provided the request is made in writing to the Committee. The withdrawal shall be acknowledged in writing, with a copy delivered to the Applicant.

8. **Within sixty days after the close of the Public Hearing, the Committee must issue a decision.** After the public hearing, the Permit Authorizing Committee will approve, modify and approve, or disapprove the Plan submitted. The action of the Committee with respect to any Plan shall be by majority vote of the Committee as constituted. Criteria for action shall include the following:
 - a. Completeness and technical adequacy of all submissions;
 - b. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environment degradation;
 - c. Conformity with the requirements of these Rules and compliance with the Zoning By-law;
 - d. Determination, based upon the Development Impact Statement (where submitted), that the Project as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

Appeals of a Permit Authorization Committee decision or from an automatic grant of approval shall be filed within 20 calendar days after the last permitting decision has been rendered or within 20 calendar days after the conclusion of the 180-day period, whichever is later (400 CMR 2.13). Permits issued pursuant to Chapter 43D shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of one building shall prevent expiration of all permits on that site.

9. If necessary, **record permit(s) at the Registry of Deeds** after the specified appeal period. Required for Special Permits, Variances, and Orders of Conditions. Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the issuing authority.
10. **Apply to the Building Inspector for a Building Permit.** The Permit Authorizing Committee does not issue Building Permits. So, upon receiving all necessary permits, approvals and licenses from the Permit Authorizing Committee and any necessary state and federal approvals, you will need to apply for a Building Permit. In addition, the Permit Authorizing Committee does not cover ANR plan approval and subdivisions under the subdivision control law.
11. **Schedule required inspections** through the Permits Manager or the Permit Authorizing Committee during construction. These can include:

- a. Electric
- b. Gas
- c. Construction
- d. Plumbing
- e. Elevators
- f. Wetlands

12. **Apply for a Certificate of Compliance (if necessary), Occupancy Permit, and Certificate of Completion.** Upon Completion of Construction, apply to the Permits Manager for a Certificate of Compliance for projects involving wetlands and for a Certificate of Completion for roads and utilities. Then apply to the Building Inspector for an Occupancy Permit.

SECTION 2: Permit Authorization Committee Members, Roles, and Potential Permits

Permit Manager

Name: David Ames, Town Manager

Phone: (978) 249-2496

Fax: (978) 249-4960

Email: tmgr@townofathol.org

The Town Manager has been selected by the Town of Athol to serve as the Permit Manager and will act as lead for the Permit Authorizing Committee. The Permit Manager centralizes all materials, applications and information regarding various land-use permits. This person will provide application forms, guides to the procedures involved in various permits and information on meeting schedules, among other pertinent data. **It is important to note that any permits issued by the Athol Zoning Board of Appeals (ZBA) must be included for review within the 180-day time frame. However, the ZBA is prohibited from having a Permit Authorization Committee Member (See Attachment 1, Chapter 43D Regulations, 400 CMR 2.03).**

Permit Authorization Committee

The Permit Authorization Committee consists of the following individuals that have been selected from boards, commissions, and departments to serve on the Permit Authorizing Committee. Also included is a list of permits that each committee member has jurisdiction over that could potentially be required for your project. The applicant can review this section with the Permit Manager to help determine which permits will be necessary for the project.

Conservation Commission Permit Authorization Committee Member

Name: Bob Muzzy or designee

Phone: (978) 249-3734

Role: The principal role of this Member is the administration of the Massachusetts Wetlands Protection Act (MWPA). The MWPA includes provisions of the Massachusetts Rivers Protection Act. The regulations governing both of these acts are included in the Wetlands Protection Act Regulations 310 CMR 10.00. Proposed projects are reviewed based upon the proximity to a resource area and the ability to minimize potential impacts. Any work in or near a wetland, stream, or resource area requires approval.

Permits: Any proposed activity or project that will “remove, fill, dredge, or alter” a wetland resource area, the 200-foot riverfront protection area, or the 100-foot buffer zone associated with a wetland resource area must obtain a permit from the Permitting Authorization Committee. The term “alter” includes but is not limited to any development, construction, destruction of vegetation, any change in drainage characteristics or flow patterns, and any change in the groundwater. A wetland resource area includes any stream, river, creek, pond, lake, and the banks associated with them, any meadows marshes, swamps, bogs, any land under water, land subject to flooding, and any riverfront.

An applicant may need to complete a **Request for Determination of Applicability (RDA)**: This application requests the designated Committee Member to determine if the proposed work or property is subject to the MWPA. For simple projects, the designated Committee Member may also determine if the work can be done in a manner that will not negatively impact the resource area. In response to an RDA, the designated Committee Member may issue one of the following decisions:

- **Positive Determination** – the proposed work or property is subject to the MWPA and requires the filing of a Notice of Intent.
- **Negative Determination** – proposed work is not subject to the MWPA.
- **Negative Determination with Conditions** – proposed work is within the 100-foot buffer zone and will not adversely impact the resource area if simple precautions are taken.

Within 21 days of receipt of an RDA, the Designated Committee Member will conduct a site visit, and make a recommendation at the scheduled Expedited Permitting Public Hearing.

A Notice of Intent (NOI) may have to be filed by the applicant. This application provides the Designated Committee Member with a detailed description of the proposed work that is located in a resource area, riverfront area or buffer zone that may impact a nearby wetland resource area. In response to a NOI, the Designated Committee Member may issue an Order of Conditions permitting the proposed work with conditions consistent with the standards in the Wetlands Protection Act Regulations, which prevent significant adverse impacts to a wetland resource area, or deny the project because it cannot be performed in a manner that prevents negative impacts to a wetland resource area.

Within 21 days of receipt, the Designated Committee Member will conduct a site visit. Within 21 days of the scheduled Expedited Permitting Public Hearing, the Committee will make a recommendation concerning the issuance of an Order of Conditions approving or denying the request.

Board of Health Permit Authorization Committee Member

Name: Phil Leger or designee
Phone: (978) 249-7934
Fax: (978) 249-0314
Email: boh@townofathol.org

Role: The Board of Health Permit Authorization Committee Member enforces a host of different health regulations.

Permits: Permits with relevance to this Guidebook include:

- **Disposal Works Construction Permit** – This permit is required for any construction of a new septic system or alteration of an existing septic system.
- **Food Establishment Permit** – Required for any new business that prepares and sells food on site.
- **Well Construction Permit** – To dig or drill a well in town requires a well construction permit issued by the authorized committee member in accordance with the Private Well Regulations and MGL Chapter 40, Sec. 54.

Department of Public Works Authorization Committee Member

Name: Doug Walsh or Designee
Phone: (978) 249-4542 Ext 542
Fax: (978) 249-3058
Email: supt@townofathol.org

Role: The primary role of the Public Works Authorization Committee Member is ensuring adequacy of a project's infrastructure and making recommendations to the Expedited Permitting Committee to approve or deny necessary permits.

Permits: Permits can include;

- **Excavation Permit** – Required for all subsurface work within the Town of Athol including public and private property and within a public right-of-way.
- **Cross Connection Control Request for Determination of Applicability – Approval for Backflow Prevention Devices.** If the Department of Public Works determines that cross connection regulations do apply to the building project, the installation of a backflow prevention device is required. Before a permit shall be issued, you must submit a detailed plumbing schematic, a complete description of backflow device to be installed, and design drawing showing location and measurements where device is to be installed.

- **Driveway Permit** – A driveway permit is issued by the DPW and is needed in all cases where a new curb cut, or an alteration to an existing curb cut, is proposed on a Town public way. A curb cut on a state road requires the permission of the Massachusetts Department of Public Works.
- **Sewer Connection Application** – Required for all construction, alteration, or disruption of any new or existing residential or non-residential connection to any public sanitary sewer.
- **Water Connection Application** – Required for all construction, alteration, or disruption of any new or existing residential or non-residential connection to any public water system.

Fire Department Authorization Committee Member

Name: Chief James Wright or designee

Phone: (978) 249-8275

Fax: (978) 249-4200

Email: fireinspct@townofathol.org

Role: The Athol Fire Department Authorization Committee Member will enforce all fire safety laws and regulations of the Commonwealth of Massachusetts.

Permits: Permits include the following;

- **Oil Burners** – Required for the installation or alteration of an oil burner in accordance with M.G.L.c. 148 and 527 CMR 4:00.
- **L.P. Gas Storage Permit** – Required for the keeping of LP-gas in one or more containers and the installation or connection of any LP-gas equipment in accordance with 527 CMR 6:00.,
- **Oxygen Acetylene**
- **Blasting**
- **Smoke Detector Compliance**
- **Underground Storage (Registration)**
- **Storage of Flammable Fluids, Solids or Gases**, required for the storage, use and handling of flammable fluids, solids and gases regulated by 527 CMR 14:00
- **Tank Truck Inspections**
- **Fire Report Copies**
- **Underground Storage Tank Installation**
- **Underground Storage Tank Removal**
- **Storage Tank Removal (above ground).**

Building Department Authorization Committee Member

Name: Jeffrey Cooke
Phone: (978) 249-2369
Fax: (978) 249-3834
Email: bldginsp@townofathol.org

Role: The purpose of this Committee Member is to ensure that new development is constructed in accordance with required zoning, wetlands, subdivision and related permits, and is in compliance with the Massachusetts State Building Code.

Permits: Permits include:

- Application to Construct, Repair, Renovate, Change the Use or Occupancy of, or Demolish any Building other than a one or two family dwelling.
- Permit to Perform Electrical Work – All work to be performed in accordance with the Massachusetts Electrical Code (MEC), 527 CMR 12.00.
- Permit to do Plumbing – Required for the installation of plumbing.
- Occupancy Permit – Required for occupancy of a structure for which a building permit has been issued. The occupancy permit certifies that construction complies with the Massachusetts Building, Plumbing and Electrical Codes, and with the requirements of the National Fire Protection Association. It also certifies that the intended use and number of occupants comply with the Massachusetts Building Code and the Zoning Ordinance.
- Work in the 100-year Flood Plain – Construction in the 100-year flood plain is restricted under the State Building Code and the Zoning Ordinance and is enforced by the Building Inspector. Work in the 100-year flood plain is also regulated by the Conservation Commission in accordance with the Wetlands Protection Act. To determine if a property is sited in the 100-year flood plain, see the Flood Insurance Rate Maps on file with the Building Department.

Planning Board Authorization Committee Member

Name: Eva Bartlett or designee
Phone: (978) 575-0301 Ext 301
Fax: (978) 575-0323

Role: The principal role of the Planning Board Authorization Committee Member is the subdivision of land and making recommendations to the Expedited Permitting Committee to approve or deny proposed subdivisions.

Permits: Subdivision approval – A Subdivision Plan must be filed when lots are being created that do not have sufficient frontage on an existing way. For more information regarding subdivision approval please see the Athol Subdivision Rules and Regulations, available from the Town Clerk.

SECTION 3: Potential State and Federal Permits

State Permits

- 1 Massachusetts Environmental Policy Act (MEPA):** Requires the submission of an Environmental Impact Report (EIR) for “works, projects and activities” undertaken, funded or requiring a permit from state agencies if the project exceeds specified thresholds. MEPA and historic reviews shall take place concurrently with each other, within 120 days of the state determination of completeness of required review materials, as established by Executive Office of Environmental Affairs in consultation with the State Secretary. The aforementioned reviews shall take place concurrently with the 180-calendar-day municipal permitting review process. The secretary of environmental affairs and the state secretary shall establish time frames for all required filings and additional filings by the applicant in order to comply with this section. In the event an applicant fails to comply with all relevant time frames, the time shall be tolled until the applicant files the required documents.
- 2 401 Water Quality Certification:** Required by the Massachusetts Department of Environmental Protection for any project that will alter over 5,000 square feet of wetlands and/or the dredging of more than 100 cubic yards of Land Under Water as defined in the Massachusetts Wetlands Protection Act.
- 3 Forest Cutting Permit:** The Massachusetts Forest Cutting Act (MGL Chapter 132) requires landowners to file a Forest Cutting Plan with the Department of Environmental Management for the harvesting of forest products that exceeds specified thresholds.
- 4 Curb Cut Permit:** Required by the Massachusetts Highway Department for new or altered driveways on any State roadway.

Federal Permits

- 5 Section 404 of the Federal Clean Water Act:** Required by the Army Corps of Engineers (Corps) for work affecting the “course, location, condition or capacity” of navigable rivers and tidal areas.

ATTACHMENT 1: Chapter 43D Regulations

ATTACHMENT 2: Map of Priority Sites

ATTACHMENT 3: Permit Application

TOWN OF ATHOL
TOWN OF ATHOL
PERMIT APPLICATION

Application No. _____
DATE: _____

ESTIMATED COST OF CONSTRUCTION / IMPROVEMENTS: _____

OWNER

APPLICANT

ADDRESS

ADDRESS

TOWN/STATE

TOWN/STATE

PHONE

PHONE

FAX

FAX

SIGNATURE

SIGNATURE

Type or print name and title

Type or print name and title

If appropriate, attach a separate sheet with the name(s), address(es), and telephone/fax numbers for the project engineer, attorney, or other "development team" personnel.

SITE / LOCATION / STREET:

LOT SIZE / TOTAL PARCEL / ZONING DISTRICT:

STATEMENT OF PROPOSED WORK OR ACTIVITY:

ATTACHMENT 4: Fee Schedule

The **Permit** fee covers all activities from the Pre Application Meeting through the Building Permit. The fee is based on the total value of all construction and improvements, including site preparation, construction, engineering and site testing, roads, paving, parking lots, landscaping, and other improvements. Such value shall be based on an estimate prepared and certified by an Engineer or other professional licensed and qualified to prepare such an estimate such as a "cost estimator." The cost of the building shall be included in the total value of all construction for the purposes of calculating the fee. Should the actual building construction cost exceed the estimate, the difference between the fee as calculated including the actual building costs and the fee paid shall be submitted before a building permit can be issued.

The Permit Fee is comprised of a base fee and value increment based on building costs and lot improvements plus a value related to the size of the lot. In calculating the Permit fee, the total gross value of the development shall be rounded up to the next \$100,000. See Table 1 for the how the fee is to be calculated.

An Applicant shall pay at least 75% of the total fee (payable by certified or bank check) to be submitted with the Application Form. The Permit Manager shall not consider any Application to be complete until the 75% fee is paid. The remainder is due (payable by certified or bank check) prior to the issuance of a building permit by the Building Inspector. Permit fees are non-refundable after a Building Permit has been issued.

Table 1
Filing Fee

| Gross value of project (inclusive of the buildings and all site development work and infrastructure improvements) | Base fee | Plus value increment (if any) |
|---|----------|--|
| \$1,000,000 or less | \$1,300 | Plus \$13 per \$1000 of work above \$100,000 |
| \$1,000,000 and above | \$13,000 | \$11.00 for each additional \$1000 in work above \$1,000,000 |

Peer Review Fees: The Town of Athol may seek review and analysis from outside consultants (peer review). Applicants shall pay a peer review fee covering 100% of the consultants' fees. Outside consultants employed by the Town for plan review routinely include civil engineers, landscape architects, wetlands scientists, and attorneys

The Town may only use Peer Review fees paid by a particular Applicant for the project proposed by that Applicant. The Town shall keep funds paid by an Applicant in a separate account. At the completion of the Town's review of a project, the Town shall reimburse the Applicant any excess amount in the account, including interest if any, and render a final accounting.

The initial peer review fee deposit is calculated on the basis of \$1000 per \$10,000 of the Permit fee. For major and complicated projects, the initial peer review fee may be up to \$2500 per \$10,000 of the Permit Fee, as determined by the Permitting Manager. If the actual costs of the peer review exceed the peer review fee deposit, the additional costs shall be paid by the Applicant prior to the endorsement of plans or the issuance of a building permit.

Peer review deposits shall be retained until the project is completed. The costs of construction monitoring subsequent to approval shall be charged to an Applicant's peer review fee deposit. If the actual costs exceed the deposit, the remainder shall be paid before the certificate of occupancy is issued.