

TOWN OF BOZRAH
TOWN HALL
1 RIVER ROAD
BOZRAH, CT 06334
Telephone 860.889.2689 Fax 860.887.5449

The Land Use Fee Ordinance Review Subcommittee of the Bozrah Inland Wetlands & Conservation Commission and Planning & Zoning Commission will convene on **Wednesday, February 9th**, 2022, at 6:00pm via Zoom teleconference/videoconference (see the bottom of the agenda for instructions).

1. Introduction.
2. Discussion of Draft Revised Fee Ordinance:
 - a. Section A Fee Schedule - Administrative.
 - b. Section A.I Planning & Zoning Commission
 - c. Section A.II Inland Wetlands & Conservation Commission
 - d. Section A.III Zoning Board of Appeals
 - e. Section B.I Consultant Review
 - f. Section B.II Supervision & Inspection
 - g. Section C Bond
3. Review general correspondence.
4. Determine next meeting date.
5. Such other business as the commission may vote to hear.
6. Public comment period.

Zoom Instructions

Join by Computer

Link: <https://us02web.zoom.us/j/81131274854>

Join by Phone

Phone Number: +1 (929) 205-6099 US (New York)

Meeting ID: 811 3127 4854

** 6 to mute/unmute, * 9 to raise hand*

[blue = new or revised language]
[highlight = attention needed]
[brown = notes, not part of ordinance]

Ordinance 2022-X

At a Town Meeting held on XX-XX-2022 in the cafeteria at Fields Memorial School, the following ordinance was adopted

An Ordinance Concerning Land Use Application Fees in the Town of Bozrah

Pursuant to the provisions of Section 8-1c of the Connecticut General Statutes, the Town of Bozrah adopts the following schedules for applications to the Planning & Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands & Conservation Commission, and the Town of Bozrah in any land use regulatory capacity. The term "Commission" in this ordinance shall mean any of the aforementioned authorities.

This ordinance supersedes and replaces Ordinance 2012-1, adopted July 10, 2012.

A. Fee Schedule - Administrative.

The following fees shall be due at the time the application is filed. The failure to submit any such fee shall render the application incomplete and shall be grounds for the relevant commission or board to refuse to process the application or to deny the application.

The Connecticut General Statutes Section 22a-27j requires a fee, which shall be in addition to the following fees. At the time of adoption of the ordinance the fee required under Section 22a-27j is \$60. In the event that Section 22a-27j is amended to require a different fee amount, the Town of Bozrah shall charge an amount consistent with the statute. If Section 22a-27j is repealed, no additional fee shall be due.

Please note that public hearings are required for certain applications. Where a public hearing is required, costs associated with the public hearing are reflected in the fee. The various land use commissions may choose to hold a public hearing on any application. If a commission determines that a public hearing is necessary due to the nature the application, the applicant shall be assessed an additional fee of \$500, which shall be due prior to the commencement of the public hearing.

Waiver: All boards and agencies of the Town of Bozrah, including the Fire Company and Bozrah Rural Cemetery Association, shall be exempt from the payment of the fixed fees established pursuant to this ordinance. A Commission may in whole or in part exempt an applicant from the payment of any or all fees if said application is for a non-profit organization/use as stipulated by Section 501(c)(3) of the Internal Revenue Code. When exempting an application a Commission shall state in the minutes of the meeting at which the application was received the fee type exempted and the reasons for granting the exemption. This exemption shall not prohibit a Commission from requiring consultant reports or services under section B. *This section moved from section B to section A.*

A.I Planning & Zoning Commission

Subdivision of Land and Modification of Lot Boundaries

Commission Review and Approval Required:

	<u>Base Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Subdivision</u>	\$150	\$200/new lot;	Commission Discretion*	Consultant Review** Supervision & Inspection***
<i>Per-lot fee modeled after Franklin. More realistic representation of cost of staff review. Base fee represents cost of legal ad (see Meeting #1 memo with legal ad breakdown). Using this formula, a 2-lot subdivision is assumed to require 2.5h staff time (probably underestimating), but an 11-lot subdivision is assumed to require 25h staff time (probably quite accurate).</i>				
<u>Resubdivision</u>	\$150	\$200/new lot;	\$500, Required	Consultant Review** Supervision & Inspection***
<i>Public hearing fee increased to \$500 (see Meeting #1 memo with legal ad breakdown).</i>				
<u>Subdivision or Resubdivision Modification</u>	\$150	\$200/lot affected by modification;	\$500, IF required or held	Consultant Review** Supervision & Inspection***
<i>Review fee is on a "per lot affected by modification" basis. This seems fair.</i>				
<u>Subdivision or Resubdivision Renewal</u>	\$150			

Staff Review and Approval Required:

	<u>Base Fee</u>
<u>Lot Boundary Line Revision</u>	\$200
<i>Idea was to apply the "per new lot" price to these. I don't believe we charged for this in the past. Perhaps the residential certificate of zoning compliance fee was used (I have put the question in to Tom)</i>	
<u>"Free Split"</u>	\$200

* The Commission may hold a public hearing at its discretion and charge the applicant a hearing fee.

**See Consultant Review, section B.I.

***See Supervision & Inspection section B.II.

Site Plans, Special Exceptions, and other Zoning Approvals

Planning & Zoning Commission Applications

	<u>Base Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Commercial or Residential Site Plan</u>	\$150	\$200/page;	Commission Discretion*	Consultant Review** Supervision & Inspection***
<i>Per-page fee added. Other possible ways of doing this "per 1k square feet", "per XXXXsf developed area". Base fee covers legal ad.</i>				
<i>Average site plan in Bozrah is 4 pages (\$800) (10 staff hours).</i>				
<u>Special Exception with Site Plan</u>	\$150	\$200/page;	\$500, Required	Consultant Review** Supervision & Inspection***
<i>This would be most special exceptions.</i>				
<u>Special Exception without Site Plan</u>	\$150	\$150;	\$500, Required	
<u>Site Plan Modification</u>	\$150	\$200/page;	\$500, IF required or held	Consultant Review** Supervision & Inspection***
<i>This would also apply to Special Exceptions for which a site plan is a required component.</i>				
<u>Site Plan Renewal</u>	\$150			
<u>Home Occupation</u>	\$150	\$100	Commission Discretion*	
<i>Home occupations typically take little time and effort.</i>				

Certificates of Zoning Compliance (Staff Approval)

<u>Commercial</u>	\$150
<u>Single-family Residential</u>	\$75
<u>Multi-family Residential</u>	\$150
<u>Other (additions, sheds, pools, etc)</u>	\$50
<u>Signs</u>	\$50

These fees reflect a 50% increase over existing, except for "Other", which is 100% increase. I broke out signs as a separate category.

* The Commission may hold a public hearing at its discretion and charge the applicant a hearing fee.

**See Consultant Review, section B.I.

***See Supervision & Inspection section B.II.

Regulation, Map, and Plan Amendments

	<u>Base Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Zoning Regulation Amendment</u>	\$150	\$150;	\$500, Required	
<i>This seems reasonable. I think this will be the hardest fee in which to capture actual staff time since it varies so widely.</i>				
<i>GotSpace, for instance, demanded a lot of time just related to their regulation amendment application. The vast majority of regulation amendments will not take much staff time, just a simple report of my opinions.</i>				
<u>Zoning Map Amendment</u>	\$150	\$150;	\$500, Required	
<i>I suppose the fee could be scaled on a per-lot basis, but map amendments would actually require less staff time on average than regulation amendments, so it doesn't seem right to make that fee higher.</i>				
<u>Subdivision Regulation Amendment</u>	\$150	\$150;	\$500, Required	
<u>Plan of Conservation and Development Amendment</u>	\$150	\$500;	\$500, Required	
<i>This would rarely if ever happen. It would really only apply to major projects.</i>				
<i>A report I make to the Commission on this type of application would be pretty detailed.</i>				

A.II Inland Wetlands & Conservation Commission

The Inland Wetlands & Conservation Commission determines its jurisdiction relative to any submitted application. All applications require a fee. Where the Commission determines that it does not have jurisdiction, or if the activity being conducted is an “As-of-right” or “Non-regulated” activity, **the fee will be returned** to the applicant following that determination. *I added this for ease-of-administration purposes. How we have been doing it lately is requiring the fee up-front, even for suspected as-of-right and non-regulated uses, which are currently free. I’m of the opinion that the Town shouldn’t be charging for applications where it determines it does not have jurisdiction. In other towns this is more cut and dry due to the presence of an upland review area. However, I have put the question in to DEEP about whether or not the Town can charge for the purposes of covering a legal ad.*

When the Inland Wetlands & Conservation Commission finds that an activity is within its jurisdiction, it may also determine that such activity is a “Significant Activity”. If such a determination is made, the applicant will be charged an additional fee of **\$500**, which shall be due to the Town prior to the commencement of the required public hearing.

Base fees required under this section shall be doubled for any application that proceeds “after-the-fact” and in response to a Notice of Violation and/or Cease and Desist Order or Cease and Correct Order by the Wetlands Agent. *Doubling of wetlands application fees for violators.*

All Inland Wetlands & Conservation Commission Applications

	<u>Base Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Residential, Recreation, Conservation, or Agricultural Uses</u>	\$150	\$150/lot;	Commission Discretion*	Consultant Review** Supervision & Inspection***

Added "Conservation" and "Agricultural" under this section. If it's found to be AOR, fee is returned.

Per-lot fee is what we currently use, current fee is \$50 (200% increase). We are accounting for Bob Russo's time.

Some towns have instituted a fee per amount of wetlands area disturbed. This may be a possibility. The town may consider charge a fee based on the greater of: 150/lot or \$XXX/1000sf disturbed wetland/watercourse.

<u>All other Uses, including Commercial and Industrial</u>	\$150	\$250/lot;	Commission Discretion*	Consultant Review** Supervision & Inspection***
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This would ostensibly include other Non-Regulated or AOR uses.

<u>Permit Renewal</u>	\$150			
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200% increase.

I am unsure if renewal of a significant activity will require a PH. If it does a note will be added in public hearing column.

<u>Significant Activity</u>	\$150	\$250/lot;	\$500, Required	Consultant Review** Supervision & Inspection***
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This would apply to Special Exceptions for which a site plan is required.

<u>Inland Wetlands and Watercourses Regulation Amendment</u>	\$150	\$500;	\$500, Required	
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Rare

<u>Inland Wetlands and Watercourses Map Amendment</u>	\$150	\$500;	\$500, Required	
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Rare

** The Commission may hold a public hearing at its discretion and charge the applicant a hearing fee.*

***See Consultant Review, section B.I.*

****See Supervision & Inspection section B.II.*

A.III Zoning Board of Appeals

All Zoning Board of Appeals Applications

	<u>Base Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Variance</u>	\$150	\$150	\$500, Required	
<u>Appeal of Decision of the Zoning Enforcement Official</u>	\$150	\$150	\$500, Required	
<u>Location Approval</u>	\$150	\$150		

B. Consultant Fees and Expenses.

Fees for costs incurred directly by the Commission or the Town of Bozrah in the processing of land use applications, exclusive of the fixed fees in Section A of this Ordinance, shall be reimbursed by the applicant and shall include the cost of materials and/or services performed. Services may include, but are not necessarily limited to, scientific, engineering, and legal consultants, to review the application or to provide monitoring services with the purpose of protecting the public health, safety, and welfare. Such services/providers shall be determined by the Commission, **based on the unique characteristics and context of each application**. The payment of such fees for reimbursement of such costs shall not prohibit the Commission from requiring performance bonds to ensure the successful completion of all work as may be prescribed in the Commission’s regulation or Town Ordinances. The refusal of the applicant to pay any required fees shall render the application incomplete and shall be grounds for denial of the application. The failure to pay such fees when due shall be grounds for revocation of the permit or approval.

B.I Consultant Review

This is incorporation of the Salem ordinance and procedure into the existing ordinance.

By a two-thirds vote of the Commission, the Commission may require the applicant to bear the consultant costs for applications.

The Commission may choose to bear the costs of the first review of a project by the Consulting Town Engineer.

- A. The expenses shall be paid by the applicant on an actual and reasonable cost basis.
- B. The fee shall be determined by the Commission and assessed to the applicant after the administrative fees are paid.
- C. All such applications shall be accompanied by an agreement signed by the applicant specifically agreeing to pay the aforesaid additional project review fees as determined by the Commission. Such agreement shall state the conditions imposed and the obligations of the applicant.

D. The applicant shall maintain on deposit with the Commission an amount of money estimated to be sufficient to cover the said consultant expenses. The Commission may revise such estimate from time-to-time, and thereupon require additional sums to be deposited to cover such fees. Said agreement shall be signed and initial estimated fees shall be deposited prior to the consultant's review of the application.

E. No application will be considered complete until such fee or fees have been paid and such agreement has been submitted.

F. Fees shall be payable in cash, check or money order. Checks or money orders shall be made payable to the Town of Salem.

G. Fees shall be placed in a fund named for the application.

H. Upon completion of the consultant's review and final action on the application by the Commission, the Commission or its staff shall determine the costs incurred for the consultant review and refund the excess funds to the applicant.

I. If an applicant withdraws an application, the applicant shall be responsible for the consultant review fees incurred up until the date when the applicant has submitted a written notice of withdrawal to the Commission or its staff.

B.II Supervision & Inspection

This is incorporation of the Salem ordinance and procedure into the existing ordinance.

Upon approval of an application by the Commission for which it is determined that substantial supervision and inspection is required to monitor for compliance with permit conditions or Commission orders, the Commission may require, by a two-thirds vote, that the permittee pay the costs associated with that supervision and inspection.

A. The expenses shall be paid by the permittee on an actual and reasonable cost basis.

B. The fee shall be determined by the Commission and included in an agreement signed by the permittee specifically agreeing to pay the aforesaid fees. Such agreement shall state the conditions imposed and the obligations of the permittee. Said agreement shall be signed and such estimated fees shall be deposited prior to the beginning of construction.

C. The permittee shall maintain on deposit with the Commission an amount of money estimated to be sufficient to cover the said consultant expenses. The Commission may revise such estimate from time-to-time, and thereupon require additional sums to be deposited to cover such fees. Fees shall be payable in cash, check or money order. Checks or money orders shall be made payable to the Town of Salem.

D. Fees shall be placed in a fund named for the project.

E. Upon completion of project construction, the Commission or its staff shall determine the costs incurred for the consultant review and refund the excess funds to the permittee.

F. A Certificate of Occupancy shall not be issued until the permittee has reimbursed said expenses.

C. Bond.

A bond may be required in an amount and in a form satisfactory to the authorizing Commission to guarantee satisfactory completion of all proposed work.

The applicant shall provide a cost estimate of public improvements and/or required erosion and sediment controls depicted on the plan, together with a description of the basis for the estimate. The Consulting Town Engineer will review the submitted bond estimate. If the Consulting Town Engineer

recommends changes to the estimate, such changes shall be incorporated by the applicant. No permit shall be issued until the bond(s) is received.

The Town Treasurer shall hold the required bond(s) until the authorizing Commission votes its release. The Commission shall not release the bond until it receives certification by an assigned inspection that all of the requirements stipulated in the issuance of the permit have been met.

**TOWN OF BOZRAH
INLAND WETLANDS AND CONSERVATION COMMISSION
BOZRAH TOWN HALL
1 RIVER ROAD
BOZRAH, CT 06334**

January 20, 2022

The meeting of the Land Use Fee Ordinance Review Subcommittee of the Bozrah Inland Wetlands and Conservation Commission was called to order at 6:00pm. The meeting was held via Zoom.

Members present: Chuck Mandel (IWCC), Jim Sipperly (IWCC), Glenn Pianka (First Selectman), Scott Barber (PZC), Steve Seder (PZC).

Others present: Sam Alexander, AICP (SCCOG/Town Planner).

1. Introduction:

Fee ordinance was last updated in 2012. Planning & Zoning Commission has also discussed need to strengthen sections of the ordinance dealing with post-approval inspections. Inland Wetlands & Conservation Commission initiated this subcommittee, with membership from Planning & Zoning and Board of Selectmen.

2. Election of Officers:

The committee chose not to elect officers. Sam Alexander can “referee” the meetings.

3. Discussion:

The Commission reviewed the following documents:

- Memo regarding scope, flagged corrections, legal notice costs, etc.
- Current fee structure and fee ordinance (#2012-1).
- Inspection reimbursement memo to PZC from town planner.
- Fee structures in Montville, Groton, Franklin, Salem.
- Relevant statutes.

The actual “bones” of the ordinance are strong. Certain aspects will need to be updated. The Committee needs to determine the scope of the ordinance and how much money the town should be attempting to recoup through fees. There were various opinions regarding this, it was determined that the town should try to recoup as much money as possible.

The town planner will prepare a red-lined version of the existing ordinance, with updated value to track inflation in legal notice fees, as well as an attempt to recapture basic costs.

The town planner will prepare updated language regarding consultant review and post-approval project inspections.

The town planner will look into whether the IWCC can charge for as-of-right and non-regulated activities; currently these are free of charge. It’s assumed that “not regulated” is also free of charge.

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INLAND WETLANDS AND CONSERVATION COMMISSION
BOZRAH TOWN HALL
1 RIVER ROAD
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4. Review General Correspondence:

There was none.

5. Determine Meeting Schedule:

The committee did not determine a set date and time but resolved to meet February 9th.

6. Such other Business as the Committee may Vote to Hear:

There was none.

7. Public Comment Period

There was none. Steve Seder made a motion to adjourn. Scott Barber seconded. The meeting was adjourned at 7:04pm.

Respectfully Submitted,
Samuel Alexander, AICP
Town Planner