

By Mr. Keating, a petition (accompanied by bill, Senate, No. 2193) of William R. Keating, John H. Rogers and Jo Ann Sprague (by vote of the town) for legislation relative to impact fees for the town of Walpole. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Six.

AN ACT RELATIVE TO IMPACT FEES FOR THE TOWN OF WALPOLE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The town of Walpole may, by adoption of a town
2 by-law by the town meeting, require the payment of a reasonable
3 impact fee as a condition of approval of new development, as
4 defined by town by-law, for any future development within the
5 jurisdiction of this act. The impact fee shall be imposed on the
6 issuance of building permits for the new construction of residen-
7 tial units and the new construction, enlarging, expansion or sub-
8 stantial rehabilitation of nonresidential structures and uses. The
9 impact fee shall be used solely for the purposes of defraying the
10 costs of capital improvements provided by the town caused by and
11 necessary to support future development including, but not lim-
12 ited, to the following: capital improvements to roads; public facil-
13 ities; school facilities; public safety service and facilities; parks
14 playgrounds; other recreational facilities; and conservation land
15 acquisition.

16 The town of Walpole may adopt an impact fee town by-law
17 containing the following criteria:

18 (1) The town shall develop and prepare a comprehensive study
19 that evaluates existing capital improvement plans for public facili-
20 ties. The study shall analyze potential build-out of the town, the
21 impacts of future development and the need for public facility
22 improvements as a result of new development. Any impact fee
23 which may be established pursuant to this act shall be set in accor-
24 dance with the methodology set forth in the comprehensive study;

25 (2) The impact fee shall be established on the basis of cost pro-
26 jections in the town's capital improvement plan and comprehen-
27 sive study and the expected level of development based on the
28 build-out;

29 (3) The impact fee shall be calculated and set forth by the board
30 of selectmen after a public hearing. The level and amount of all
31 impact fees shall be reviewed annually and re-established as may
32 be required by the board of selectmen upon recommendation of
33 the planning board and the capital budget committee; and

34 (4) The town shall have the authority to create distinct and sep-
35 arate revolving trust accounts for each impact fee paid to the town
36 for necessary improvements resulting from new development.
37 Notwithstanding the provisions of section fifty-three of chapter
38 forty-four of the General Laws, no impact fee shall be paid to the
39 town's general treasury or used as general revenues.

40 Any funds not expended or encumbered by the end of the cal-
41 endar quarter immediately following six years from the date the
42 impact fee was paid shall, upon application of the applicant or his
43 assigns, be returned to such landowner with interest from the fee's
44 deposit in an interest bearing account; provided, however, that the
45 applicant or his assigns submits an application to the board of
46 selectmen within ninety days of the expiration of such six year
47 period.

1 SECTION 2. This act shall take effect upon its passage.