

APPENDIX F

ORDINANCE FOR LAND DEVELOPMENT APPLICATIONS

Be it ordained that **Chapter 100, Article I –Complex Land Development Applications** be added to the Code of the Town of Wethersfield.

[HISTORY: Planning & Zoning Regulations, ZBA, Inland Wetlands/Watercourse Regulations, Design Review Advisory Committee and Historic District Commission Regulations]

Section 100-1 Purpose

The purpose of this ordinance is to provide the Wethersfield Planning and Zoning Commission, Zoning Board of Appeals, Inland Wetlands and Watercourse Commission, Design Review Advisory Committee, Historic District Commission and Town staff with the authority granted in Connecticut General Statutes Section 8-1c, to establish a schedule of reasonable fees for the processing of land use applications that are extraordinarily large, complex or significant and which may pose environmental, traffic and/or other issues beyond the expertise of the Town's staff to evaluate and make appropriate recommendations. Such fees shall be used to cover the cost of retaining experts to analyze and review the application.

Section 100-2 Procedure

In such instances, the Commission will review the matter with its staff and determine if outside, independent studies and/or consultations are necessary for the Commission to decide the issues before it. The Commission shall seek, to the extent practical, to identify the need for such studies or consultations prior to the commencement of the public hearing process; provided, however, that the Commission may also make such a determination during the hearing process. The decision to require the assistance of consultants shall require the affirmative vote of not less than the following: five (5) votes for Planning and Zoning applications, five (5) votes for Inland Wetlands and Watercourse applications, four (4) votes for Zoning Board of Appeals applications, three (3) votes for Historic District Commission applications and three (3) votes for Design Review Advisory Committee applications. The Board/Commission shall notify the applicant of its determination that such studies or consultations are needed and the estimated fee costs within 5 business days following such determination. If the applicant fails or refuses to deposit the consultants estimated fee with the Town the application will be considered incomplete. At its next regularly scheduled meeting or hearing on the application the Board/Commission shall note in its minutes that the application is considered incomplete. Incomplete applications are considered sufficient ground for denial of the application.

Section 100-3 Consultant Selection

Town staff shall select, after soliciting fee proposals and at its sole discretion, the persons or entities that are to perform such studies or consultations, and shall direct the performance of such studies or consultations.

Section 100-4 Fee Required

The Commission shall require an applicant, as a condition of processing its application, to deposit the fee for any required consultation or special study with the Town prior to the review of such application. All fees required under this ordinance shall be paid by cash, check or money order made payable to the Town of Wethersfield. The Commission shall require the applicant to place a sum into a fee account in an amount reasonably calculated to reflect one hundred twenty-five percent (125%) of the anticipated actual cost of such studies or consultations. The applicant shall be provided with invoices of the expenses incurred by the Town for any outside consultant work.

Upon completion of the technical review by the outside consultant and after publication of the Board or Commission's decision as required by law the balance of the fee which has not been expended by the Commission for the study and/or consultation shall be returned or released to the applicant.

Effective Date

This ordinance shall be effective on August 3, 2009.

PURPOSE: To establish a schedule of reasonable fees for the processing of land use applications that are extraordinarily large, complex or significant; which may pose environmental, traffic and/or other issues beyond the expertise of the Town staff.

PREPARED BY: Peter Gillespie, Town Planner

INTRODUCED BY: Deputy Mayor Paul Montinieri

Date: June 15, 2009