



TOWN HALL  
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## **WALPOLE CONSERVATION COMMISSION**

### **Rules For Hiring Outside Consultants**

#### **Under GL Ch. 44 § 53G**

**Approved by Conservation Commission July 14, 2004**

As provided by GL Ch. 44 § 53G, the Walpole Conservation Commission may impose upon and collect from applicants under the Wetlands Protection Act and Walpole Wetlands Bylaw reasonable fees for the employment of outside consultants, engaged by the Conservation Commission, for services deemed necessary by the Commission to adequately review an application submitted to the Conservation Commission pursuant to the requirements of the Wetlands Protection Act (GL Ch. 131 § 40), the Walpole Wetlands Protection Bylaw, Conservation Commission Act (GL Ch. 40 § 8C), or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time, as well as such other submissions to the Commission in connection with or related to such application.

Funds received by the Conservation Commission pursuant to the Walpole Wetlands Protection Bylaw and these regulations shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Conservation Commission without further appropriation as provided in GL Ch. 44 §53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

Specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. The consultant shall be chosen by, and report only to, the Commission and/or its Agent/Administrator.

The applicant may meet with the Conservation Agent or the Commission prior to the public hearing to discuss whether an outside consultant will be necessary, however this does not exclude the Commission from determining whether an outside consultant will be necessary after the applicant presents the project to the Commission at the hearing. The Conservation Commission shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.



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The fee must be received in its entirety prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment shall be cause for the Commission to determine that the application is administratively incomplete (except in the case of an appeal). The Commission shall state such in a letter to the applicant, copied to the DEP. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment shall be cause for the Commission under the Walpole Wetlands Protection Bylaw to deny the permit application for lack of information.

The applicant may appeal the selection of the outside consultant to the Board of Selectmen who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in the field the service is requested or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the Conservation Commission, so as to be received within ten (10) business days of the date consultant fees were requested by the Conservation Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

The Commission will make every effort to retain consultants and require a review period that is consistent with the current acceptable time schedule under the Wetlands Protection Act and Walpole Wetlands Bylaw.

The Commission will make every effort to retain consultants that are acceptable to the Applicant and who have sound professional standards.