

January 23, 2004

**REGULATIONS FOR HIRING OUTSIDE
CONSULTANTS UNDER GL Ch. 44, s 53G**

As provided by GL Ch. 44, x 53G, the Newton Conservation Commission may impose upon and collect from applicants under the Wetlands Protection Act and the Newton Floodplain & Watershed Protection Ordinance 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, s 40), the Newton Floodplain and Watershed Protection Ordinance #22-22, the Conservation Commission Act (GL Ch. 40 x. 8C) or any other state or municipal statute, ordinance 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 these regulations shall be deposited with the City 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, s 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.

After the applicant has presented his/her project to the Commission at a hearing, the members shall determine whether an outside consultant will be necessary in order for the Commission to make a fully informed decision on the application. The 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 No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

The fee must be received in its entirety prior to the institution 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 deny the permit application for lack of information.

The applicant may appeal the selection of the outside consultant to the Board of Aldermen 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 Board of Aldermen and a copy received by the Conservation Commission, so as to be received within ten (10) 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.

ADOPTED BY VOTE OF THE CONSERVATION COMMISSION ON JANUARY 22, 2004

Conserva\policies\rulesforhiringoutsideconsultantsrev

DEPARTMENT OF PLANNING AND DEVELOPMENT

**CITY OF NEWTON
Massachusetts**

INTER-OFFICE CORRESPONDENCE

DATE: JANUARY 23, 2004

TO: EDWARD ENGLISH, CITY CLERK

FROM: MARTHA J. AHERIN HORN, SR. ENVIRONMENTAL PLANNER

**SUBJECT: REGULATIONS FOR HIRING OUTSIDE CONSULTANTS UNDER
GL Ch. 44, s 53G**

At the December 2003 meeting of the Newton Conservation Commission, members held a properly noticed public hearing on their proposed regulations for hiring outside consultants as provided under GL Ch. 44, s 53G. Comments from members and the Office of the Attorney General were noted and incorporated into the final document.

At their January 22, 2004, regular meeting, members approved the final draft by majority vote. A copy of the new regulations is attached.

cc: M. Kruse
N. Radzevich
M. Walsh
E. McGettigan, Esq.
D. Wilkinson