

Planning Board prior to starting work in the succeeding phase. The Planning Board may designate the Town Highway Superintendent as the inspector for the construction of streets and the installation of municipal services and utilities in subdivision.

Warranty Period (see also Performance Guarantee section of these Regulations): The Planning Board shall hold all lot covenants, or at least twenty (20%) percent of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater until one-year after the completion of all pavement, drainage facilities, and landscaping to ensure the success of those features. Only at the successful completion of this one-year warranty shall these covenants or funds be released. The required subdivision improvements are not considered complete, in accordance with the state subdivision control law, until this warranty period is complete and it has been documented that the improvements are well enough constructed to last this warranty period.

Section 11. Administration and Fees

Fees: Fees shall be as follows and shall accompany each application:

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| Approval Not Required (ANR) Surveys | \$100 |
| Preliminary Subdivision Plan | \$125 plus \$20 per newly created lot |
| Definitive Subdivision if no Preliminary | \$500 plus \$400 per newly created lot |
| Definitive Subdivision if Preliminary Plan | \$125 plus \$200 per newly created lot |
| Subdivision amendments | \$200, unless requested by Planning Board or minor field change, plus \$200 for any new lots not in original plan |
| Inspection Costs | All supervision and inspection by the Town or its engineers or representatives. |
| Request to changes guarantees | \$100 per request to change or reduce |
| Review of final as-built plans | \$150 |
| Final Street layout plans | ANR fee |
| Rules for Hiring Outside Consultants | If required by Planning Board (see below): |

As provided by GL Ch. 44, 53G, the Tyringham Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the Tyringham Bylaws, the Tyringham Subdivision Regulations, and any other Town bylaw, regulation, or rule as they may be amended or enacted from time to time.

Funds received by the Planning Board pursuant to these rules 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 Planning Board 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 the engineering of roads and ways, private and public, driveways, grades, grading, and sanitary systems, to hydrogeologic and drainage analysis, to impact analyses of various kinds, and to environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.

The Planning Board 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.

The fee must be received in its entirety prior to the initiation of consulting services. The Board 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 Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is administratively incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. For applications to be considered under the local bylaw regulations only, failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.

The applicant may appeal the selection of the outside consultant to the 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 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 Selectmen and a copy received by the Board within ten(10) days of the date consultant fees were requested by the Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

Section 12. Subdivision Closeout and As-Built Plans

To closeout a subdivision and have the Planning Board release final performance guarantees, the following must be completed:

1. The subdivision has been completed correctly, including all subdivision facilities, street bounds, and other improvements shown on approved subdivision plans or required by the subdivision regulations.
2. The project applicant has provided letters from all private utility companies indicating that they have no objections to the project being considered complete or certification from their project engineer that all utilities were installed in conformance with all utility company comments and requirements.
3. All final engineering certifications and inspection reports have been provided by the applicant's professional engineer in a format acceptable to the town.