

OLD TOWN HALL
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BULLETIN #100

FUNDING MUNICIPAL REVIEWS OF COMPLEX DEVELOPMENT APPLICATIONS: THE BETHEL, CT APPROACH

JANUARY 2000

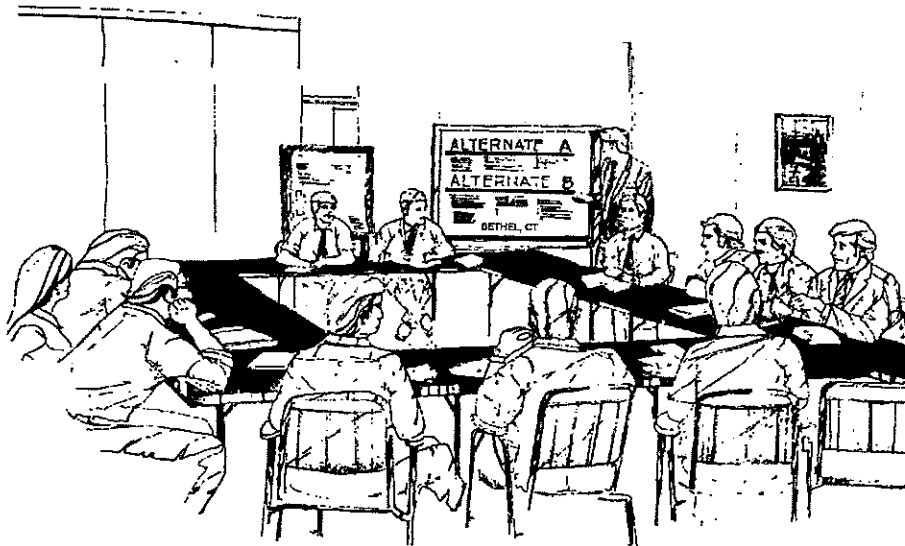


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INTRODUCTION

During 1998 and 1999, HVCEO assisted the Town of Bethel with research on an administrative procedure to enable the Town to pass on to developers the cost of outside technical assistance required to review any especially complex development proposal.

The purpose of this report is to make the research completed for and the regulations adopted by Bethel available to the other nine municipalities in the Region.

Due to fiscal constraints, municipal departments and commissions are sometimes faced with the task of evaluating requests for development approvals without the benefit of having their own technical experts available to address questions raised during the review process. The consequences of municipal decisions regarding these more complex development proposals may of course affect the health, safety and welfare of the community for decades to come.

The philosophy of the special fee approach is that the burden of evaluating the municipal infrastructure and environmental consequences of requested development approvals should be borne by the developer proposing, and benefitting from, the project.

A key to the use of the special project review fee is a finding by the municipal commission that the nature and intensity of the particular project may have a significant impact on one or more of the enumerated policies established in the municipal plan of conservation and development.

In the Bethel discussions many different approaches to the establishment of fee schedules were evaluated. These included using a sliding scale of fees tied to the value of the proposed project if developed, fees based on the complexity of the proposed project, or based on the types of uses, etc.

It was concluded that the best approach for Bethel was to allow the staff to decide if any outside technical assistance would be required and what it would cost, and to present a recommendation to the governing commission for action. Other municipalities may vary this approach, depending upon their particular needs.



PLANNING & ZONING DEPARTMENT

Bethel Municipal Center, 1 School Street
Bethel, Connecticut 06801 (203) 794-8519
Fax (203)-794-8595

March 10th, 1999

Mr. David Hannon
Senior Planner
Housatonic Valley Council
of Elected Officials
Old Town Hall
Brookfield, CT 06804

Re: Completion of Technical
Support for Study of Land
Use Agency Fees & Zoning
Map

Dear Dave:

I am writing to thank you and Jon Chew for the technical support which the Town of Bethel Planning and Zoning Commission received through HVCEO from the firm of Harrall-Michalowski Associates. The assistance given by this firm provided the basis for a proposal to authorize both the Planning and Zoning Commission as well as the Inland Wetlands Commission to have the ability to levy special project review fees. This proposal, a copy of which is enclosed is expected be submitted to the Board of Selectmen in the near future.

I also wanted to let you know that we have just received the off-set printed version of the new Town of Bethel Zoning Map from the printer. Here again, the Planning and Zoning Commission is appreciate for the service you and HEVCO contributed to the success of this project. The quality of the map would not have been possible without the use of HVCEO's GIS expertise.

Sincerely,

Joseph R. Potenza
Planning and Zoning Official

Att.
cc: J. Chew
D. Riordan

MEMO

To: Board of Selectmen

From: Denis Riordan, Chairman
Planning and Zoning Commission

Julie T. Sorcek, Vice Chairman
Inland Wetlands Commission

Re: Proposed Amendment Authorizing
Planning Review Fees for Special Projects

Date: March 8, 1999

The Planning and Zoning Commission and the Inland Wetlands Commission are requesting authorization under Connecticut General Statutes CGS 8-1 (c) and CGS 22 a-42 a (e) to charge certain fees for special project reviews. These fees would be used to cover the cost of technical support beyond that which town staff can provide for the review of project, whose size, complexity, or potential impact requires the assistance of outside experts. As proposed, these fees would be for both plan review and project construction monitoring to insure compliance with approved plans.

The imposition of these fees would not apply to the typical project, but only to those that are large or that require expertise beyond that which are available from town staff. In addition, the proposal to charge such fees would be based on the review and recommendation of the Planning and Zoning Official. He would make his recommendation after consultation with the Inland Wetlands Commission and town staff which, depending on the particulars of the project, may include the Town Engineer, the Building Official, the Fire Marshal, Wetland Officer, or Chief of Police. It is anticipated that there would be an average of one or two project a year that would be subject of this "Planning Review Fee for Special Projects."

By authorizing the Planning and Zoning Commission and the Inland Wetlands Commission to charge these special fees, it would avoid the necessity of the Town incurring costs for the hiring of outside experts to provide technical assistance to review large or especially complex projects. This authorization would have limited use and would not impose additional costs on the typical project that comes before these Commissions.

Since the State enabling legislation was amended back in the early 1990's several Connecticut municipalities have authorized this type of fee. These communities include Old Saybrook, Plainville, and most recently the Town of Roxbury.

We are available, along with the Planning and Zoning Official, to answer any questions or provide additional information.

Respectfully Submitted

Denis Riordan, Chairman
Planning and Zoning Commission

Julie T. Sorcek, Vice Chairman
Inland Wetlands Commission

Att.

(Note of 1/2000: The following ordinance was passed by the Bethel Board of Selectmen in 1999 to enable Bethel's land use agencies to charge some applicants a fee to cover the costs of hiring outside consultants to review particularly complex applications).

NOTICE OF PUBLIC HEARING

The Board of Selectmen of the Town of Bethel, Connecticut hereby gives notice that that a Public Hearing will be held on Monday, September 13, 1999 at 7:00 p.m. in the Bethel Municipal Center, Bethel, CT 06801 for the following purpose, to wit:

PROPOSED ORDINANCE ADDITIONAL FEES FOR PROCESSING LAND USE APPLICATIONS TOWN OF BETHEL, CONNECTICUT

When the actual cost of processing any land use application exceeds the fees set forth in the regulations of any Bethel land use agency, including the Planning & Zoning Commission, Inland Wetlands and Watercourses Commission and the Zoning Board of Appeals (the "Permit Granting Authority"), the Permit Granting Authority shall charge the applicant a surcharge fee to fund the approximate actual costs of processing the application.

The expenses of any outside consultants may be estimated by the Permit Granting Authority upon receipt of the application, based upon the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate, together with the appropriate application fee required by the regulations of the applicable Permit Granting Authority, shall be paid forthwith and the application shall be deemed incomplete until these fees have been submitted. For the purpose of this ordinance, an "outside consultant" means a professional who is not an employee of the Town including, but not limited to, engineering, traffic, environmental, wetlands, planning and legal professionals.

Any portion of the surcharge fee not expended by the Town of the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application.

The applicable Permit Granting Authority shall bill the applicant for any costs incurred by the Town up to the amount of the estimated surcharge fee paid by the applicant. This bill shall be paid by the applicant prior to the issuance of any permits.

The provisions of this Ordinance shall become effective on the thirty-first (31st) day following its adoption and publication as required by law.

Dated at Bethel, Connecticut, this 23rd day of August, 1999.

BOARD OF SELECTMEN

Charles A. Steck, III, First Selectman
John L. Thiele, Selectman
Timothy M. Burke, Selectman

RECEIVED

SEP 07 1999

TOWN OF BETHEL
TOWN CLERK
BETHEL, CONNECTICUT

Proposed Amendment to the Town of Bethel
Zoning Ordinance for Imposition of Special Project Review Fees
Recommended by the Town of Bethel Planning and Zoning Commission and
Passed by Resolution at Meeting of the
Planning and Zoning Commission on October 26th, 1999

Add: Section 118-53-- Fees

C. The Commission may impose on an applicant special project review fees where additional technical assistance is required to evaluate an application submitted in accordance with these regulations. The need for such technical assistance will be based upon a finding that the nature and intensity of the development may have a significant impact on one or more of the following policies established in the Bethel Plan of Conservation and Development:

- 1) Preserving the New England flavor of the downtown by encouraging both residential and commercial development that is pedestrian oriented to maintain Bethel's small town character.
- 2) Encouraging commercial and residential development in areas presently having sewers or are identified in the Plan of Conservation and Development for future sewer extensions.
- 3) Limiting development in the southern areas of town which do not currently have sewers nor are planned to have sewers in the future and which areas have environmental constraints.
- 4) Focusing major new commercial development in the Route 6 corridor and in the areas along Route 53 that are at present industrially developed or proposed for such in the Plan of Conservation and Development.
- 5) Maintaining the Town's stringent regulation of land excavation and permitting such excavation only when it involves an approved development project.
- 6) Encouraging residential development to provide a range of housing to meet the Town's needs based on style and cost.

D. Before a special project review fee is imposed, it shall be determined that the Commission's staff will not be able to complete a technical review of the application in a timely fashion or that the project is of such a nature as to require expertise not available from staff. The Planning and Zoning Official shall make the determination of the need for such technical assistance to be provided by

non-town personnel following a review of the application with other Town staff. The Planning and Zoning Official shall estimate the cost of such services based upon information received from qualified technical experts. The applicant shall deposit 150% of the estimated cost of services with the Commission or its designated agent before review of the application by the Commission or the public hearing, if such hearing is necessary.

Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund excess funds to the applicant. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

*NOT YET PASSED AT
WETLANDS AS OF
1/3/00*

Amendment to Bethel Wetlands
and Watercourses Regulations
Section 115-33 E (1) Fees
(New Section to Be Added)

- (g) When conditions are imposed which require special project monitoring as part of an application approval, the Commission may include a schedule for monitoring compliance. In such cases, the Commission shall determine, based on the nature of the technical skills required or the inability of staff to perform such monitoring in a timely fashion, the additional technical assistance needed for such monitoring. The Planning and Zoning Official shall estimate the cost of such technical services based upon information received from qualified technical experts consistent with the established monitoring schedule. The applicant shall deposit 150% of the estimated cost of services with the Commission or its designated agent. Upon expiration of the monitoring schedule, the Commission shall determine the costs incurred and refund any excess funds to the applicant. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

LAND USE AGENCIES FEE STUDY

For Bethel, Connecticut

***FINDINGS
AND
RECOMMENDATIONS***

Prepared For The:

**Housatonic Valley Council of Elected Officials
Old Town Hall, Route 25
Brookfield, CT 06804**

Prepared By:

**Harrall-Michalowski Associates, Inc.
Hamden, CT**

in association with

Rolnick & Reger, Attorneys and Counselors At Law

July 1998

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I. BACKGROUND ANALYSIS

A. Introduction

Due to fiscal constraints, municipal commissions are often faced with the task of evaluating requests for development approvals without the benefit of having their own technical experts available to address specific questions raised during the review process (i.e., traffic, environmental and municipal infrastructure issues). Most municipal commission budgets are severely constrained, forcing commissions to rely solely on the information submitted by the developer as a part of the permit application.

Municipal commissions may not have the technical expertise available in-house to question the technical materials presented by the developer. The consequences of commission permit decisions may affect the health, safety and welfare of the community for years to come.

This study has been commissioned by the HVCEO to address alternative approaches available to the Town of Bethel to cover the costs of municipal commissions reviews of technical information contained in developer applications. Municipal commissions have the authority to describe the types of information to be submitted by a developer as a part of an application submission.

Some municipal commissions also require developers to prepare certain types of studies when the project being considered for development approval is of a defined size or will generate a defined level of traffic. This information can be critically important if the municipality is to be assured that municipal infrastructure will not be overburdened and that the environment will be adequately protected within the law, if a proposed project is permitted for development. This detailed technical information needs expert review by the municipality.

All municipalities charge a fee for a development permit application. Most of these fees are designed to cover the administrative costs associated with the processing of the application.

This revenue source does not usually provide any funding to the municipality to pay for the costs associated with reviewing the technical information submitted by a developer.

The philosophy of this study is that the cost burden for understanding the consequences of requested development approvals on municipal infrastructure and the environment, should be borne by the applicants proposing the changes.

B. Bethel's Need for Review Services for Land Use Applications

Based upon discussions with Bethel officials, it would appear that two general categories of professional services are required to review various types of land use applications. These categories of services include planning advice on overall site development issues and engineering services on specific technical issues such as site grading, removal of materials and traffic. Services are not needed for all applications, but rather for those that are either large in scale with potential for significant impacts or for sites with specialized conditions.

Presently, the land use fee schedule used by the Bethel Planning and Zoning Commission is a flat fee for a specific permit/action, or in the case of a subdivision application a fee on a per lot basis. Inland Wetland Commission fees are based on a flat fee as well as an area or linear feet basis. In either case, there is no adjustment of the fee based upon the complexity of the project or anticipated need for professional review services.

This flat fee approach would appear to be particularly inadequate in the case of a zone change (\$200 fee) where there is no adjustment for the size of the area proposed to be rezoned or the complexity of the project. While it can be assumed that more fees would be collected as part of a subdivision and site plan reviews, this might not be the case when the zone change is not followed by site plan and subdivision reviews. Even if such review is necessary, the fee for site plan review (\$150) is inadequate for any substantial level of technical review.

C. Connecticut Statute Authority and Case Law Precedents

The three relevant statutory provisions authorizing the setting of fees for land use permit applications are Connecticut General Statutes (CGS) 8-1c, 8-26 and 22a-42a(e), copies of which are attached hereto as Appendix A with relevant portions highlighted where necessary. While these statutes are similar, there are some distinctions which might be significant depending on the particular situation.

CGS 8-1c requires land use regulation fees to be established by municipal ordinance, meaning that they need to be adopted by the legislative body of the municipality. Whatever formalities are required for the enactment of municipal ordinances in the form of public hearing, notice requirements and action by the chief executive would have to be observed for changes in Bethel.

CGS 8-26, dealing with land use subdivision applications, and CGS 22a-42a(e), dealing with wetlands applications, authorize the commission or agency to set the fees. This can be done at a regular or special meeting of the body without any of the attendant formalities required for the enactment of an ordinance by the municipal legislative body.

Although CGS 8-1c seems to be narrower in scope than the other two, the case of Pollio v. Town of Somers, 232 Conn 44 (1995) approved the charging of fees in excess of \$36,000.00 for engineering review of subdivision construction plans and inspection of improvements during construction. The fee schedule in Pollio was adopted under CGS 8-1c. A copy of the fee schedule that was approved in Pollio is attached as Appendix B. Note that, although the fees were for the purpose of engineering review and inspection, they were computed pursuant to a set schedule, rather than based upon an actual cost for those services.

However, we believe a fee based upon an actual charge would comply with the statute and we also believe that a fee to cover the cost of other services, beyond those of

engineering review and inspection, can be assessed on an applicant as part of the cost of processing applications. The commission would have to establish reasonable standards both for evaluating the need for such services and determining the appropriateness and reasonableness of the costs thereof in each case.

If the commission chose to establish a set fee schedule which would be applicable to all applications, instead of requiring payment of actual costs, the fees would have to be based on some analysis of the costs that might be involved in processing certain types of applications. A hybrid system that would avoid the need for extensive analysis could be adopted.

CGS 22a-42a(e) is broader than CGS 8-1c, since it allows the commission to include the cost of monitoring compliance with agency orders. Many wetlands permits require on-going activity by the applicant over a period of years. The cost of monitoring and inspecting such activity could not be imposed under CGS 8-1c, since fees imposed under that statute are limited to “processing” of applications.

The fee imposed under CGS 22a-42a(e) must be reasonable. In Avalon Properties, Inc. v. Inland Wetlands and Watercourses Commission of the Town of Trumbull, 18 Conn L. Rptr, 215 (1997), the Superior Court invalidated a fee based upon a set schedule which resulted in a charge to the applicant of \$5,000.00 where the cost of processing the application was less than \$500.00. Bethel should proceed under CGS 22a-42a(e) to set the Wetlands Commission permit fees for monitoring activities and CGS 8-1c to set the fees for the Planning and Zoning Commission and Zoning Board of Appeals for permit processing and analysis activities.

D. Current Fee Schedule for Review of Land Use Permit Applications

In order to determine the general approach and fee structure related to land use applications, a random survey of communities in Connecticut was undertaken. In addition, the American

Planning Association Planners Advisory Service was contacted to gather information on a national basis. The fee schedule used in New York State for review of environmental impact statements under the State Environmental Quality Review (SEQR) regulations was also reviewed. The following summarizes the results of this research.

1. Connecticut Fees

For the most part, Connecticut communities employ land use fee schedules similar to the one in effect in Bethel. These schedules include fixed land use application fees and per unit fees. Some communities have a budget allocation for the extra costs associated with the processing and analysis of land use permit applications and others have a procedure whereby the land use commission reviewing the application asks for funds from the legislative body of the community on an as-needed basis. A variety of Connecticut communities were contacted to assemble a list of various approaches to fees. A list of communities contacted is attached as Appendix C.

Recently, some communities have adopted land use permit application regulations which require the applicant to provide funds for additional technical assistance to the municipality in evaluating applications. This requirement is in effect when the nature and intensity of the proposed development may have a significant impact on the site and its surrounding area. Both Old Saybrook and Plainville have adopted regulations with very similar requirements.

In each case, the expense of additional technical assistance is estimated based on a preliminary estimate prepared by a qualified party or expert. The applicant is then required to deposit an amount equal to 150% of this preliminary estimate. At the end of the review period, the applicant is refunded any excess funds remaining. If costs exceed the amount deposited, the applicant is not responsible for these additional costs.

Many communities require a traffic study when a development will generate peak hour vehicle trips in excess of a specific threshold. In addition, Wallingford requires that the applicant reimburse the town when a peer review of the traffic study is warranted. It is at the town's discretion to determine when such a review is necessary. There is no standard included in the regulations for computation of the fee.

2. Planning Advisory Service (PAS)

The Planning Advisory Service (PAS) of the American Planning Association was contacted to undertake a search of its files for relevant fee schedules. No worthwhile information was found in their files. The material gathered by the PAS related to formal development agreements between the developer and the municipality. Such agreements are used extensively in the western United States and are not particularly relevant to this area of the country.

3. New York State SEQR

Under New York State law most projects of substantial size require the preparation of an environmental impact statement. Such impact statements are often required to support a zone change as well as specific site plans. When a zone change is involved, the impact statement must assess what would be a feasible amount of development for the area considering the requirements of the zone for which application is being made and size of the parcel for which the change is requested.

Usually, the impact statement is prepared at the applicant's cost. The community may charge a fee for reviewing the impact statement. This usually involves the hiring of a consultant or consultants to provide services for this review. The fee charged is based upon the schedule included in SEQR regulations attached hereto in Appendix D. The fee is basically a percentage of the project value. For residential projects, the maximum percentage is 2 percent of total project value calculated on the purchase price of the land or fair market value plus the cost of required site improvements and

for non-residential projects the maximum percentage is one half of one percent calculated on the purchase price of land plus cost of supplying utility service, cost of site preparation and cost of labor and material. There is no cap on the amount of fee charged.

II. RECOMMENDATIONS

Based upon information gathered, we would recommend to the Bethel Planning and Zoning Commission a fee schedule to be established under CGS 8-1c which is a variation on the approach used in Old Saybrook and Plainville. In this situation, there would be a land use permit application fee determined and deposited with the Planning and Zoning Commission at the beginning of the review process.

However, unlike the Old Saybrook and Plainville regulations, the amount of the fee would be based on a percent of the estimated development cost of the proposed project, similar to the approach used under SEQR in New York State. We recommend adopting the fee percentages used in New York State as having been established as reasonable.

In order to test this fee approach, six applications which had previously been processed in Bethel were reviewed.

The scope of this analysis included a review of the project particulars, including what appeared to be issues of discussion as well as a notation as to fees collected. An estimate of development costs was made for each application and a proposed percentage fee was applied to estimate the amount of fee that would be collected. The percentages used were 1% for residential projects, ½% for non-residential projects and ½% of value of material removed for earth removal projects. The following summarizes the results of this analysis for each application.

A. Microtel Inn

This application proposed the construction of a 78 room motel. Actions requested were site plan approval and approval of an earth removal permit. The total fees collected were \$460

comprised of State of Connecticut Land Use Fee (\$10), Site Plan Fee (\$150) and Earth Removal Permit Fee (\$300). The fee structure for earth removal permits is unrealistically low. The fee is \$100 per acre or a minimum of \$300. The area of the lot used to compute this fee is limited to the area where earth removal will actually occur. The review of this application required expertise in three subject areas: traffic; earth removal and lighting. The applicant submitted specific reports dealing with traffic and earth removal which were reviewed by local staff. There was no specific study submitted relative to lighting. It would appear from reading the file that some independent traffic review and expertise relative to lighting might have been required. If a development value of \$50,000 per room is assumed, the total development cost would be approximately \$3,900,000. If a fee of ½ percent is applied to this cost it would generate approximately \$19,500 in fee.

B. Ivy Acres

This application was originally submitted for a 10 lot subdivision and the removal of 69,000 cubic yards of earth and gravel. The application was denied without prejudice in 1997. The fees collected with the original application were \$1,810 comprised of Connecticut Land Use Fee (\$10), Subdivision Fee (\$1,500) and Earth Removal Permit Fee (\$300). The review of this application required expertise in earth removal as well as an issue related to an underground water storage tank for fire fighting purposes. The project was resubmitted and approved in 1998 with a reduction in the amount of earth removal to 35,000 cubic yards and a reduction in the number of lots to 7. If a development value based on land and site improvements at \$50,000 per lot, as well as value of \$8 per cubic yard of earth is assumed, the fee would be in the range of \$3,500 for the residential portion and \$1,400 for the earth removal for a total of \$4,900.

C. Nazzaro-Applewoods Subdivision

This was an application for re-subdivision in 1995 which proposed 30 lots on 52 acres. The original submission in 1992 was for 3 lots with a permit application to remove 146,850 cubic yards of earth. The file showed no fees paid for the original application with \$1,510 paid in 1994 for 30 lots. It is assumed that the fee was \$75 per lot at that time. If we assume the

earth removal fee was the same in 1992 as current, there would have been a minimum fee of \$300 in 1992 for that activity and \$75 per lot for the 3 lot subdivision. This project had two issues dating back to the original subdivision. One issue related to the large amount of earth to be removed and the second related to potential impact on an aquifer. The amount of fees collected would not cover outside experts in either of these areas. If the Commission collected a fee of ½% of the value of the earth removal (\$8/cubic yard) for the first application, there would have been a fee of approximately \$5,875. This would have provided funds for independent study of the earth removal and aquifer issues. The second application would generate a fee of \$15,000 based on land and site improvements. Such a fee would far exceed required services since the earth removal issue was addressed in the original application.

D. McDonald's

This application was for special permit and site plan approval for a McDonald's. The project involved demolition of an existing structure within Dolan Plaza and construction of a 2,400 square foot building. Fees collected were \$150 for site plan and \$200 for special permit for a total of \$350. The issues on this application were traffic, parking and design compatibility. The applications were denied. The applicant submitted a traffic study which was used by the Commission. The results of the study which showed a decline in the Level of Service at the driveway was one of the reasons used by the Commission in its denial. There was no independent or peer review of the traffic study.

If a development cost of \$240,000 is used (\$100 per square foot), this application would have generated \$1,200 in fees at ½% of development cost. This fee would have been sufficient for an independent peer review of the traffic study. In order to assure that a traffic study is prepared for such an application, a standard should be set which requires such a study and peer review. A threshold of 100 peak hour vehicle trips or more has been used in other communities to require traffic studies and for peer review. A fast food restaurant with a drive-thru generates 33.46 trips per 1,000 square feet to 58.91 trips per 1,000 square feet on a peak hour basis depending on the time of day (AM or PM/ Sat). Therefore, the 100 peak

hour vehicle trip threshold may not be met depending on the store size. To address this possibility, a special requirement for a traffic study could be imposed whenever a proposed use contains a drive-thru component. This would probably encompass all fast food restaurants that might be proposed.

E. 2 Stony Hill Road

This application was for a 9,250 square foot office building on a parcel already containing a 12,996 square foot building. The applicant appears to have purchased a .7 acre sliver of land fronting on Route 6 to add to the site. This permitted the construction of the new building as well as necessary parking. A fee of \$150 was collected for site plan review. Due to its location on Route 6, this project might have warranted a traffic study. If a development cost of \$665,000 is assumed (9,250 square feet @ \$70/sq.ft.), a fee of \$3,238 would be generated at ½% of development cost.

F. 102 Wooster Street

This application was for 4 industrial condominiums at a total of 60,000 square feet. There was also 60,000 cubic yards of earth removal with 35,000 cubic yards to be taken off-site. The fee collected was \$300 for earth removal and \$150 for site plan for a total of \$450. If a development cost of \$1,200,000 (60,000 square feet @ \$20/sq.ft.) is assumed, a fee at ½% would be \$6,000. The excavation fee at \$8/cubic yard for 35,000 cubic yards would be 2,800 based upon 1% fee for a total fee of \$8,800.

Based upon a review of the six applications discussed above, we believe that the 1% of land cost and site improvements for residential projects and ½% of the development cost for non-residential projects or the value of earth removal to determine processing fees is reasonable. This total fee would not be needed in all cases. The average cost of outside services for review of a standard subdivision would be about \$2,500. This cost would increase for unusual site issues. The Commission could establish a procedure wherein the calculated fee is provided with the application in the form of a bond or letter of credit. The Commission would only draw down against the fee if specific outside services were determined to be

required. The Commission might consider establishing thresholds whereby outside studies are required such as peak vehicles per hour and cubic yards of earth to be removed. However, this would limit the discretion of the Commission and possibly un-necessarily burden an applicant with additional costs. For very small, simple applications, the Commission would waive the fee by simple majority vote. The advantage of the proposed approach is that the Commission would have funds available for technical services as issues arose during the review process. The funds would only be used if the Commission felt that local staff did not have the expertise to address an issue or if material submitted by the applicant was determined to be inadequate. It is anticipated there will be applications when no funds will be drawn down and the entire bond or letter of credit would be released upon approval or disapproval of the application. There is some concern about how the actual process for deciding whether the use of the fees for technical studies is implemented. If this is an action of the Commission at a meeting, should the public be allowed an opportunity to comment to provide due process? This issue should be addressed with local counsel.

III. PROCEDURE FOR ADOPTION OF FEE SCHEDULE

If the Commission chooses to proceed with adoption of a new fee schedule similar to the approach discussed above, the schedule should be adopted by ordinance by the Board of Selectmen. This would be in accordance with Section 8-1c of the Connecticut General Statutes. The ordinance should also specify that such fees would remain with the Commission for use at its discretion rather than be placed in the General Fund. This adoption by ordinance is the more conservative route to take in anticipation of possible legal challenges to the new fee schedule.

APPENDIX A

§ 8-1c. Fees for municipal land use applications

Any municipality may, by ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland-wetlands-commission. Such schedule shall supersede any specific fees set forth in the general statutes, or any special act or established by a planning commission under section 8-26.

(1993, P.A. 93-124, § 2; 1994, May 25 Sp.Sess., P.A. 94-1, § 9, eff. July 1, 1994.)

Historical and Statutory Notes

Amendments

1993 Amendment. 1993, P.A. 93-124, § 2, add reference to fees established by a planning commission under § 8-26.

1994 Amendment. 1994, May 25 Sp.Sess., P.A. 94-1, § 9, inserted "or" preceding "any special act".

Library References

Connecticut Practice

Application and other fees charged by agency, see Land Use Law and Practice, Vol. 9, Fuller, § 15.14.

Requirement of planning commission for subdivision regulations, see Land Use Law and Practice, Vol. 9, Fuller, § 10.6.

§ 8-25a. Proposals for developments using water. Prerequisite

Library References

Connecticut Practice

Department of Public Utility Control; Connecticut Siting Council, other agencies regulating land use, see Land Use Law and Practice, Vol. 9, Fuller, § 13.3.

Subdivision applications, see Land Use Law and Practice, Vol. 9, Fuller, § 15.16.

§ 8-25b. Fund. Payments in lieu of open spaces

Any municipality which provides in regulations, adopted pursuant to section 8-25, for the payment of a fee or the fair market value of land transferred in lieu of any requirement to provide open space, shall deposit any such payments in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

(1990, P.A. 90-239, § 2.)

§ 8-26. Approval of subdivision and resubdivision plans. Waiver of certain regulation requirements. Applications involving inland wetlands and watercourses

All plans for subdivisions and resubdivisions, including subdivisions and resubdivisions in existence but which were not submitted to the commission for required approval, whether or not shown on an existing map or plan or whether or not conveyances have been made of any of the property included in such subdivisions or resubdivisions, shall be submitted to the commission with an application in the form to be prescribed by it. The commission shall have the authority to determine whether the existing division of any land constitutes a subdivision or resubdivision under the provisions of this chapter, provided nothing in this section shall be deemed to authorize the commission to approve any such subdivision or resubdivision which conflicts with applicable zoning regulations. Such regulations may contain provisions whereby the commission may waive certain requirements under the regulations by a three-quarters vote of all the members of the commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the regulations shall specify the conditions under which a waiver may be considered and shall provide that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The commission shall state upon its records the reasons for which a waiver is granted in each case. The commission may establish a schedule of fees and charge such fees. The amount of the fees shall be sufficient to cover the costs of processing subdivision applications, including, but not limited to, the cost of registered or certified mailings and the publication of notices, and the costs of inspecting subdivision improvements. Any schedule of fees established under this section shall be superseded by fees established by ordinance under section 8-1c. The commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be acted upon by the commission without a public hearing. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days prior to the date of such hearing, and by sending a copy thereof by registered or certified mail to the applicant. In addition to such notice, such commission may, by regulation, provide for notice by mail to persons who are owners of land which is adjacent to the land which is the subject of the hearing. The commission shall approve, modify and approve, or disapprove any subdivision or resubdivision application or maps and plans submitted therewith, including existing subdivisions or resubdivisions made in violation of this section, within the period of time permitted under section 8-26d. Notice of the decision of the commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to any person applying to the commission under this section, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. In any case in

commissioner to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.

(2) An inland wetlands agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetland or watercourse provided such agent has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39. Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the inland wetlands agency within fifteen days after the publication date of the notice and the inland wetlands agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such agency or its agent of such appeal. The inland wetlands agency shall, at its discretion, sustain, alter or reject the decision of its agent or require an application for a permit in accordance with subdivision (1) of subsection (c) of this section.

(d)(1) In granting, denying or limiting any permit for a regulated activity the inland wetlands agency, or its agent, shall consider the factors set forth in section 22a-41, and such agency, or its agent, shall state upon the record the reason for its decision. In granting a permit the inland wetlands agency, or its agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: Restore, enhance and create productive wetland or watercourse resources. No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the municipality pursuant to chapters 124 to 126, inclusive,¹ or any special act. The agency may suspend or revoke a permit if it finds after giving notice to the permittee of the facts or conduct which warrant the intended action and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The applicant shall be notified of the agency's decision by certified mail within fifteen days of the date of the decision and the agency shall cause notice of their order in issuance, denial, revocation or suspension of a permit to be published in a newspaper having a general circulation in the town wherein the wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.

(2) Any permit issued under this section for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 shall be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.

(e) The inland wetlands agency may require a filing fee to be deposited with the agency. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including, but not limited to, the costs of certified mailings, publications of notices and decisions and monitoring compliance with permit conditions or agency orders.

APPENDIX B

"Section 3: FEES CHARGED FOR SUBDIVISION APPLICATIONS

"3.1 The subdivision applicant shall pay a base application fee of Two Hundred and Fifty (\$250.00) Dollars which is intended to cover a portion of the Town's costs for processing and administrative handling of a Subdivision application, including, but not limited to: legal advertisements regarding hearings, decisions of the Commission and other matters requiring publication in a newspaper; recording and transcribing public hearings and minutes of Commission meetings relative to the application; staff salaries and overhead expenses for the Town Planner, Town Sanitarian and other Town Officials, and Consultant expenses in direct connection with the technical and regulatory review; and Town Attorney fees in direct connection with legal advice and review of documents directly related to the Subdivision. To this base Subdivision application fee shall be added the following surcharges and fees to cover engineering review of construction plans and inspection of improvements during construction:

"3.1-1 A surcharge of Eighty-Five (\$85.00) Dollars for every one hundred . . . feet, or part thereof, of new roadway proposed to be constructed as part of the subdivision and intended to be deeded to the Town as public right-of-way;

"3.1-2 A surcharge of Fifty-Five (\$55.00) dollars for every one hundred . . . feet, or part thereof, of existing or previously approved public rights-of-way for town or state roadways abutted by the boundaries of the land contained in the proposed Subdivision;

"3.1-3 A Subdivision lot fee of One Hundred Fifty (\$150.00) Dollars for each of the first Twenty . . . lots; One Hundred Twenty-Five (\$125.00) Dollars for each of the twenty-first through the fiftieth . . . lots; One Hundred (\$100.00) Dollars for each of the fifty-first through the hundredth lots . . . and Seventy-Five (\$75.00) Dollars for each new lot over one hundred . . . lots to be created by the subdivision filed with the Planning Commission;

"3.1-4 An inspection fee of Fifty (\$50.00) Dollars per lot to cover a portion of the Town's cost of inspections and administrative actions to insure compliance with approved plans for sedimentation and erosion control measures in connection with the approved Subdivision application.

"3.2 All applicable fees and surcharges must be paid in full at the time the Subdivision application is filed with the Planning Commission."

APPENDIX C

APPENDIX C

The following communities were surveyed to determine the approach to land use fees:

Old Saybrook
Plainville
Wallingford
New Hartford
Westbrook
Cheshire*
East Windsor*
Haddam*
Marlborough*
Simsbury*
Tolland*

* Surveyed by Connecticut Conference of Municipalities

APPENDIX D

declarations, positive declarations, scopes, notices of completion of an EIS, EISs, notices of hearing and findings must be maintained in files that are readily accessible to the public and made available on request.

- (4) The lead agency may charge a fee to persons requesting documents to recover its copying costs.
 - (5) If sufficient copies of the EIS are not available to meet public interest, the lead agency must provide an additional copy of the documents to the local public library.
 - (6) A copy of the EIS must be sent to the Department of Environmental Conservation, Division of Regulatory Services, 50 Wolf Road, Albany, NY 12233-1750.
 - (7) For state agency actions in the coastal area a copy of the EIS must be provided to the Secretary of State.
- (c) Publication of notices.
- (1) Notice of a Type I negative declaration, conditioned negative declaration, positive declaration and completion of an EIS must be published in the Environmental Notice Bulletin (ENB) in a manner prescribed by the department. Notice must be provided by the lead agency directly to Business Environment Publications, 6 Sevilla Drive, Clifton Park, NY 12065-5013 for publication in the ENB.
 - (2) A notice of hearing must be published, at least 14 days in advance of the hearing date, in a newspaper of general circulation in the area of the potential impacts of the action. For state agency actions that apply statewide this requirement can be satisfied by publishing the hearing notice in the ENB and the State Register.
 - (3) Agencies may provide for additional public notice by posting on sign boards or by other appropriate means.
 - (4) Notice of a negative declaration must be incorporated once into any other subsequent notice required by law. This requirement can be satisfied by indicating the SEQR classification of the action and the agency's determination of significance.

617.13 FEES AND COSTS.

- (a) When an action subject to this Part involves an applicant, the lead agency may charge a fee to the applicant in order to recover the actual costs of either preparing or reviewing the draft and/or final EIS. The fee may include a chargeback to recover a proportion of the lead agency's actual costs expended for the preparation of a generic EIS prepared pursuant to section 617.10 of this Part for the geographic area where the applicant's project is located. The chargeback may be based on the percentage of the remaining developable land or the percentage of road frontage to be used by the project, or any other reasonable methods. The fee must not exceed the amounts allowed under subdivisions (b) through (d) of this section. If the lead agency charges for preparation of a draft and/or final EIS, it may not also charge for review; if it

charges for review of a draft and/or final EIS, it may not also charge for preparation. Scoping will be considered part of the draft EIS for purposes of determining a SEQR fee; no fee may be charged for preparation of an EAF or determination of significance.

- (b) For residential projects, the total project value will be calculated on the actual purchase price of the land or the fair market value of the land (determined by assessed valuation divided by equalization rate) whichever is higher, plus the cost of all required site improvements, not including the cost of buildings and structures, as determined with reference to a current cost data publication in common use. In the case of such projects, the fee charged by an agency may not exceed two percent of the total project value.
- (c) For nonresidential construction projects, the total project value will be calculated on the actual purchase price of the land or the fair market value of the land (determined by the assessed valuation divided by equalization rate) whichever is higher, plus the cost of supplying utility service to the project, the cost of site preparation and the cost of labor and material as determined with reference to a current cost data publication in common use. In the case of such projects the fee charged may not exceed one half of one percent of the total project value.
- (d) For projects involving the extraction of minerals, the total project value will be calculated on the cost of site preparation for mining. Site preparation cost means the cost of clearing and grubbing and removal of over-burden for the entire area to be mined plus the cost of utility services and construction of access roads. Such costs are determined with reference to a current cost data publication in common use. The fee charged by the agency may not exceed one half of one percent of the total project value. For those costs to be incurred for phases occurring three or more years after issuance of a permit, the total project value will be determined using a present value calculation.
- (e) Where an applicant chooses not to prepare a draft EIS, the lead agency will provide the applicant, upon request, with an estimate of the costs for preparing the draft EIS calculated on the total value of the project for which funding or approval is sought.
- (f) "Appeals procedure". When a dispute arises concerning fees charged to an applicant by a lead agency, the applicant may make a written request to the agency setting forth reasons why it is felt that such fees are inequitable. Upon receipt of a request the chief fiscal officer of the agency or his designee will examine the agency record and prepare a written response to the applicant setting forth reasons why the applicant's claims are valid or invalid. Such appeal procedure must not interfere with or cause delay in the EIS process or prohibit an action from being undertaken.
- (g) The technical services of the department may be made available to other agencies on a fee basis, reflecting the costs thereof, and the fee charged to any applicant pursuant to this section may reflect such costs.

617.14 INDIVIDUAL AGENCY PROCEDURES TO IMPLEMENT SEQR.

- (a) Article 8 of the Environmental Conservation Law requires all agencies to adopt and publish, after public hearing, any additional procedures that may be necessary for them to implement SEQR. Until an agency adopts these additional procedures, its implementation of SEQR will be governed by the provisions of this Part. If an agency rescinds its additional SEQR procedures, it will continue to be governed by this Part.

MEMBERS OF THE COUNCIL

Bethel First Selectman Judith Novachek	Mayor of New Milford Arthur J. Peitler
Bridgewater First Selectman William T. Stuart	Newtown First Selectman Herbert Rosenthal
Brookfield First Selectman Martin J. Foncello	Redding First Selectman Natalie T. Ketcham
Mayor of Danbury Gene F. Eriquez	Ridgefield First Selectman Rudolph P. Marconi
New Fairfield First Selectman Patricia Gay	Sherman First Selectman Donna Tuck

STAFF

Camille Acquanita.....Office Manager
Jonathan Chew.....Executive Director
David Hannon.....Deputy Director
Josephine Harvey.....Financial Manager
George Hefferon.....GIS Manager
Marilyn Wajert.....Secretary

FUNDING SOURCES

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Target's traffic expert resists re-count

By Michael P. McKinney
THE NEWS-TIMES

BETHEL — Will neighbors, business owners and drivers know how many cars and trucks will really travel Route 6 if a Target department store is built there? The Planning and Zoning Commission expects to have its own traffic consultant's report in hand when a public hearing on the project continues Feb. 29, commission Chairman Denis Riordan said. Questions the town's traffic consultant posed after reviewing Target's own traffic study should be answered by Target's traffic consultant, too.

But it took a tug of war this week over what methods should be used to estimate current traffic levels and how much more

BETHEL

traffic a 133,000-square-foot store would attract.

Traffic is a hot topic with critics of the project, many of whom are neighbors of the 17-acre Connecticut Light and Power-Yankee Gas site proposed for the Target store.

The traffic consultant for the proposal, Langan Engineering and Environmental Services Inc., resisted advice from Planning and Zoning's consultant. Langan said its methods and the traffic spots it checked are all that's required by the state Department of Transportation.

That irked Riordan at a public hearing this week, who cited the Planning and Zoning consultant's list of methods it says Lan-

gan should use.

"I'm a little perplexed by your response to the traffic report," said Riordan. "Your engineer has said, in my words, 'It's none of your business, you're not getting it.'"

"We then asked for the distribution of traffic and what we got from your engineer was, 'We should not be required to.'"

"You're going to meet with our traffic engineer," Riordan said, "and I'd hope you're going to be more cooperative."

Planning and Zoning, based on recommendations from its consultant, wants traffic information from other Target stores — patterns on a typical Friday and Saturday.

Among recommendations by commission consultant Buckhurst Fish & Jacquemart Inc. — whose cost will be reimbursed by Target — are:

- Use of a more-recent computer software to gauge traffic
- A more-accurate study would be distributed.
- "We wanted to see market data that tells you where they come from," said Jacquemart, a principal of Buckhurst Fish & Jacquemart.
- And the Planning and Zoning Commission recommended:
- A study of other local merge situations at the 11 and 18 ramps.
- Analysis of the intersection of Route 6 and Route 6.
- Analysis of the Route 6 and 84 intersection, because of a high number of accidents there.

re-count questions

- Use of a more-recent manual and computer software to gauge traffic information.
- A more-accurate study of how traffic would be distributed.

"We wanted to see market research data that tells you where they expect the commuters to come from," said Georges Jacquemart, a principal of Buckhurst Fish & Jacquemart.

And the Planning and Zoning consultant recommended:

- A study of other locations, including merge situations at the Interstate 84 exit 8 ramps.
- Analysis of the intersection of Payne Road and Route 6.

■ Analysis of the Route 6-Sky Edge Drive intersection, because of a large number of accidents there.

At the public hearing, a letter by Keith Lawrence of Langan Engineering said some of the recommendations are unnecessary.

"The signalized intersections along the Route 6 corridor are in a closed loop system, which is monitored by the Connecticut Department of Transportation," says the letter. "The peak hours chosen for the study were based on the peak hour of the system and not of the individual intersections."

Since the Department of Transportation finds that method acceptable, Lawrence said, "We should not be required to analyze each signalized intersection based on individual peak hours."

Contact Michael P. McKinney at mmckinney@newstimes.com or at (203) 731-3358.

A



MEMORANDUM

TO: *Jon* Jon
FROM: Dave
DATE: February 15, 2000
RE: **Status: Bethel's use of special fee provisions for complex land use applications.**

The following information was provided by Joseph Potenza, Bethel's Planning and Zoning Officer, regarding the Town's use of the special land use fee provisions incorporated into its zoning code last Fall:

1. When Bethel receives a land use application, the staff holds an informal technical review session to determine who needs to work on what aspects of the application and works-out a schedule. At that meeting there is a discussion as to the need for outside technical assistance. If staff concludes assistance is needed, Joe prepares a scope of work, faxes out an RFP to consultants who have expressed an interest in working with the Town on a short turnaround, and obtains cost estimates for needed work. This information is used to set the amount for the special fee, which is then provided to the applicant for payment. In a perfect world, the application would not be "officially" received for review until the special fee payment has been received. However, in practice, the application is officially received, under goes a preliminary review by staff, a determination for outside assistance is made and priced-out and then the fee amount is transmitted to the applicant for payment. This approach works because it speeds-up the review process for the applicant and provides a fair cost estimate based on the actual application.
2. To date, Bethel has used the special fee provision twice. The first was for an affordable housing site plan application. The town assessed a fee of \$6,100 to cover the cost for outside site engineering expertise to address issues relating to severe topography.

3. The second use was for the Target proposal on Route 6. The special fee of \$6,900 was used to cover the cost of traffic engineering expertise.

Joe says the Town has been well served by using the new fee provision and the applicants have accepted it without question.

I reminded Joe that the special fee provisions incorporated into the Town's zoning code could also be incorporated into the Town's subdivision regulations. The blanket Selectmen's Ordinance enabling special fees covers all land use applications. Joe has indicated that he will incorporate the zoning code provisions for special fees on complex applications into the Town's subdivision regulations and that the Bethel Inland Wetlands Commission will do the same.



TOWN OF RIDGEFIELD
Planning & Zoning Commission

April 13, 2000

Mr. Jonathan Chew, Executive Director
Housatonic Valley Council of Elected Officials
Old Town Hall, Rts. 25 & 133
Brookfield, CT 06804

Re: Proposed Amendments to the Ridgefield Zoning & Subdivision Regulations
Referral under Section 8-3b of the Connecticut General Statutes
P&Z File #20027-A

Dear Mr. Chew:

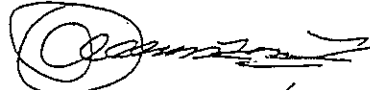
The attached proposed Commission-initiated amendments to the Zoning Regulations and the Subdivision Regulations of the Town of Ridgefield is being referred to your agency pursuant to the requirements of 8-3b of the Connecticut General Statutes.

Relative to the Zoning Regulations, the amendment proposes a new paragraph to Sec. 312.02.A (fees for Special Permit Applications) to permit the Commission to charge additional fees for the retention of outside consultants for the review of projects whose size, complexity, and/or potential impact requires the assistance of experts. A similar paragraph is proposed for Section 6-1 of the Subdivision Regulations, pertaining to fees. In addition, the Commission proposes to increase the fees charged (per lot) for subdivision applications.

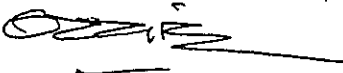
We would appreciate your comments on this referral at your earliest convenience. A public hearing on the proposal has been scheduled for May 23, 2000.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,


Oswald Inglese
Director of Planning

JON
THIS IS THE PUBLIC HEARING
THAT WE INVITED YOU
AND DAVID TO
ATTEND - THANKS
REGARDS



; Director, Danbury, CT
ing director, Wilton, CT
Commission Chairman, Redding, CT
ins

D

PLANNING and ZONING COMMISSION
Ridgefield, Connecticut

PROPOSED COMMISSION-INITIATED AMENDMENT
TO THE ZONING REGULATIONS and the
SUBDIVISION REGULATIONS

Unless otherwise indicated,

XXXX Capitalized underlined means language to be added.

[xxxx] Bracketed language means language to be deleted.

Reasons:

As authorized under 8-1(c) and 8-26 of the Connecticut General Statutes, the Planning and Zoning Commission proposes to establish a fee schedule to cover the cost of consultants with specialized expertise, for the review of projects and subdivisions whose size, complexity, and/or potential impact requires the assistance of outside experts.

- A. Amend the Zoning Regulations, Sec. 312.02.A, by adding paragraph (5) as follows:

- (5) THE COMMISSION MAY CHARGE ADDITIONAL FEES TO RETAIN OUTSIDE CONSULTANTS TO REVIEW APPLICATIONS FOR PROJECTS AND THEIR COMPONENTS. . THE ADDITIONAL FEES SHALL PERTAIN TO PROJECTS WHOSE SIZE, COMPLEXITY AND/OR POTENTIAL IMPACT REQUIRES SPECIALIZED ASSISTANCE AND EXPERTISE. SAID FEES SHALL BE AS DETERMINED BY THE DIRECTOR OF PLANNING BASED ON THE CONSULTANT FEE SCHEDULE BELOW. THE APPLICANT SHALL BE REIMBURSED ANY UNUSED FUNDS.

<u>TOTAL PROJECT COST</u>	<u>CONSULTANT FEE</u>
<u>\$50,000 - \$100,000</u>	<u>\$2,500(0.025%)</u>
<u>\$100,001 - \$500,000</u>	<u>\$5,000 (1.0%)</u>
<u>\$500,001 - \$1,000,000</u>	<u>\$7,500 (0.75%)</u>
<u>\$1,000,001 - \$2,000,000</u>	<u>\$10,000 (0.5%)</u>
<u>\$2,000,001 - \$5,000,000</u>	<u>\$15,000 (0.3%)</u>
<u>\$5,000,001 - \$20,000,000</u>	<u>\$20,000 (0.1%)</u>
<u>\$20,000,001 - AND UP</u>	<u>\$25,000</u>

- B. Amend the Subdivision Regulations by adding the following:

Under ARTICLE VI. PROCEDURE FOR SUBMISSION OF SUBDIVISION APPLICATIONS, add paragraphs to Sec. 6-1, as follows:

Sec. 6-1. Application form AND FEES.

Every application for the approval of a subdivision shall be submitted to the Commission on a form approved by the Commission and available at the office of the Commission, TOGETHER WITH APPLICATION FEES AS FOLLOWS:

- (1) CONVENTIONAL SUBDIVISION : \$200/LOT, \$400 MINIMUM.
- (2) PLANNED RESIDENTIAL DEVELOPMENT: \$1,000 FOR UP TO TEN (10) LOTS, \$200 FOR EACH ADDITIONAL LOT.
- (3) RE-SUBDIVISION: \$400 FOR EACH NEW LOT CREATED.
- (4) THE COMMISSION MAY CHARGE ADDITIONAL FEES TO RETAIN OUTSIDE CONSULTANTS TO REVIEW APPLICATIONS FOR PROJECTS AND THEIR COMPONENTS. . THE ADDITIONAL FEES SHALL PERTAIN TO PROJECTS WHOSE SIZE, COMPLEXITY AND/OR POTENTIAL IMPACT REQUIRES SPECIALIZED ASSISTANCE AND EXPERTISE. SAID FEES SHALL BE AS DETERMINED BY THE DIRECTOR OF PLANNING BASED ON THE CONSULTANT FEE SCHEDULE UNDER SECTION 312.02.A.(5) OF THE ZONING REGULATIONS. THE APPLICANT SHALL BE REIMBURSED ANY UNUSED FUNDS.

Draft: 2/15/00

Revised: 4/4/00

Adopted:

Effective:

Amend Rev Fee3