

**TOWN OF MILFORD, MASSACHUSETTS
ZONING BOARD OF APPEALS
COMPREHENSIVE PERMIT REGULATIONS**

SECTION 1: PROCEDURE

1.1 Applicants are strongly encouraged to confer extensively with the Town Planner, Town Engineer and other applicable officials prior to preparing submittal materials for a comprehensive permit application to the Milford Zoning Board of Appeals (the “Board”). The purpose of the pre-application conference(s) is to minimize unnecessary engineering and design expenses for the applicant that would impact the costs of development, and to assure the Town that appropriate safety and design principles are being employed in the layout of the proposed comprehensive permit application.

1.2 Any person seeking a Comprehensive Permit shall file all appropriate materials with the Board in a time and manner as provided for in M.G.L. Ch. 40B, § 20-23 as amended, and by 760 CMR 31.02. In addition, the Board’s general rules for conduct of hearings under M.G.L. Ch. 40A apply to comprehensive permit applications. In case of inconsistency or conflict between those general rules for conduct and these rules, these rules shall govern.

1.3 Each application seeking a Comprehensive Permit shall be accompanied by a filing fee of \$150 for each housing unit proposed. There shall be no filing fee for any project proposed as a Local Initiative pursuant to 760 CMR 45.00.

SECTION 2: PEER REVIEW FEES

2.1 The Board may employ outside consultants in order to provide peer review of an application for a comprehensive permit if the Board determines it requires technical advice unavailable from Town employees. Whenever possible the Board shall work cooperatively with the applicant to identify appropriate peer review consultants and to negotiate payment by the applicant of part or all of such fees. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable peer review fee for the employment of such consultants chosen by the Board alone.

2.2 A peer review fee may be imposed only if the consultant’s work is in connection with the applicant’s specific project, and all written results and reports are made part of the record before the Board.

2.3 Each peer review fee shall be deposited in a special account established by the Town Treasurer pursuant to MGL Ch. 44, § 53G. Funds from the special account may be expended only for the peer review purposes described herein.

2.4 The minimum qualifications for peer review consultants to review a comprehensive permit application shall consist of appropriate License or Certification in the field(s) of interest plus actual experience in such field(s) of interest. The peer review consultant may be an individual, a firm, or a team of individuals/firms.

2.5 Prior to paying the peer review fee, the applicant may appeal the selection of the peer review consultant to the Board of Selectmen. The Grounds for such an appeal shall be limited to claims that the peer review consultant selected has a conflict of interest or does not possess the minimum required qualifications.

2.6 The required time limits for action upon the application for a comprehensive permit by the Board shall be extended by the duration of such a selection appeal to the Board of Selectmen. In the event that the Board of Selectmen makes no decision within 30 days following the filing of such appeal, the peer review consultant selection made by the Board shall stand.

SECTION 3: COMPREHENSIVE PERMIT COORDINATOR

3.1 The Board may designate a Comprehensive Permit Coordinator (Coordinator) at the time of receipt of a Comprehensive Permit application. Said Coordinator shall assist the Board in determining the facts of the Comprehensive Permit application, as well as consult with other town boards and officials to determine whether or not to waive or modify local restrictions as they relate to the application.

3.2 The Coordinator shall represent the Town's position regarding density, access, health, safety, and utilities in relation to a proposed application prior to submittal.

3.3 The Coordinator shall provide advice and recommendations to the Board regarding the need for, or selection of Peer Review Consultants as provided for in Section 2 herein, including identification of qualified consultants and determination of appropriate peer review fees.

3.4 The Coordinator shall represent the Town's position, and the position of various other local boards/commissions, regarding density, access, health, safety, and utility availability in relation to the application during review and hearing by the Board.

3.5 Subsequent to the opening of the public hearing on a Comprehensive Permit application, the Coordinator may confer with the applicant independently, however any such conferences shall be based on information presented during the public hearing, and written reports of same shall be presented to the Board at the next public hearing on said application.

3.6 The Coordinator may confer with an applicant after the public hearing is closed to facilitate the preparation of an appropriate decision to be rendered by the Board.

3.7 The term of any such Coordinator shall be limited to the duration of the Comprehensive Permit application, or appeals thereof, for which appointed.

3.8 Notwithstanding any of the foregoing, nothing in these Regulations shall be deemed to be a delegation of the jurisdiction of the Board as Comprehensive Permit Granting Authority.

Adopted July 11, 2002
Amended December 5, 2002
Amended March 21, 2006

Jonathan M. Bruce, Chairman