

Town of Montville Town Council
Public Hearing Minutes for March 13, 2017
6:30 p.m. – Town Council Chambers – Town Hall

1. Call to Order
Chairman Jaskiewicz called the meeting to order at 6:30 p.m.
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
Present were Councilors Caron, Longton (6:35 p.m.), May, Pollard, Rogulski, and Jaskiewicz.
Absent was Councilor Tanner due to illness. Also present was Mayor Ronald McDaniel.
4. Public Hearing

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held February 13, 2017 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, March 13, 2017 at 6:15 P.M.

AN ORDINANCE TO AMEND CHAPTER 214, ORDINANCE NO. 2007-002,
“ORDINANCE REGARDING LAND USE APPLICATION PROCESSING FEES”

Land Use Application Processing Fees

Sections:

<u>214.010</u>	Fees Established.
<u>214.020</u>	Definitions.
<u>214.030</u>	Fee schedule.
<u>214.040</u>	Exemptions.
<u>214.050</u>	Payment of fees.
<u>214.060</u>	<u>Periodic Updates of Fee Schedule</u>

214.010 Fees Established.

Pursuant to Section 8-1c of the Connecticut General Statutes there is established a schedule of fees for the processing of land use applications received by the Planning and Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission. The schedule of fees established shall supersede those fees presently charged by the land use commissions and board as previously established pursuant to any provision of the General Statutes or any Special Act. These fees are intended to cover a portion of the Town’s costs for processing and administrative handling of land use applications, including, but not limited to: legal advertisements regarding public hearings, decisions of a commission, and other matters requiring publication in a newspaper; other notifications or referrals required or authorized by applicable law; recording and transcribing, where necessary, of public hearings and meetings, the preparation of minutes and other documentation applicable to the application, and other clerical expenses; staff salaries and overhead expenses for staff to the commission, including officials of the Town for whom land use application review is only a part of his/her duties, such as the Town Engineer, sanitarian, fire chief, outside consultants etc.; Town Attorney fees in direct connection with legal advice, review of documents, and attendance at meeting, where deemed desirable, in connection with the application; inspection of construction and other work to insure compliance with approved permits and applicable regulations; keeping and updating of

files and other documentation relative to the application; such other expenses as may be incidental to the processing of land use applications in the Town of Montville.

214.020 Definitions.

For the purpose of this chapter the following definitions shall apply:

"Commission(s)" means one or all of the land use regulatory agencies of the Town of Montville known as the Planning and Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission.

"Processing of land use application(s)" means the actions of a commission, supported by staff employed by the Town of Montville, independent contractors, or consultants, in receiving, reviewing and acting upon an application to conduct an activity regulated, amending or modifying the text of regulations or modifying or amending zoning or wetlands boundary maps by said commission and including both pre-action reviews and post-approval supervision of work and inspection of activities permitted.

"Regulations" means the Town of Montville Zoning Regulations, Subdivision Regulations and Inland Wetlands Regulations.

"Preliminary Engineering Review" means the initial review of land use plans submitted to the Commissions for compliance with the Regulations. This term includes the first review of land use plans revisions after a return of the land use plans to the applicant for completion of revisions to the land use plans to conform those plans with the Regulations.

"Extended Engineering Review Services" means any follow-up review of revised land use plans for corrections identified during the Preliminary Engineering Review. This does not include the first review after revision made in accordance with the Preliminary Engineering Review.

"Improved land area" means any portion(s) of a development site not covered by buildings, but covered by parking, driveways, outdoor storage or loading areas, lawns, formal landscaped areas, or any other area not in its natural state.

"Fixed Application Fees" shall mean those set forth in Section 214.030, subsection A of this Chapter.

"Additional Expenses" shall mean those reimbursements set forth in Section 214.030, subsection C of this Chapter.

Any other term not defined in this Ordinance shall have the meaning set forth in the "definitions" section of any applicable regulations (e.g., the zoning regulations for zoning applications, the subdivision regulations for subdivision or resubdivision applications, etc.).

214.030 Fee schedule.

A. Fixed Application Fees. Commissions shall charge Fixed Application Fees for the processing of land use applications in accordance with the following schedule:

Planning and Zoning Commission

All Fees exclusive of State Fee (Applied to All Applications) \$ 60.00
(Or as amended by the State of Connecticut per CGS Sec. 22a-27)

Subdivision Plan	\$50.00 per lot, plus \$200.00 <u>\$450.00</u> if a Public Hearing is required
Resubdivision Plan	\$50.00 per lot, plus \$200.00 <u>\$450.00</u> for a Public Hearing

Zone boundary or district change <u>Map Amendment</u>	\$200.00 <u>\$450.00</u>
Zone regulation change <u>Regulation Amendment</u>	\$ 75.00 <u>\$450.00</u>
Special Permit	\$200.00 <u>\$450.00</u>
Multi-family/manufactured home park	\$50.00 per unit
Site Plan (Commercial/Industrial) /Mixed Uses	\$100.00 <u>\$150.00</u>
Zoning Permit:	
a. Single family residential <u>Family Residential</u>	\$20.00 <u>\$ 50.00</u>
b. Accessory use - <u>Uses</u> (additions, sheds, pools, etc.)	\$10.00 <u>\$ 25.00</u>
Miscellaneous permits - <u>Permits</u>	
a. Home occupations <u>Occupations</u> (Except home office for filing of trade name)	\$ 25.00
b. Commercial use - <u>Uses</u>	\$25.00 <u>\$ 50.00</u>
c. <u>Letter of Zoning Compliance</u>	<u>\$ 75.00</u>

Zoning Board of Appeals

All Fees exclusive of State Fee (Applied to All Applications) \$ 60.00
 (Or as amended by the State of Connecticut per CGS Sec. 22a-27)

Variances/Appeals	\$60.00 <u>\$450.00</u>
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Inland Wetlands and Watercourses Commission

All Fees exclusive of State Fee (Applied to All Applications) \$ 60.00
 (Or as amended by the State of Connecticut per CGS Sec. 22a-27)

<u>ACTIVITY TYPE:</u>	<u>FEE:</u>
a. <u>Pre-Application Review</u>	<u>NO CHARGE</u>
b. <u>Permitted and Non-Regulated Uses (Section 4):</u>	
1. <u>Permitted Uses As of Right (Section 4.1)</u>	<u>NO CHARGE</u>
2. <u>Non-Regulated Uses (Section 4.2)</u>	<u>NO CHARGE</u>
c. <u>Regulated Uses:</u>	
1. <u>Residential Uses – Base Fee</u>	<u>\$100.00</u>
<u>Residential Accessory Uses-Base Fee</u>	<u>\$ 50.00</u>
<u>(Sheds Up To 324SF, Swimming Pools, Decks)</u>	
<u>Residential Subdivision</u>	<u>\$ 50.00/LOT</u>
2. <u>Commercial/Industrial/Mixed Uses – Base Fee</u>	<u>\$200.00</u>
<u>Commercial Subdivision</u>	<u>\$100.00/LOT</u>
d. <u>Permit Extension or Transfer (No Changes)</u>	<u>\$ 50.00</u>
e. <u>Map Amendment Petition</u>	<u>\$200.00</u>
f. <u>Significant Activity Fee</u>	<u>\$200.00</u>
g. <u>Public Hearing</u>	<u>\$450.00</u>
h. <u>THE FEES FOR APPLICANTS WHO COMMENCE A REGULATED ACTIVITY WITHOUT A PERMIT SHALL BE 200% OF THE FEES (EXCEPT THE STATE FEE)</u>	

UNLESS THE COMMISSION, BY A MAJORITY VOTE, AGREES TO REDUCE THE FEE TO THE STANDARD FEE.

- a. ~~Pre-application.....No charge~~
- b. ~~Permitted and Non-regulated Uses (Defined in Section 4):~~
 - 1. ~~Permitted use as of right.....No charge~~
 - 2. ~~Non-regulated use.....No charge~~
- c. ~~Regulated uses Defined in Section 6 of the Wetlands Regulations):~~
 - 1. ~~Residential Uses, Single Lot.....\$100.00~~
 - ~~Basic.....\$ 45.00~~
 - ~~Encroachment:~~
 - (1) ~~Sq. Ft. of disturbed area fee/1000 sq. ft.~~
 - ~~Less than 3000 sq. ft.\$ 15.00~~
 - ~~3000-10,000.....\$ 10.00~~
 - ~~Over 10,000.....\$ 5.00~~
 - (2) ~~\$1.00/linear feet of watercourse crossing*~~
 - (3) ~~\$1.00/linear feet of stream alteration~~
 - (4) ~~Significant Activity Fee.....\$100.00~~
 - (5) ~~Flagged wetlands delineation.....\$100.00~~
 - ~~Plus:~~
 - ~~\$.20/ft. for 1st 500' of proposed boundary associated with a regulated activity~~
 - ~~\$.15/ft. for 2nd 500' of proposed boundary associated with a regulated activity~~
 - ~~\$.10/ft. over 1000' of proposed boundary associated with a regulated activity~~
 - 2. ~~Residential Subdivision~~
 - ~~Basic.....\$ 35.00~~
 - ~~Plus \$10.00/lot~~
 - ~~Encroachment~~
 - (1) ~~Sq. ft. of disturbed area fee/100 sq. ft.~~
 - ~~Less than 3000 sq. ft.\$ 15.00~~
 - ~~3000-10,000.....\$ 10.00~~
 - ~~Over 10,000.....\$ 5.00~~
 - (2) ~~\$1.00/Linear feet of watercourse crossing*~~
 - (3) ~~\$1.00/Linear feet of stream alteration~~
 - (4) ~~Significant Activity Fee.....\$100.00~~
 - (5) ~~Flagged wetlands delineation.....\$100.00~~
 - ~~Plus:~~
 - ~~\$.20/ft. for 1st 500' of proposed boundary associated with a regulated activity~~
 - ~~\$.15/ft. for 2nd 500' of proposed boundary associated with a regulated activity~~
 - ~~\$.10/ft. over 1000' of proposed boundary associated with a regulated activity~~
 - 3. ~~Commercial, Industrial, Mixed, all others~~
 - ~~Basic.....\$ 50.00~~
 - ~~Encroachment~~
 - (1) ~~Sq. ft. of disturbed area fee/1000 sq. ft.~~
 - ~~Less than 3,000.....\$ 20.00~~
 - ~~3,000 to 10,000.....\$ 15.00~~
 - ~~More than 10,000.....\$ 10.00~~

~~(2) \$5.00/ln. ft. of water course crossing*~~

~~(3) \$5.00/ln. ft. of stream alteration~~

~~* A watercourse crossing is the sum of the width dimension and the length of stream alteration as determined by a culvert length requirement noted on the approved plan. The stream alteration is used alone when the course is straightened or its banks are resloped and no culverting or bridging is done.~~

~~(4) Significant Activity Fee (Section 7.5 and 9.1)\$100.00~~

~~(5) Flagged wetlands delineation\$100.00~~

~~Plus:~~

~~\$.20/ft. for 1st 500' of proposed boundary associated with a regulated activity~~

~~\$.15/ft. for 2nd 500' of proposed boundary associated with a regulated activity~~

~~\$.10/ft. over 1000' of proposed boundary associated with a regulated activity~~

~~(6) Amendment of previous approval (Section 7.7)~~

~~a. Insignificant activity\$ 25.00~~

~~b. Significant activity.....\$100.00~~

~~(7) Renewal (Basic fee for the activity) ** Amended 9/23/92~~

~~(8) Land Use Fee (Fee required by General Statute §22a-27j)~~

Coastal Area Management

For any application located in the Coastal Area Management Boundary, the following fees shall apply, in addition to those above:

MAJOR ACTIVITY

Coastal Site Plan Review \$200.00

B. Maximum Fee; Calculation of Fee. Except as provided in Paragraph C below, no application fee calculated in accordance with the preceding formulae shall exceed \$10,000.00. Each applicant for any permit shall provide, at the time of application, the necessary data to permit the calculation of the application fee (such as cubic yards of material to be filled/excavated in an excavation application, square footage of land area to be disturbed in a wetlands application, etc.), and such information shall, where appropriate, be certified by a licensed land surveyor, professional engineer, or registered architect. Failure to file any application fee set forth in this ordinance shall be grounds for denial of such application.

C. Additional Expenses. In addition to the fixed fees set forth in subsection A of this section, the commissions may collect payment for direct costs of materials and services performed by other than town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with any type of land use application, or require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense, where the fixed fees set forth in subsection A are not anticipated to cover, or do not in fact cover, such costs or expenses.

Additional Expenses shall include Extended Engineering Review Services.

D. Fees Not in Lieu of Bonds. The payment of fees shall not prohibit commissions from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

214.040 Exemptions

All boards and agencies of the Town of Montville, including volunteer or professional fire companies using company properties for fire protection purposes, shall be exempt from the

payment of fees established pursuant to this chapter. Each Commission may in whole or in part exempt an application from the payment of any or all fees if said application is for low and moderate income housing or special needs housing. In addition, each Commission shall be authorized, by majority vote, to reduce or waive application fees where (1) the application does not appear, upon initial examination, to require intensive staff review and (2) the applicant is a non-profit entity which qualifies for tax deductible charitable contributions under Regulations of the U.S. Internal Revenue Service. The Commission may, by majority vote, also credit all or a portion of application fees from previous application(s) which were denied or withdrawn, where the review work performed on the previous application(s) may be of benefit in reviewing the new application. Any Commission exempting an application from payment of a fee, in whole or in part, shall state in the minutes of the meeting at which the plan was received the fee type exempted, the percentage exempt and reasons for granting the exemption. This exemption shall not prohibit a Commission from requiring, at the applicant's expense, consultant reports, professional certification or conducting inspection to ensure conformance with land-use regulations.

214.050 Payment of fees

A. Other Fees. The payment of a fee established in accordance with the provision of this chapter shall not relieve the applicant, owner or their agent from the payment of other fees that may be prescribed for a different type of land use application, or by another ordinance of the Town of Montville.

B. Fees Nonrefundable. All fees received by a Commission as part of a land use application submission shall be nonrefundable.

C. Method and Timing of Payment, Failure to Pay. All Fixed Application Fees shall be paid by cash, check or money order made payable to the Town of Montville. Fees shall be paid at the time of application submission. The applicant shall be provided with invoices or other evidence of any Additional Expense(s) and reimbursement to the Town shall be made within thirty (30) days after presentation of such invoices or other evidence. Failure to comply with this subsection shall be grounds for denial of any application or revocation of any permit previously issued. Reimbursement of the Town under this subsection shall be a condition for the endorsement of any plan, the issuance of any final permit, or the issuance of any certificate of zoning compliance for an approved application, or the renewal of any periodic or temporary approval, as the case may be.

D. Deposit of Fees; Receipt. The Planning Director shall keep an accurate account of all fees collected; and such fees shall be deposited with the Treasurer of the Town of Montville, The Planning Director shall receive a receipt from the Treasurer of all such fees deposited.

214.060 Periodic Updates of Fee Schedule

The foregoing fees schedules are based upon an analysis of the expenses incurred, on average, in the processing of land use applications as of the date of passage of this Chapter. The Finance Director shall periodically examine the expenses incurred by the Town in the processing of land use applications, and shall make recommendations for adjustments to the foregoing fee schedules based upon current staffing, regulatory requirements, and other relevant factors. The Town Council may revise any or all of the foregoing fees by way of adoption of an amendment to this Ordinance

This ordinance shall become effective 30 days from the date of its adoption.

Dated at Montville Connecticut this 14th day of February, 2017

Lisa Terry, Town Clerk

Chairman Jaskiewicz asked if there was anyone present from the public who would like to speak regarding the proposed ordinance.

Tony Siragusa, 39 Hillcrest Drive, Uncasville, spoke in favor of the Ordinance.

Town Planner Marcia Vlaun expressed her appreciation to Chairman Jaskiewicz and Administrative Assistant Michelle Giroux, Planning & Zoning Department, for their help in the organization and drafting of the proposed changes to the Ordinance, which includes a more streamlined and simplified process. According to the Ordinance, the fees instituted should be based upon the expenses incurred, e.g., legal advertisements and staffing, i.e., Town Engineer, Land Use Attorney, and Soil Scientist. A review of the fees and expenses as well as a survey of the surrounding towns' fees was conducted and it was discovered that the Town's fees are well below average. The advertising costs over the past two (2) years were reviewed and it was determined that, on average, the ads are costing approximately \$450.00, \$250.00 over what they are currently charging. Due to the current fiscal climate, the Town is not able to supplement or absorb such costs. In addition, to help simplify the fee schedule, some of the costs have been eliminated. She requested that the Town Council consider recommending, to the State Legislators, a change in the State Statutes such that only one of the two legal postings be required to be published in the local newspaper and the other available online to help save costs. For their part, in an effort to save on advertising costs, the sizing of the ad has been adjusted and the verbiage is reviewed by the Town Attorney to ensure that only the absolute minimum required information is published.

Chairman Jaskiewicz commended her for her hard work and confirmed that the Planning & Zoning Commission has been informed of the changes.

In response to Councilor May, it was noted that the \$60.00 State fee is applied to all applications and was, at one time, allocated to the Soil and Water Conservation District; the funds are now deposited into the State's General Fund.

Mayor McDaniel commended Town Planner Vlaun on the changes and analysis. He added that the State's fees are not unlike that which is charged in the Building Department and Town Clerk's office. He has advocated to the State Legislatures over the past six years regarding the possibility of changing the requirement for the legal postings, but has been unsuccessful.

Town Planner Vlaun thanked the Town Council for their consideration.

Chairman Jaskiewicz asked three times if there was anyone present from the public who would like to speak regarding the proposed ordinance. There being no comments, the Public Hearing was closed.

5. Adjournment

Motion made by Councilor May, seconded by Councilor Caron, to adjourn the meeting at 6:47 p.m. Voice vote, 7-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE