

**Burlington Planning Board**  
**Special Permit Rules & Regulations**  
**Adopted June 21, 1990**  
**As Amended through May 3, 2012**



**Planning Board**

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**SPECIAL PERMIT RULES AND REGULATIONS****1.0 General**

The Planning Board, in considering an application for approval of a Special Permit made pursuant to Section 9.2.0 of the Burlington Zoning Bylaw, shall adhere to all criteria for approval outlined in such Bylaw and to all other applicable provisions of such Bylaw, and where a Site Plan has been submitted, shall adhere to all specified requirements and criteria for approval within said Bylaw, and in accordance with its Site Plan Rules and Regulations, as may be amended.

**2.0 Project Review Fees**

The Planning Board, pursuant to an application for an approval of a Special Permit, may require an applicant to submit a project review fee in accordance with the following provisions:

- A. When reviewing an application for Special Permit approval, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Planning Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Planning Board for the employment of outside consultants engaged by the Planning Board to assist in the review of a proposed project.
- B. In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with all relevant laws, Rules and Regulations and the Zoning Bylaw. Such assistance may include but not be limited to analyzing the application, inspecting the project during construction or implementation, and monitoring the project for compliance with the Planning Board's decision.
- C. Funds received by the Planning Board pursuant to this section shall be deposited with the municipal 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. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a project review fee shall be grounds for denial of such Special Permit application.

- D. At the completion of the Planning Board's review of a project, any excess amount in the

account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Planning Board with documentation establishing such succession in interest.

E. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and shall be taken only within twenty (20) days after the Planning Board has mailed or hand delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.

### 3.0 Special permit application fees:

Section	Uses	Application Fee
4.2.1	Residence uses.	\$300.00
Except for the following specific uses:		
4.2.1.3	Motels, hotels, motor hotel.	\$1,200.00
4.2.1.3.1	Residence hotel/motel	\$1,200.00
4.2.2	Institutional and Recreational Uses	\$500.00
Except for the following specific uses:		
4.2.2.16	Billiard rooms, bowling alleys, dance halls, tennis clubs, ...	\$800.00
4.2.2.19	Hospitals, sanatoria.	\$1,200.00
4.2.2.20	Convalescent, rest homes, and nursing homes	\$1,200.00
4.2.2.21	Clinics.	\$1,200.00
4.2.2.25	Theaters and cinemas.	\$1,200.00
4.2.3	Agricultural & Animal Husbandry Uses.	
4.2.3.4	Commercial raising, boarding, breeding or keeping of animals	\$800.00
4.2.3.5	Manure storage.	\$800.00
4.2.3.6	Pesticide herbicide fungicide application, outdoor storage	\$800.00
4.2.4	Office Uses in the BN District.	\$500.00

4.2.5	Automotive Sales and Service Uses.	\$1,200.00
Except for the following specific uses:		
4.2.5.1	Retail gasoline ...	\$1,800.00
4.2.5.2	Automotive repair shops.	\$1,600.00
4.2.6	Retail, Consumer and Trade Uses.	\$800.00
Except for the following specific uses:		
4.2.6.9	Fast order food establishments.	\$1,600.00
4.2.6.10	Restaurants.	\$1,600.00
4.2.6.16	Funeral parlors ...	\$1,200.00
4.2.6.17	Diagnostic medical labs ...	\$1,200.00
4.2.7	Industrial Uses.	\$800.00
Except for the following specific uses:		
4.2.7.9	Hazardous and toxic materials/chemicals use, storage ...	\$1,800.00
4.2.7.11	Hazardous Waste Generation <VSQG	\$1,600.00
4.2.7.12	Hazardous Waste Generation >VSQG	\$1,600.00
4.3.1	Uses Normally Accessory to Residential Principal Uses	\$300.00
Except for the following specific uses:		
4.3.1.14(g)	Wireless Communications Facilities	\$800.00
4.3.2	Uses Normally Accessory to Nonresidential Principal Uses	\$500.00
Except for the following specific uses:		
4.3.2.2	Retail uses such as cafeterias, ...	\$1,200.00
4.3.2.3	Retail uses in support of a hotel ...	\$1,200.00
4.3.2.4	Delicatessens, lunch counters, ...	\$1,200.00
4.3.2.9	Parking garages ...	\$1,600.00
4.3.2.15	Storage and disposal of oils and fuels/petroleum products	\$1,800.00
4.3.2.16	Retail storage of hazardous materials	\$1,600.00
4.3.2.17	Offstreet outdoor overnight parking of freight carrying ...	\$1,800.00
4.4.1	Principal Uses in the Wetlands District	\$500.00
11.6.0	Open Space Residential District.	\$800.00*
11.7.0	Residential 2 (R2) District.	\$800.00*
12.1.0	Planned Development District.	\$350.00* *

\* plus any additional fees specified in other Planning Board Rules and Regulations.

\*\* plus any fees in the Planned Development (PD) District Fee Schedule.