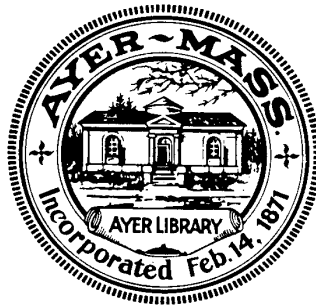


Ayer Planning Board Rules & Regulations

Adopted
by the Ayer Planning Board after
Public Hearing on May 8, 2018



Ayer Planning Board Rules & Regulations

Adopted May 8, 2018

Town of Ayer Planning Board Rules & Regulations

On May 8, 2018, pursuant to MGL Chapter 40A, Section 9, the Ayer Planning Board held a Public Hearing to solicit comments on proposed Rules and Regulations and at a meeting of May 8, 2018, the Board voted 5- 0 to adopt these Rules and Regulations as the official Ayer Planning Board Rules and Regulations.

Article 1: Adoption & Amendment

Article 2: Powers and Duties of the Planning Board

Article 3: Organization: Membership, Terms of Office, Officers, and Vacancies

Article 4: Associate Member

Article 5: Duties of Officers

Article 6: Minutes

Article 7: Meetings: Time, Location, and Executive Session

Article 8: Conduct of Meetings & Public Hearings

Article 9: Quorums and Voting

Article 10: Application Procedures for ANR, Site Plan and Subdivision Applications

Article 11: Agenda Management

Article 12: Standards of Conduct for Planning Board Members

Article 13: Site Visits

Article 14: Regulations Governing Fees and Fee Schedules

Article 15: Waivers from these regulations (*and renumber subsequent sections accordingly*)

Article 16: Planning Board Personnel

Article 17: Budget and Finance

Article 18: M.G.L. c. 44, Section 53G, Special Funds for Employing Outside Consultants

Article 19: Site Plan Review Plan Requirements

Article 20: Site Plan Review Lighting Requirements

Article 21: Special Permit Application Submittal
Requirements

Article 1: Adoption & Amendments

Section 1.1 These Rules & Regulations shall be duly adopted and amended from time to time, effective immediately upon the majority vote of the Planning Board.

Section 1.2 These Rules & Regulations shall be retained in the Planning Board office and a copy filed with the Town Clerk.

Article 2: Powers and Duties of the Planning Board

Section 2.1 Prepare, adopt, amend and implement a Master Plan for the Town under M.G.L. c. 41, Section 81D.

Section 2.2 Draft and submit zoning amendments for consideration by Town Meeting.

Section 2.3 Adopt, administer, and amend from time to time the Ayer Rules & Regulations of the Subdivision of Lands, as well as for Site Plan Review.

Section 2.4 Act as a Special Permit Granting Authority, when applicable.

Section 2.5 Approve Site Plans, when applicable.

Section 2.6 Administer Public Way Access By-law, when applicable.

Article 3: Organization: Membership, Terms of Office, Officers, and Vacancies

Section 3.1 The Planning Board shall consist of five members each with a three year term. The Planning Board members shall be elected in staggered terms as follows: two members elected in two years, one member in one year.

Section 3.2 Term of office shall commence immediately upon election and qualification by the Town Clerk.

Section 3.3 The Planning Board shall elect the following officers from its members: Chairperson, Vice-chairperson, and Clerk.

Section 3.4 Officers shall be elected annually during reorganization as the first order of business at the designated meeting.

Section 3.5 In the event a vacancy of an elected member occurs, a new member shall be appointed in accordance with M.G.L. c. 41, Section 81A.

Article 4: Associate Member

Section 4.1 Associate members may be appointed in accordance with M.G.L., Chapter 40A, Section 9.

Section 4.2 Associate members shall be appointed for a three-year term by a majority vote of the members of the Planning Board and the Board of Selectmen. The Chairman of the Planning Board may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit or site plan application, or any other matter for which a quorum is required, in case of an absence, inability to act, or conflict of interest on the part of any member of the Board, or in the event of a vacancy on the Board.

Section 4.3 A vacancy occurring for otherwise than by expiration of term may be filled with an Associate Member for the unexpired term in the same manner.

Article 5: Duties of Officers

Section 5.1 The Chairperson shall preside over meetings and shall be responsible for the conduct and decorum of the meeting.

Section 5.2 The Vice-chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. The Clerk shall assume the duties of the Chairperson in the absence of the Chairperson and Vice-chairperson.

Section 5.3 The Clerk shall be responsible for taking Planning Board meeting minutes in the absence of the Planning Board staff. The past-Chairperson shall preside over the reorganization and election of officers as the first order of business of the designated meeting.

Article 6: Minutes

Section 6.1 Minutes of all Planning Board meetings shall be prepared by the Clerk or Planning Board staff in accordance with the provisions of the Massachusetts Open Meeting Law. Written format to be used shall be provided by the Administrative Coordinator.

Section 6.2 Minutes of open sessions shall become public record immediately, regardless of form. Minutes should be marked "DRAFT" until they are officially adopted by the Planning Board.

Section 6.3 Approval of minutes, except executive session minutes, shall be made in open session by a majority vote of the Planning Board.

Section 6.4 Minutes may be amended to improve clarity, accuracy, and completeness, but not to re-open debate on a previously decided agenda item. Amendments must be made in open session and noted in that meeting's minutes. Revised minutes should be marked, as amended, with the revision date.

Section 6.5 Official minutes shall be signed by the Planning Board Clerk or Administrative Coordinator recording the minutes and the presiding Chairperson at the time the vote is taken.

Section 6.7 Executive Session minutes remain closed to the public for as long as their publication would defeat the purpose of the session. Executive Session minutes must be made public as soon as the reason for secrecy no longer applies.

Article 7: Meetings: Time, Location, and Executive Session

Section 7.1 All meetings of the Planning Board shall be held in accordance with the provisions of the Massachusetts Open Meeting Law.

Section 7.2 All meetings of the Planning Board shall be held in the Ayer Town Hall or such other available municipal building unless restricted by space availability.

Section 7.3 Meetings of the Planning Board shall begin at 6:15 p.m. unless the Planning Board by majority vote sets a different time for a particular meeting.

No Planning Board meeting shall begin earlier than 6:00 p.m., except for scheduled Executive Sessions or during times when Town Meeting is in session, in accordance with Town By-Laws, or when a different meeting time is duly noticed and posted for situations in which the Planning Board needs to meet at an earlier time. Executive Sessions and meetings held during Town Meeting sessions may begin at 6:15p.m.

Section 7.4 Starting in May 2018, Meetings of the Planning Board will be held on the 2nd and 4th Tuesdays of each month, unless calendar or schedule conflicts require this schedule to be changed in the short term. Any deviations from this schedule will be announced by the Planning Board at one of their regularly scheduled meetings. Every attempt shall be made to conduct most plan review business (ANRs, Site Plans, Special Permits, and Subdivisions) at the 1st meeting of each month, with the second meeting reserved in most cases for any discussion or deliberation on open or continued matters, to administrative issues and long-range planning projects.

Article 8: Conduct of Meetings & Public Hearings

Section 8.1 The Chairperson shall establish rules of parliamentary procedure, as outlined in ‘Robert’s Rules of Order’, to maintain order and decorum as may be necessary to promote efficient time management, as well as professional conduct of Planning Board business, guided by a desire to obtain all relevant facts, testimony and engage public input on matters requiring such input before the Planning Board.

Section 8.2 During Public Hearings or Public Meetings considering applications for ANRs, site plans, special permits or subdivisions, the Town Planner will first provide an overview of the case and key issues that the Planning Board should consider, then the applicant shall be recognized for presentation, followed by the comments, questions and concerns of the, Planning Board members, abutters, and any other parties of interest in the public.

Section 8.3 The Chairperson shall reserve the right to limit presentations to those that are only relevant to matters being discussed. All comments by the public shall be limited to five minutes in the interest of preserving an efficient process, unless otherwise allowed at the discretion of the Chairperson.

Article 9: Quorums and Voting

Section 9.1 A quorum of three members of the Planning Board shall be required to conduct business.

Section 9.2 All votes must take place at a Planning Board meeting in person. Remote participation will be in accordance with the provisions for such in Massachusetts General Law and of the Town of Ayer.

Section 9.3 Planning Board members present may be counted to determine whether a quorum is present even if they abstain from voting affirmatively or negatively.

Exception: if the Planning Board member is abstaining due to conflict of interest, he/she cannot be counted as being present for the quorum for that portion of the meeting for which he/she is disqualified by reason of conflict of interest.

Section 9.4 A tie vote defeats a motion.

Section 9.5 Planning Board votes shall be a simple majority of those present and voting except for Special Permits requiring a “super majority” by statute.

Section 9.6 A “super majority” of a five member Planning Board is four. This number is required for passage of a motion regardless of the number present.

Section 9.7 Any member of the Planning Board can move to reconsider a vote either on the same night of the vote taken or as the first order of business at the next scheduled meeting. A two-thirds (three out of four / four out of five) is necessary for reconsideration to prevail.

Article 10: Application Procedures for ANR, Site Plan and Subdivisions

Section 10.1 Approval Not Required (ANR) Plans

- A. The petitioner shall, in writing, request that the Planning Board’s Administrative Coordinator place on the agenda of the next scheduled meeting the submission of an ANR plan. An ANR plan shall be submitted for future consideration by the Planning Board either at a regularly scheduled Planning Board meeting, by submitting to the Administrative Coordinator who will file it with the Town Clerk, or by registered mail pursuant to M.G.L. c.41, sections 81O, 81P and 81T. The Board has 21 days from the date of submission (*as defined above*) in which to make its decision to favorably endorse, not endorse, or allow the petitioner to withdraw.
- B. The application process for the petitioner is as follows:
 1. Completion of Form A Application Form.
 2. File a mylar and **three (3) full-size and five (5) 11” x 17”** copies of the stamped registered professional engineered plan depicting the lot of land and the action that the applicant wishes to make (i.e., subdividing the lot) and application with the Town Clerk.
 3. File with the Planning Board’s Administrative Coordinator:
 - a. Form A Application Form (stamped by the Town Clerk)
 - b. The Plans
 - c. Payment in the amount of specified in the Planning Board’s schedule of fees.
 - d. This action requires no hearing, no advertisement, and no notification of abutters to the property.
- C. Approval process:
 1. If "favorably endorsed", the Board shall sign the Mylar plan and shall also sign five copies of the plan. The Board needs four copies of the signed plan.

2. If the Planning Board does not favorably endorse the ANR plan in the belief that it does not meet the requirements of an ANR plan, the applicant must be notified by the Planning Board's Administrative Coordinator in writing that the Planning Board has determined that subdivision review is required or that the ANR plan does not conform to the standards for ANR endorsement.
This should be done within twenty-one (21) days of submission of the ANR plan.
3. If the Planning Board does not favorably endorse the ANR plan because the application is incomplete, the applicant must be notified in writing by the Assistant to the Planning Board of the board's decision. This should be done within twenty-one (21) days of submission of the ANR plan.
4. After the meeting, the Assistant to the Planning Board shall complete a Form A-1, Determination that Subdivision Approval Is Not Required, and file it with the Town Clerk within the same 21-day period following submission.
5. Distribution of copies:
 - a. To Petitioner: Form A-1 only.
 - b. To Assessors: Form A-1 plus Plan
 - c. To Town Clerk: Form A-1 plus Plan
 - d. To Building Inspector: Form A-1 plus Plan
 - e. To Planning Board File: Form A-1 plus Plan

Section 10.2 Site Plan Review

1. Copies of the Site Plan Review Regulations shall be available to the public.
2. A fee schedule to help meet some of the Town's clerical and engineering costs for Site Plan Review has been approved by the Planning Board and may be updated periodically after a public hearing.
 - a. The Planning Board's Administrative Coordinator shall ensure that an agreement has been signed by the applicant agreeing to pay the costs for legal advertisements billed directly from the newspaper utilized by the Town to the applicant.
3. Site Plan Review applications and fee schedules shall be available in the Planning Board office.
4. Following determination of applicability under the Site Plan Review Bylaw, the owner of record, or his agent, shall first file a copy of the application and plans with the Ayer Town Clerk, and twelve (12) copies of the application, including date and time of filing as certified by Town Clerk, and plans shall be submitted, with check for total fees.
5. The Administrative Coordinator to the Planning Board shall then transmit one copy each of the application and plans to the following departments:
 - a. Building Inspector

- b. Board of Health
 - c. Conservation Commission
 - d. Board of Selectmen
 - e. Department of Public Works
 - f. Fire Department
 - g. Police Department
7. The Town Clerk shall prepare a new file folder for the Board's copy of application, plans, and input of Town departments.
 8. Town departments and other officials shall have 35 days to report in writing and their failure to report within 35 days shall constitute approval of the adequacy of the submittal, and also that, in the opinion of that agency, the proposed project will cause no adverse impact. The Planning Board shall not act on a Site Plan application until comments have been received from Town departments and officials that have received a copy of the Site Plan application for review.
 9. The Site Plan review meeting date shall be set, posted at least 14 days before said meeting, and advertised twice in a local newspaper. The first time advertisement shall be at least 14 days before the meeting date - all according to Ch. 40A, Sec. 11, so that 35 days are allowed for receipt of reports from Town agencies.
 10. The Planning Board has 45 days to hold a Site Plan review meeting, and after due consideration of the recommendations, the Board shall take final action within 90 days from the date of submission.
 11. After the Site Plan review meeting is closed, and after deliberation as may be needed, the Planning Board shall formally vote to approve (a majority of the Planning Board present is required to approve a Site Plan), or deny the petition, and then must file its written decision with the Town Clerk, within 14 days after the decision is made.
 13. The written decision of the Board, with "findings", if any, may be "roughed out" by the Town Planner or Administrative Coordinator (or Planning Board Clerk in his/ her absence) at the meeting where the decision is voted, and later typed with members signing both the decision and final plan after the 20 day appeal period has expired (M.G.L. c. 40A, Section 17). Following the filing of the decision with the Town Clerk as specified above, the Administrative Coordinator shall mail a copy, as time-stamped and certified by the Town Clerk, to the petitioner, and to anyone else so requesting it at the public hearing. A copy shall also be given to the Building Inspector, and a signed copy shall be kept with the applicant's file in the special Site Plan Review file drawer in the Planning Board office.
 14. The Ayer Building Department shall not issue a building permit for use of an applicable property until a copy of the Site Plan Review approval is received, and only in accordance with all conditions, limitations and safeguards set down in the decision. In no case shall a building permit be issued for any application denied by the Planning Board, unless directed by a Court as the result of an appeal.

Section 10.3 Preliminary Plans under the Subdivision Control Law

- A. Note that a Preliminary Plan does NOT have to be submitted for residential subdivisions but MUST be submitted in the case of a nonresidential subdivision. No public hearing, legal advertisement or notices to abutters are required.
- B. Petitioner files a Form B (Preliminary Subdivision Plan Submittal Form) and 12 copies (plus mylar) of a stamped registered professional engineered plan depicting the lot of land and the action that the applicant wishes to take with the Town Clerk.
- C. Applications and plans are submitted to the following Town Departments (using the comment form in the desk of the Assistant to the Planning Board) for comments:
 - 1. Board of Health
 - 2. Board of Selectmen
 - 3. Department of Public Works
 - 4. Fire Department
 - 5. Police Department
 - 6. Building Inspector
 - 7. Conservation Commission
- D. The Board must act within 45 days and must within the same 45 days give a copy of the written notice of action to the Town Clerk and to the petitioner by certified mail. This 45 day limit may be extended by the applicant.
- E. The Planning Board has a right to approve the Preliminary Plan, approve the Preliminary Plan with conditions, or to disapprove the Preliminary Plan. If denied, the Planning Board must notify the applicant, in writing, the reasons for denial. If approved with conditions, the conditions will be documented on the letter of decision.
- F. To preserve zoning and subdivision exemptions, petitioner must submit a definitive plan within 7 months after approval of preliminary plans (Chapter 41, Section 81Q).

Section 10.4 Definitive Plans under the Subdivision Control Law

- A. See Subdivision Rules and Regulations for submission requirements.
- B. Petitioner files a Form C (Definitive Subdivision Plan Submittal Form), 12 copies of a stamped registered professional engineered plan depicting the lot of land and the action that the applicant wishes to make.
- C. The Planning Board then has 135 days in which to make its decision and file it with the Town Clerk - but that time may be extended by mutual agreement between the Board and the petitioner.
- D. If a previous preliminary plan of the same property has been submitted and acted upon (including disapproval) within 7 months before Definitive Plan application filing, the time from submission to filing of the decision is 90 days.

- E. The Planning Board shall schedule a public hearing, and at least 14 days before that date, advertise the hearing in a paper of local circulation, once in each of two successive weeks. Notification of all abutters (record owners within 300 ft. of property lines) submitted by the applicant and certified by Ayer Board of Assessors (Ch. 40A, Sec. 11), shall be done by the Assistant to the Planning Board, by certified mail, at the time the ad is submitted to the newspaper. Notice shall also be sent to applicant and the Planning Boards of Shirley, Harvard, Groton, Littleton and Devens.
- F. The Planning Board's Administrative Coordinator will ensure that an agreement has been signed by the applicant agreeing to pay the costs for legal advertisements billed directly from the newspaper utilized by the Town to the applicant.
- G. The Planning Board's Administrative Coordinator shall distribute copies of the application and plans to Town Departments for comments (same 7 as shown under the Preliminary Plan process).
- H. The hearing shall be held (45 days has to be allowed for Board of Health to comment) and if it appears that time for the decision will go beyond 135 days, the petitioner may volunteer to extend the hearing period - or the Board may request an extension of time. The petitioner's request must be in writing. This request, and a memo from the Board agreeing to the extension, after a vote, must be filed with the Town Clerk.
- I. When the Board is ready to vote to approve or disapprove the Definitive Plans, a motion is made to close the hearing, and this motion must get a majority vote. A member may make a motion to approve or disapprove. Any approval motion with waivers must be put in writing. To approve, three members must vote YES. The Assistant to the Planning Board records this vote and notifies the Town Clerk.
- J. At this point, the 20-day appeal period begins, and until it is over, and the Town Clerk can certify that there has been no appeal filed, or that such appeal has been settled, the petitioner's plan cannot be endorsed by the Planning Board.
- K. Also necessary before the endorsement of the approved plans is the acceptance by the Board of a performance guarantee which satisfies both the Town Counsel and the Town Engineer. The standard Performance Guarantee document approved by the Planning Board may be used to expedite the process. The document is in the computer of the Assistant to the Planning Board. This should be completed during the 20-day appeal period.
- L. When the plans are ready to endorse, all waivers must be shown in writing on the plans and reference made to any covenant or other performance guarantee which has been accepted. If the Board of Health has not responded, this, too, should be noted on the plans. The endorsement is made at a posted Planning Board meeting, on plan copies furnished by the petitioner. The petitioner retains a signed copy, a copy goes to the Town Clerk, and a copy is retained in the Board files. Copies shall also go to the Building Inspector and the Board of Assessors.

Article 11: Agenda Management

Section 11.1 The Planning Board Administrative Coordinator, in consultation with the Town Planner and the Chairperson, shall be responsible for management of meeting agendas.

Section 11.2 The Administrative Coordinator will prepare a weekly package of correspondence and supporting documents which shall be provided electronically and/or mailed to all Planning Board members for review within three (3) working days prior to the meeting at which they will be considered to accommodate such review.

Section 11.3 Application submittals whether new or revised shall be made in a timely manner to accommodate proper review needed for consideration at the following meeting. The Planning Board reserves the right to accept or deny such consideration. Documents requiring staff or department review and response must be submitted **two weeks prior** to the scheduled meeting or hearing's submittal deadline unless otherwise determined to be allowed by the Planning Board chair.

Section 11.4: In addition to paper sets of plans, all Site Plans, Special Permit Site Plans and Preliminary and Definitive Subdivision Plans must be submitted to the Planning Office **and** to the Superintendent of the Department of Public Works in electronic format at the same time paper plans are submitted, according to the respective deadlines for such plans as specified elsewhere in these Rules and Regulations. Electronic plans shall be submitted as PDFs, unless permission is granted for another format.

Section 11.5 Any revisions to submitted plans, such as updated plan sheets, stormwater calculations, drainage plans, etc. for Site Plans, Special Permit Plans and/or Subdivision Plans already scheduled or in the review process must be received by the Planning Office and the Superintendent of the Department of Public Works at least **five (5) working days** prior to the meeting or hearing at which the case is to be next considered. The Planning Board reserves the right to not consider any new information submitted after this deadline by continuing the plan review meeting / hearing to the next available Planning Board meeting.

Section 11.6 The Town Planner and Administrative Coordinator shall not schedule any application deemed incomplete for Planning Board consideration.

Article 12: Standards of Conduct for Planning Board Members

Section 12.1 Planning Board members are obligated to serve the public interest, to conduct himself/herself so as to maintain public confidence in the Planning Board, to meet the fundamental responsibility of fairness, and to comply with all statutory regulations.

Section 12.2 A member of the Planning Board shall conduct himself/herself in accordance with M.G.L. c. 268A (Conflict of Interest). This includes but is not limited to:

1. Not asking for or accepting anything (regardless of value), if it is offered in exchange for your agreeing to perform or not perform an official act.
2. Not asking for or accepting any "gift" worth \$50.00 or more from anyone with whom you have official dealings.

3. Not taking any action that could create an appearance of conflict unless you make a proper public disclosure.
4. Not disclosing confidential information.
5. Not taking official action which will affect the financial interests of yourself, your family, a business partner, etc.

Section 12.3 Individual Planning Board members shall not meet to discuss business or matters currently before the Planning Board with an Applicant and/or their representative outside of a Planning Board meeting unless authorized to do so by the Planning Board. For administrative purposes only, the Chairperson may meet jointly with the Planning Board Administrator, Applicant and/or their representative.

Article 13: Site Visits

Section 13.1 A “site visit” is defined as a visit by the Planning Board to a location that is the subject of an application before the Planning Board. All site visits will be announced at a regular public meeting of the Planning Board. The visit shall be in the company of the owner, applicant, and/or the applicant’s representative when it involves visiting areas which are not customarily available for public inspection.

Section 13.2 No formal motions shall be made nor votes taken at a “site visit”.

Article 14: Regulations Governing Fees and Fee Schedules

Section 14.1 Procedural History: On May 8, 2018, the Planning Board held a public hearing, pursuant to M.G.L. c. 40A, Section 9 and M.G.L. c. 41, Section 81Q, to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and a new schedule of fees for review conducted by the Planning Board on the various types of applications which come before it. This document, subject to revisions from time to time in a manner spelled out herein, constitutes the Planning Board’s rules governing the imposition of fees and its current fee schedule.

Section 14.2 These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the cost of technical review of applications to the Planning Board.

Section 14.3 The Planning Board may impose reasonable fees for the review of applications which come before it. The Planning Board may impose Administrative Fees, as may be applicable to the types of applications set forth below, and Project Review Consultant Fees, as set forth under Article 17, herein.

Section 14.4 An Administrative Fee shall be assessed with regard to all applications set forth in Section 14.4.3, herein, in order to offset the expense of review by the Planning Board, the Planning Board Office, as well as other Town Departments.

Section 14.5 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.

Section 14.6 The following fee schedule applies to the types of applications reviewed by the Planning Board as set forth below. This fee schedule supersedes all previous schedules as they may have appeared in the Ayer Zoning Bylaws, the Rules and Regulations for the Subdivision of Land, and any other listing which may have been compiled from time to time for the benefit of applicants.

1. Approval Not Required (ANR) Plan: \$115.00 plus \$50.00 for each lot being created
2. Preliminary Subdivision Plans: \$500.00 plus \$50.00 for each lot being created
3. Definitive Subdivision Plan: \$1,000 plus \$250.00 for each lot being created
4. Definitive Plan modification / amendment: \$500.00
5. Site Plan Review (with or without a Special Permit): \$500.00
6. Site Plan modification / amendment: \$250.00
7. Special Permit application (without Site Plan review): 300.00
8. Application to modify a Zoning District boundary: \$1,000.00

Section 14.7 Schedule of Miscellaneous Administrative Fees and Charges are as follows:

1. Copies of Documents
 - i. Letter or legal Size - \$0.25 per sheet*
 - ii. 11"x17" - \$0.50 per sheet*
2. Zoning By-Law - \$15.00*
3. Zoning Map -\$6.00*
4. Subdivision Rules and Regulations - \$10.00*
5. * Postage Charge for Mailing - Additional \$4.00

Section 14.8 The Planning Board reserves the right to waive or reduce any Administrative Fee at their discretion.

Section 14.9 No Administrative Fee refunds will be given by the Planning Board once an application review has commenced. Application withdrawal constitutes forfeiture of all fees paid.

Section 14.10 The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

1. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.

Article 15: Waivers from these Rules and Regulations

The Ayer Planning Board may waive any of the provisions of these Rules and Regulations as well as any Regulations referenced in these Rules and Regulations, by majority vote of the Board in circumstances where their strict implementation to a particular application or circumstance is detrimental or counterproductive to the larger issue or application before it, and where such waiver will not be in violation of any local or state regulation, bylaw or statute. Any such waivers must be voted upon at a regularly scheduled meeting of the Planning Board and be reflected in the minutes of the meeting and record of the particular case or application.

Article 16: Planning Board Personnel

Section 16.1 The Planning Board shall employ necessary staff positions such as Town Planner, Administrative Coordinator, and any other position that is deemed necessary and approved through the appropriate Town process to accommodate department needs.

Section 16.2 The Town Planner's primary responsibilities are to carry out the Town's development review process, to manage the administrative and planning operations of the Planning Board Office and to carry out the duties and responsibilities identified in the approved job description for this position.

Section 16.3 The Administrative Coordinator's primary role is to assist the Planning Board with processing and tracking applications, overseeing the day to day financial and communication operations of the Planning Board and carrying out the duties and responsibilities as identified in the approved job description for this position. This position reports directly to the Town Planner.

Article 17: Budget and Finance

Section 17.1 The Town Planner is responsible for managing the budget and accounts of the Planning Board.

Section 17.2 The Town Planner is responsible for the preparation of the Annual Planning Board Budget, subject to review and approval of the Planning Board. The Town Planner shall develop the budget in consultation with the Planning Board.

Article 18: M.G.L. c. 44, Section 53G, Special Funds for Employing Outside (Peer Review) Consultants

Section 18.1 On May 8, 2018, at a Public Hearing, the Ayer Planning Board voted (-) to adopt the Acts of 1989, M.G.L. c. 44, Section 53G.

Section 18.2 These regulations for outside consultants are adopted for special permit, site plan and subdivision applications under M.G.L. c. 40A, Section 9 and M.G.L. c. 44, Section 53G.

Section 18.3 The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or particular land use warrants retaining the use of licensed professional independent consultants in any given respective field. Such consultants shall provide professional guidance to assist the Planning Board with the necessary review and analysis needed to make informed decisions that comply with all relevant laws and regulations regarding complex issues. The Planning Board shall select and retain for a reasonable fee such consultants at the expense of the Applicant.

Section 18.4 Consultant Review Fees shall be based upon an estimated review cost. Upon notice of receipt, Review Fees shall be deposited in an account established pursuant to M.G.L. c. 44, Section 53G. No decision shall be granted until such fee has been paid in full.

Section 18.5 Independent project consultants shall submit a scope of work and all associated predictable costs for their services as requested by the Planning Board for review prior to retaining their services. No supplemental change orders will be approved unless deemed necessary by the Administrator with the concurrence of the Planning Board.

Section 18.6 As a condition of approval of a Site Plan Review, or a Special Permit, the Planning Board may require a Supplemental Consultant Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

Section 18.7 The Consultant Review Fee is to be deposited into a special account as set forth in M.G.L. c. 44, Section 53G.

1. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
2. Consultant Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a Consultant Review Account.
3. A copy of the latest statement from the banking institution handling the Consultant Review Account shall be forwarded from the office of the Town Treasurer to the Planning Board Office as soon as it is received for timely and accurate accounting.
4. The Town Treasurer shall prepare a report on activity in the Consultant Review Account on an annual basis. This report shall be submitted to the Board of Selectmen and the Town Manager for their review.

Section 18.8 The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. c.44, Section 53G, the applicant may administratively appeal the selection of the consultant to the Ayer Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three or more years of practices in, or closely related to, the field at issue. Such an appeal may be initiated by the applicant filing notice with the Town Clerk within seven calendar days of notice of the selection. If no decision is rendered by the Board of Selectmen within one month of said appeal then the Planning Board consultant selection shall prevail.

The required time limits for action upon an application by the Planning Board shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for this section.

Section 18.9 Failure of an applicant to pay consultant review fees determined by the Planning Board may be grounds for application disapproval.

Article 19: Site Plan Review Plan Requirements

Refer to the Ayer Planning Board's Project Review Guidelines for Site Plan Review Plan Requirements.

Article 20 Lighting Requirements

Refer to the Ayer Planning Board's Project Review Guidelines for Lighting Requirements.

Article 21: Special Permit Application Submittal Requirements

Refer to the Ayer Planning Board's Project Review Guidelines for Special Permit Applicant Submittal Requirements