



**DELPHIC
ASSOCIATES
LLC**

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January 18, 2016

Mr. David Cole – Chairman
Zoning Board of Appeals
Town of Medway
155 Village Street
Medway, MA 02053

**RE: FEES
Timber Crest Estates
Medway, MA**

Dear Chairman Cole:

Please find attached a check for the amount of \$ 33,200. We understand in the case of a Request for a Comprehensive Permit that the intent of fees established by the town to be paid by the applicant shall be used to augment any expenses incurred by the Zoning Board of Appeals for “Consultant Reviews” and / or other costs.

The necessity of a Consultant first depends upon a determination by the board that it requires technical advise... “unavailable from municipal services” Upon such a formal determination we would appreciate the opportunity to work cooperatively with the board to identify appropriate consultants and scopes of work.

Moreover, the board may impose a review fee similar to the planning board fees charged for a subdivision of similar size.

The fees being submitted shall not and cannot be used for legal fees. The portion of the Regulation that addresses legal fees provides an expressed probation against imposition of legal fees for general presentation of the board.

The town should also be made aware of the strong likelihood of waiver of any attorney-client privileges between the town and their counsel with respect to the work performed by counsel for which reimbursement is sought. Such a waiver is supported by, among other factors, the requirement under 760 C.M.R. 56.05 (5)(b)(3) that all written results or reports must be made part of the record before the board.

The foregoing is not intended by the applicant to suggest any unwillingness, under the appropriate circumstances, to provide the board with reimbursement of reasonable and necessary outside consultant's fee, rather, the applicant is merely concerned that it could be asked to bare cost for which is not responsible.

Should you have any questions or need anything further, please do not hesitate to contact me at your convenience.

Thank you.

Sincerely,

Paul E. Cusson
Managing Member
DELPHIC ASSOCIATES LLC
PEC/lfg