TOWN OF EGREMONT

In order to petition the ZBA for a Variance, Special Permit or Appeal you must: Request an application packet from the Selectman's office staff.

Present a <u>COMPLETE</u> application for a variance and/or a special permit and attach all of the following:

A. The applicant is requesting (circle one) Special Permit/Variance/Appeal under Section _____ of the Egremont Zoning bylaw.

B. A scaled site plan illustrating — OK'd

1. All existing structures, driveways, parking areas, wells & septic _____
2. All setback measurements _____
3. Footprint of all proposed new construction incl. proposed drive/parking _____
4. Elevation drawings of proposed new structure(s) or addition(s) _____
5. A list of the names and addresses of the owners of record and book and page number of deed records _____

C. A certified list of abutters from Assessors incl. owner, applicant, lawyer, and two (2) sets of pre-addressed envelopes for each abutters _____

D. A check payable to the Town of Egremont for $150 _____

E. 6 copies of the application _____

You must then file the COMPLETED APPLICATION and all of the above with the Town Clerk for certification.

The ZBA then must set a hearing date within 65 days of the filing of your application. The Hearing date is:

1. Posted at Town Hall, south and north post offices
2. Sent to applicant and all parties of interest.
3. Published in local Berkshire newspapers for two consecutive weeks prior to your hearing.

The ZBA then holds a public hearing on the established date and makes it decision within 100 days of the filing.

Tips:

1. The Zoning Board of Appeals strongly suggests you consult with someone, such as a lawyer who is familiar with the process. You may see the Selectman's Office staff to obtain a copy of the By-Laws.
2. Please do **not** discuss your application with any member of the ZBA prior to your public hearing.
3. Please file your petition early; for example, at least 3 months prior to the time you intend to begin alterations or building,.etc...

****

In order to file an appeal from a decision by a board or town official please complete the relevant form included in your packet.

APPLICATION FOR

SPECIAL PERMIT HEARING

Name of Applicant _____

Address _____

Location of Property _____

Registry of Deeds Recorded Book _____ Page _____

Applicant is _____ (owner, tenant, licensee, prospective buyer)

Applicable Section of the By-Law Section _____

Nature of Application (description of business, hours of operation, etc. _____

_____

_____

_____

_____

_____

I/We hereby request a hearing before the Special Permit Granting Authority with reference to the above noted application.

Signed: _____ Date: _____

Signed: _____

Title or Interest: _____

Applicant must also submit all information required by the Zoning Board of Appeals Rules and Regulation, available at the Egremont Town Hall.

Please note that Assessors require seven (7) days notice to compile abuttors list.

Received fron the Applicant(s) the sum of $_____ to be applied against postage, advertising costs, and permit fee on (date) _____.

Signed: _____

Town of Egremont

Board of Assessors

Robin G. Goldberg, Chairman
Florence Browner, Member
Donald Torrico , Member

Harald M. Scheid, Regional Assessor
William Brinker, Administrative Assistant

Abutters List Request

Date:

Applicant:

Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Parcel:

Owner's name: _____

Map Number: _____

Parcel Number: _____

Parcel Address: _____

The above information must be completed accurately.

The Certified Abutters List will be available within seven (7) business days.

The list may be picked up at the Selectmen's Office Monday through Friday from seven o'clock in the morning to three in the afternoon. The list may also be emailed or faxed to you at your request.

There will be a charge of one dollar ($1) per abutter (minimum charge is $5); please make your check payable to the Town of Egremont.

PO Box 368 South Egremont, MA 01258
413-528-0182 ext. 14

BOARD OF APPEALS

SIDE 1

PETITION FOR VARIANCE

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: HOME:_____ WORK_____

ADDRESS OR LOCATION OF PROPERTY AFFECTED_____

_____

OWNER OF PROPERTY:_____

ADDRESS:_____

(Please include two copies of a plan of the property location of all buildings on the site; location of nearby streets and/or highways; any proposed changes in the property; and an arrow indication magnetic NORTH.)

I request a variance from Section(s)_____ of the Egremont Zoning Bylaws to enable me to_____

_____

Please answer the following questions as completely as possible. If you need more space, feel free to use additional sheets of paper.

1. If you don't receive this variance what hardship will that cause you? (If you claim financial hardship be prepared to substantiate it with actual figures at your hearing.)

2. What special circumstances relating to soil conditions, or the shape or topography of land or structures, affect your property but don't affect other properties in the same zoning district?

3. Explain why your special circumstances are not the result of your own actions.

4. If you don't receive a variance, what rights will you be deprived of that other properties in the same zoning district enjoy?

5. Explain why a variance will not give you any special privileges that other property owners in the same zoning district don't have.

Signature_____ Date_____

The sum of $125.00 has been received from the above applicant to apply toward advertising costs.

_____
Town Treasurer

BOARD OF APPEALS

NOTICE OF APPEAL

Name:_____

Address:_____

Telephone number(s): Home_____ Work_____

Address or location of property affected:_____

_____

Owner of Property:_____

Address:_____

(Please include two copies of a plan of the property, showing location of all buildings on the site; location of nearby streets and/or highways; any proposed changes in the property; and an arrow indicating magnetic north.)

I hereby enter notice of appeal from a decision by the following official or board:_____

_____

Date of decision:_____

Nature of decision:_____

_____

I feel the decision was wrong because it does not agree with my interpretation of Section(s)_____

_____of the Egremont Zoning Bylaw.

My interpretation is:_____

_____

Signature:_____ Date:_____

The sum of $ 125.00 has been received from the above applicant to apply toward advertising costs.

_____

Town Treasurer

The Commonwealth of Massachusetts

Department of Industrial Accidents

600 Washington Street
Boston, Massachusetts 02111

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

JANE C. EDMONDS
Director of Labor and Workforce Development

ANGELO R. BUONOPANE
Commissioner

Town Clerk
Town of Egremont
P.O. Box 56 - 171 Edgremont Plain Rd.
Egremont, MA 01258

September 25, 2003

RE: Requirement of all parties seeking permits and licenses under M.G.L. c. 152

Dear Sir or Madam,

Pursuant to M.G.L. c. 152, §25A, all employers conducting business in the Commonwealth of Massachusetts must carry a valid workers' compensation policy at all times. Please be advised that no business or organization may be issued a license and/or permit, as required by local by-law or ordinance, without providing proof of workers' compensation coverage. Proof of coverage should be verified by contacting the insurance carrier directly or the Department of Industrial Accidents (DIA) , Office of Insurance at 800-323-3249.

Should any party seeking a permit declare that they are not required to carry workers' compensation insurance, they must sign a sworn affidavit that no such coverage is required per the above mentioned statute. Attached please find a copy of the DIA Workers' Compensation Insurance Affidavit. A copy of the signed affidavit must be sent to the DIA at the above address. We request that you disseminated this letter to all offices, boards and commissions within your municipality that have the authority to issue any licenses or permits.

Sincerely,

Gregory J. White
Chief Legal Counsel

Building
Wire
Plumbing
~~Gas~~

ZBA
PB
Sel.
BOH

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers

Applicant Information **Please Print Legibly**

Name (Business/Organization/Individual):_____

Address:_____

City/State/Zip:_____ Phone #:_____

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]
3. ☐ I am a homeowner doing all work myself. [No workers' comp. insurance required.] †
4. ☐ I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.‡
5. ☐ We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

6. ☐ New construction
7. ☐ Remodeling
8. ☐ Demolition
9. ☐ Building addition
10. ☐ Electrical repairs or additions
11. ☐ Plumbing repairs or additions
12. ☐ Roof repairs
13. ☐ Other_____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.
‡Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name:_____

Policy # or Self-ins. Lic. #:_____ Expiration Date:_____

Job Site Address:_____ City/State/Zip:_____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to $1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to $250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature:_____ Date:_____

Phone #:_____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ **Permit/License #**_____

Issuing Authority (circle one):
1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
6. Other _____

Contact Person:_____ **Phone #:**_____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an ***employee*** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An ***employer*** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "**every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required**." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply sub-contractor(s) name(s), address(es) and phone number(s) along with their certificate(s) of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary) and under "Job Site Address" the applicant should write "all locations in _____(city or town)." A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
1 Congress Street, Suite 100
Boston, MA 02114-2017

Tel. # 617-727-4900 ext 7406 or 1-877-MASSAFE
Fax # 617-727-7749
www.mass.gov/dia

Revised 7-2013

Town of Egremont
Commonwealth of Massachusetts

BOARD OF APPEALS

RULES AND REGULATIONS

BOARD OF APPEALS

TOWN OF EGREMONT
COMMONWEALTH OF MASSACHUSETTS

RULES AND REGULATIONS

ARTICLE I
Organization

§ 1. Authority.
§ 2. Membership; terms.
§ 3. Officers.
§ 4. Duties of officers.
§ 5. Meetings.

ARTICLE II
Applications to the Board

§ 6. Application forms; petition for variance.
§ 7. Filing period.
§ 8. Fees.

ARTICLE III
Hearings

§ 9. Dates.
§ 10. Quorum.
§ 11. Hearings to be public.
§ 12. Order of business.

ARTICLE IV
Disposition by Board

§ 13. Decisions.
§ 14. Withdrawal.
§ 15. Reconsideration.
§ 16. Reapplication.

§ 17. Filing of decisions.
§ 18. Limited or conditional zoning variances.
§ 19. Limitation on grants; extensions.
§ 20. Notice of public hearings.

ARTICLE V
Application Review Fees - Special Municipal Accounts

§ 21. Intent.
§ 22. Professional expertise/consultants.
§ 23. Establishment of special account.
§ 24. Use of funds.
§ 25. Method of appeal.
§ 26. Minimum fees.

ARTICLE VI
Voting Requirements

§ 27. Required concurring vote.

ARTICLE VII
Amendments

§ 28. Procedure.

Town of Egremont
BOARD OF APPEALS

ARTICLE I
Organization

§ 1. Authority.

The following rules and regulations are adopted by the Egremont Board of Appeals under authority of and in compliance with MGL C. 40A, § 12, and C. 41, and the Zoning Bylaws of the Town of Egremont.

§ 2. Membership; terms.

The Board of Appeals shall consist of three (3) members appointed by the Selectmen for terms of three years and so arranged that the term of one (1) such appointee shall expire each year. In addition thereto, there shall be two (2) associate members appointed by the Board of Selectmen for terms of one (1) year. The Chairman of the Board of Appeals may designate any such associate member to sit on the Board and act in the case of the absence, inability to act or conflict of interest on the part of a regular member thereof, or, in the event of a vacancy on said Board, may designate any such associate member to sit as a member of the Board and act until such vacancy is filled. No person shall serve on the Planning Board and the Board of Appeals at one time.

§ 3. Officers.

The Board shall elect annually a Chairman and a Clerk from its own number and may, subject to appropriation, employ experts and clerical and other assistants.

§ 4. Duties of Officers.

A. Chairman. The Chairman shall preside at all Board meetings. In the absence of the Chairman, the clerk shall preside as the Acting Chairman. The Chairman or Acting Chairman may administer oaths, summon witnesses and call for production of papers. The Chairman shall assign specific duties.

B. Clerk. The Clerk shall keep detailed records of the Board's proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for the Board's decisions and the Board's other official actions.

§ 5. Meetings.

A. Regular meetings of the Board shall be held on the Board's hearing dates at such time and place as designated on the required public notice, posted forty-eight (48) hours in advance for each such meeting. Special meetings shall be held at the call of the Chairman and such meetings shall require posting of a notice of such meeting in the same manner as required for regular meetings. All meetings shall be held in accordance with the provisions of the Open Meeting Law, Chapter 39, § 23A, § 23B, and § 23C, as amended.

B. Quorum. The presence of three (3) members shall constitute a quorum.

C. Order of business. The Chairman will organize the agenda to include the following:

(1) Minutes of the previous meeting.

(2) Communications.

(3) Unfinished business.

(4) New business.

ARTICLE II
Applications to the Board

§ 6. Application forms; petition for variance.

Any appeal, application or petition to the Board shall be made on the appropriate form, which shall be furnished on request. Any communication purporting to be an appeal, application or petition shall be treated as a mere notice of intention unless it is made on the proper form and filed with the Town Clerk. A petition for a variance shall only be considered when it is brought before the Board by the landowner(s) of the parcel. When filed, each appeal, application or petition, shall be accompanied by a list of all names and addresses of all abutters and the owners of land as parties of interest as defined by MGL, C.40A, § 11. This list must be certified by the assessors. Two pre-addressed stamped envelopes and one addressed U.S. Postal Service Certificate of Mailing for each party so listed must also be attached.

§ 7. Fees.

Applications shall be accompanied by a check payable to the town in the amount of one hundred twenty-five dollars ($125.00) to cover the expense of newspaper

advertisement and costs of copying, filing and sending notices to interested parties.

§ 8. Filing period.

Any appeal under MGL C. 40A, § 8, shall be filed with the Town Clerk within thirty (30) days from the date of the order, ruling, decision or determination that is being appealed or the date of refusal of the permit.

ARTICLE III
Hearings

§ 9. Dates.

Any appeal, application or petition filed in proper form shall be scheduled for a hearing within sixty-five (65) days of the date on which it is filed with the Town Clerk.

§ 10. Quorum.

A quorum for hearings by the Board shall consist of three (3) members.

§ 11. Hearings to be public.

The applicant or any party, whether entitled to notice of the hearing or not, may appear on his own behalf or be represented by agent or attorney at said hearing. In the absence of any appearance on behalf of any applicant, the Board will proceed to dispose of the matter on record before it. All hearings are open to the public and conducted in accordance with the Massachusetts Open Meeting Law, MGL C. 39 § 23A, § 23B, and § 23C as amended.

§ 12. Order of business.

A. Order. The order of business at hearings shall be as follows:

(1) Reading of petition and legal notices by the Clerk and presentation of any exhibits.

(2) Applicant's presentation.

(3) Reports of Planning Board, Board of Health, Conservation Commission and other concerned agencies.

(4) Opponent's presentation, if any, and questions by those seeking information.

(5) Applicants' rebuttal, restricted to matters raised by opponent's presentation.

B. The Board may make a decision at the close of the hearing or may take the matter under advisement for later consideration.

C. Board members may raise questions as they deem appropriate during the hearing.

ARTICLE IV
Disposition by Board

§ 13. Decisions.

The decision of the Board shall be made within one-hundred (100) days after the date of the filing of an appeal, application or petition with the Town Clerk, except in regard of special permit, which must be acted upon within ninety (90) days, after the public hearing concerning such special permit application.

§ 14. Withdrawal.

Any application or petition may be withdrawn without prejudice by notice in writing to the Clerk of the Board of Appeals before the publication of the notice of hearing thereon, but thereafter may be withdrawn without prejudice only with the unanimous approval of the Board.

§ 15. Reconsideration.

Once the hearing has been adjourned and the matter voted upon, there shall be no reconsideration of the decision of the Board.

§ 16. Reapplication.

In order to have a petition reheard within two (2) years, the Board must find specific and material changes in the conditions upon which the previous unfavorable action was based and must describe such changes in the record of the proceedings, and all of the members of the Board must consent thereto and notice thereof must first be given to the applicant and parties in interest of the time and place of the proceedings when the question of such consent will be considered by that Board.

§ 17. Filing of decisions.

The Board of Appeals shall cause its decisions to be filed with the Town Clerk and, in case of an appeal, also with the board or official from whom the appeal is taken. A notice of such decision shall be mailed forthwith to the petitioner, the Planning Board, Selectmen, Building Inspector, Conservation Committee, Board of Health, to all parties to whom notice of the hearing was mailed and to every person present at the hearing who requests that notice be sent to him, and supplies a self-addressed stamped envelope.

§ 18. Limited or conditional zoning variances.

A. The Board of Appeals may impose limitations both of time and use and may prescribe appropriate conditions and safeguards. Violation of such limitations, conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Egremont Bylaw.

B. Upon the granting of a zoning variance, the Board shall issue to the landowner a notice, certified by the Chairman and Clerk, containing the name and address of the landowner, identifying the land affected and stating that a variance has been granted which is set forth in the decision of the Board on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Registry of Deeds.

§ 19. Limitation on grants; extensions.

A. If a special permit or variance is granted by the Board, all permits necessary to begin the work shall be obtained within six (6) months and construction shall be commenced within one (1) year from the date of the filing of the Board's decision in the office of the Town Clerk. An extension of said time shall be granted by the Board in the case of an appeal to Superior Court, as provided in MGL C. 40A, § 17 or for other good cause shown.

B. If the rights authorized by a variance are not exercised within one (1) year of the date of the granting of such variance, they shall lapse and may be reestablished only after notice and a new hearing as provided elsewhere in these rules and regulations and in Section 7.3.2 of the Zoning Bylaw of the Town of Egremont.

§ 20. Notice of public hearings.

A. In all cases where notice of a public hearing is required, notice shall be made by publication in a newspaper of general circulation in the Town of Egremont once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by posting such notice in at least two conspicuous places, one in North Egremont and one in South Egremont, for at least fourteen (14) days before the date of such hearing.

B. When notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" means the petitioner, abutters, owners of land directly opposite on any public or private way or street and owners of land within three hundred (300) feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another town; the Planning Board of the town and the Planning Board of every abutting town. The applicant shall prepare, and have certified by the Board of Assessors, the list of parties in interest.

C. Publications and notices shall contain:

(1) The name of the petitioner and name of property owner, if different.

(2) A description of the area or premises, Registry of Deeds Number, street address, if any, or other adequate identification of the location of the subject of the petition.

(3) The date and place of the hearing.

(4) The subject matter of the hearing.

(5) The nature of action or relief requested.

D. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in Egremont.

ARTICLE V

Application Review Fees - Special Municipal Account

§ 21. Intent.

A. When reviewing an application, the Board may determine that the assistance of outside professional expertise and/or consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts.

B. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside professional expertise and/or consultants engaged by the Board to assist in the review of an application.

§ 22. Professional expertise/consultants.

A. In hiring outside professional expertise and/or consultants, the Board may engage engineers, planners, lawyers, urban designers, regional planning agencies or other appropriate professionals who are qualified and capable of assisting the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws, and regulations.

B. All consultants selected by the Board must meet minimum qualifications consisting of:

(1) an educational degree in, or related to the field at issue, from a recognized public or private college of university, or

(2) three or more years of practice in the field at issue or a related field.

C. The selection made by the Board shall be recorded with the Office of the Town Clerk within five business days of the Board's final selection(s).

§ 23. Establishment of special account.

A. Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose.

B. The following fee schedule shall be adhered to in determining the review fee required for the establishment of the special account.

Preliminary subdivision ----------$2,500
Definitive subdivision ----------$7,500

C. If review funds charged are insufficient to cover the costs of outside professional expertise and/or consultant review, the Board may require the applicant to pay an addition review fee to cover these costs provided these costs are reasonable and directly related to the project undergoing review.

D. Expenditures from this special account may be made at the direction of the Board of Appeals without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific

project or projects for which a review fee has been, or will be, collected from the applicant.

E. Failure of an applicant to pay a review fee shall be considered as an incomplete application and therefore not allow the application to go forward.

§ 24. Use of funds.

A. Review fees may only be spent for services rendered in connection with the specific project for which they were collected. These services shall include, but not necessarily limited to: project reviews, document reviews, and project-related inspections. Accrued interest may also be spent for this purpose.

B. If the outside consultant review begins and expenses are generated prior to the filing of a formal administrative appeal, all such expenses, up to the time of appeal, shall be paid out of the special account for that particular project.

C. At the completion of the Board's review of a proposed project, or at a time determined at the submission of the application/permit, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest.

D. A final report of the status of said account shall be made available to the applicant or the applicant's successor in interest.

E. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation that legally establishes this succession in interest.

§ 25. Method of appeal.

A. Any applicant may take an administrative appeal from the selection of the outside professional expert and/or consultant to the Board of Selectmen. 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.

B. Any applicant aggrieved by a selection of an outside consultant may appeal to the Board of Selectmen, provided that such appeal is entered within seven days after such selection has been made as recorded in the Office to the Town Clerk. An appeal will not be considered valid unless is formally filed with the Office of the Town Clerk with a copy given to the Board of Selectmen.

C. The applicant should notify the Board of Appeals of its intention to seek a waiver the earliest possible time in the review and consultant selection process. If the applicant fails to sign and/or file a formal waiver of appeal, this action will be then viewed as an intention to appeal on the part of the project applicants. Failure to inform the Board of Appeals of such intention of appeal may result in the delay of start-up of the town outside review services.

D. In acting on an administrative appeal, the Board of Selectmen may determine that:

(1) a conflict of interest does exist, and/or the consultant does not meet the minimum qualifications, therefore the Board must select another consultant, or

(2) a conflict of interest does not exist, and/or the consultant does meet the minimum qualifications, therefore the selection made by the Board stands.

E. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal, beginning from the date of filing of such appeal. In the event that no decision is made within one month (30 days) following the finding of the appeal, the selection made by the Board shall stand.

§ 26. Minimum fees.

Permit/Approval	Suggested Fee
Subdivision - preliminary	$ 2,500
Subdivision - definitive	7,500
Earth/gravel removal	2,500
Multi-family (under 25 units)	3,500
Multi-family (greater than 25 units)	5,000
Commercial (less than 10 acres)	3,500
Commercial (greater than 10 acres)	7,000
Industrial (less than 10 acres)	5,000
Industrial (greater than 10 acres)	10,000
Aquifer	3,500
Detention/retention basins	3,500
Hazardous material	5,000
Other special use/specific	2,500

ARTICLE VI
Voting Requirements

§ 27. Required concurring vote.

The unanimous vote of all three (3) Board of Appeals members sitting for the hearing shall be necessary to grant any appeal, application or petition on any matter upon which the Board is required or authorized to pass under MGL C. 40A or under the Egremont Zoning Bylaws.

ARTICLE VII
Amendments

§ 28. Procedure.

These rules may be amended by a majority vote, provided that such amendment shall be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.