

Fee Protocol and Applicant's Releasable Deposit Account and/or Bond Policy

Whereas, considering the powers granted the Sutton Conservation Commission ("the Commission") regarding the collection of certain fees pursuant to the Sutton Wetlands and Riverfront District Administration Bylaw ("the Bylaw"), as amended, Section 4 " Applications and Fees", whereby the Commission requires the payment of certain filing fees, or in lieu of same by this policy, the posting of a bond with surety, running to the Commission and sufficient as to form and surety in the opinion of the Commission's legal counsel, to secure faithful and satisfactory performance of the work required by any Order of Conditions in such sum, and upon such conditions, as the Commission may deem reasonable and necessary, the following shall apply:

Notwithstanding the above, the amount of such bond or other security, which shall become due under the Bylaw and MGL, shall not exceed the estimated cost to complete the work required or the estimated, amortized expenditure for restoration and long-term maintenance of affected lands and properties. If said work is not performed as required, any Default in fulfilling the obligations in a timely manner , as required under the Order of Conditions, shall constitute forfeiture of any such bond or other security and shall be recoverable at the suit of the Town in Superior Court. The intent of this policy is to define the terms and conditions relevant to certain pre-application standards and performance criteria and to establish the control, disbursement and relinquishment of such collateral security pursuant to the Bylaw and MGL :

1. At the time of application all basic filing fees shall be paid in full pursuant to MGL and the Bylaw.
2. Applicants shall secure and exchange for Commission consideration, under the contractual agreement (" Applicant's Releasable Deposit Account") implied by this policy; by depositing cash security or by posting a bond for any surfeit charges (those charges assessed above the required basic filing fees, e.g. fees for detention ponds or linear disturbance). Any cash security deposit shall be held in a local savings bank account, under the custody and control of the Commission, thus so pledged and assigned. The Applicant's Releasable Deposit Account contract so stipulates that any Default by Applicant or its agents may, by any enabling statute, be just cause for implementing the right of self-help to cure said Default by the Sutton Conservation Commission and/or the Town as appropriated following Notice, posted to Applicant's address of record. These surfeit charges shall be retained until such time as a Certificate of Compliance is requested and issued unconditionally, pending full and faithful performance of work permitted by any Order of Conditions. Failure to post such bond or provide satisfactory guaranty shall be

cause for denial or revocation of the Order of Conditions or Certificate of Compliance.

3. At any time, or upon written request an Annual Accounting, of any such Applicant's Releasable Deposit Account, shall be issued by the Commission indicating current cash balance or penal sum in the case of a bond and/or an invoice itemizing any current or extra, actual or reasonable estimated charges due and payable, including annual administrative charges, based on the Department of Revenue statutes and regulations relating to the 'Costing of Municipal Services'.
4. Final discharge of any or all bonds or relinquishment of Applicant's Releasable Deposit Account shall be conditioned upon issuance of a Certificate of Compliance. The Commission shall provide a written Statement of Release or Relinquishment of Control. or invoice and Notice for Payment Due. Any such Release or Relinquishment of Control Statement shall consider, finally, the values of lessened impacts than those impacts conditionally approved or anticipated in an/the Order of Conditions. Types of such in-Lieu-of guarantees are defined by, but not are not limited to, the following valuable milestones:
 - a) of providing recorded evidence of the establishment of a Homeowners or Condo Association, whose Articles of Organization contain covenants for the continued financial support to effectuate and maintain the requirements of an approved O/M manual,
 - b) of implementing less impactful designs or redesigns arising from changes to the approved plan and made in the field,
 - c) of using more efficient technologies,
 - d) of making buffer zone enhancements including the limiting of temporary disturbances in jurisdictional areas and any Adjacent Upland Resource Areas, and
 - e) of addressing and providing for other interests regulated by the Bylaw and the MA Wetlands Protection Act and Regulations.

5. Amount of cash security or bond: _____

Entered into under seal on this day _____, 200_

Applicant

Conservation Commission