Peer Reviews
Chapter 44, Section 53G

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Presentation Goals

- BASICS, which cover about 90% of hiring (<$10K)
- Why hire? / Background on the law.
- ABC’s of hiring
- The role and etiquette of the peer reviewer.
My Background

- Blackstone, MA native
- Umass, Amherst
- 5 years with RI DEM
- Post-grad education
- Licenses/certificates
- 15 years private practice
- Over 500 peer reviews
- to-date since ’03.
MGL Ch. 44 §53G
“Section 53G”

* Went into effect for Conservation Commissions in ‘03.
* Allows ConComs to hire outside help, as necessary.
* ConComs must adopt rules in order to impose “reasonable” fees BORNE BY APPLICANT.
* Money must go into a dedicated account BEFORE work begins.
* Any unspent funds must be returned.
* Applicants can appeal ConCom’s choice.
Again, Rules must be adopted but the basics are that those hired must:

1. Have a degree in the field or related field.
2. Have 3 year’s experience.
3. Have no conflicts-of-interest.

The ConCom can impose more strict standards if they wish.
Many Planning Boards take the lead with Stormwater Review.

The Stormwater Standards are actually cited in 310 CMR 10.05(6)(k thru q), giving ConComs review.

ConComs **CAN** require engineering review for above-threshold projects.
Why Hire an Outside Consultant?

- Supplement staff/Commission time or expertise
- Ensure objectivity
- No conflicts/Ensure credibility
- Gain skills the ConCom may not have, such as:
  (biological, engineering, legal)
What Can a Peer Reviewer Do?

* Review applications & make reports/opinions
* Go to meetings and present findings
* Draft Conditions
* On-site monitoring
* Resource area survey & delineation
* Analysis of Resource Area Values
* Hydrogeologic & Drainage Analysis
* Impacts on conservation lands & environmental or land use law
How to Find an Outside Consultant

- The Commission knows people....($<5K)
- Get 3 quotes / proposals but not necessary for jobs <$10K
- Develop a list of qualified consultants (send out a RFP)
- Formal contract required if quote is >$5,000
- Not subject to Uniform Procurement Act
General Request for Proposals (RFP)

Consultants should consider including:

The types of information included in an RFQ include:

• **Key personnel.** Names of key personnel, their respective titles, experience, and periods of service with the firm

• *Statement of qualifications* - narrative or other statement by the firm of its qualifications for the proposed project

• *Availability* - brief statement of the availability of key personnel of the firm to undertake the proposed project

• *Project list* - types of projects completed by the firm

• *References.*
Helpful Tips

* Define the Task
  * What exactly is it that you want the peer reviewer to review? Wetland delineation, stormwater review, etc?
  * Let the peer reviewer know the timetable for completion.
  * What product(s) is the ConCom looking for?
  * Know the estimated project budget so monies can be deposited into the dedicated account before work begins.
* Coordinate consultants w/ neighboring Towns if necessary
Use of WPA fund to hire Outside Consultants

- Town project
- Agent on vacation
- Specific Task
- RDA review
Peer Reviewer Etiquette

* The job of the peer reviewer isn’t to make decisions for the Commission.

* Provide CONTEXT & CLARITY to the Commission in regards to the science, engineering, and law.

* The Commission then votes based on the best information the consultant can provide.
IN THE FIELD, the Peer Reviewer:

- May do their field review alone, unless the Applicant/Owner requires an escort.
- Must be respectful of private property lines.
- Be respectful of applicant’s representatives.
IN MEETINGS

* Let the Commission run the meeting

* Only speak when called upon (as much as possible)
* Keep cordial and professional at all times

* Stick to the issues

* Bring laptop & pictures of site if there is a TV & hookup available
Helpful Resources

- [Weston’s Rules for Hiring Outside Consultants](www.tinyurl.com/WCCoutsideconsultantRules)
- [Sample Outside Consultant Contract - Sample memo to send to Applicant when Outside Consultant has been hired](www.tinyurl.com/outsideconsultantcontract Sample memo to send to Applicant when Outside Consultant has been hired)