

**TOWN OF MADISON
ORDINANCE ESTABLISHING FEES FOR
LAND USE APPLICATIONS**

IT IS HEREBY ORDAINED:

Pursuant to the provisions of Section 8-1c of the Connecticut General Statutes, the Town of Madison adopts the following fee schedules for applications to the Planning and Zoning Commission, the Planning and Zoning Administrator (as agent for the Planning and Zoning Commission), the Zoning Board of Appeals, the Inland Wetlands Agency, and the Inland Wetlands Official (as agent for the Inland Wetlands Agency).

A. Fees that Must Be Submitted With the Application

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, board or agent to refuse to process the application or to deny the application.

APPLICATION TYPE	FEE
ZONING	
Regulation Text Amendment/Zone Change	\$500
Floating Zone	\$500
Special Exception Permit/Site Plan Review (<i>The Maximum Fee Shall Be \$3,000</i>)	\$150 plus \$25 per dwelling unit and/or \$5 per 100 sq. ft. of non-residential use
Special Exception Permit Modification/Site Plan Review Modification (<i>The Maximum Fee Shall Be \$3,000</i>)	\$150 plus \$25 per new dwelling unit and/or \$5 per 100 sq. ft. of non-residential use (new construction or substantial reconstruction)
Modification of Floating Zone Concept Plan	\$150
DVD Major Alteration	\$150
DVD Minor Alteration	\$ 50
Accessory Apartment	
a. Certificate of Zoning Compliance	\$ 75
b. Annual Residence Statement	\$ 15
Earth Removal/Filling Permit	\$500
Customary Home Occupation	\$ 25
Day Care Facility For Six or Fewer Persons	\$ 25
Bed and Breakfast	\$ 50
Signage	
a. Permanent Sign Application	\$100
b. Temporary Sign Application	\$ 50
c. Temporary Sign Annual Renewal	\$ 25
d. Temporary Sign Registration	NC
Trailer Permit, Home Under Construction	\$ 50

Review Letter – Zoning Compliance	\$ 25 plus \$50/hr. research
PLANNING	
Subdivision Regulation Amendment	\$500
Subdivision/Resubdivision Application	\$250 or \$100 per lot (whichever is greater) plus \$1 per linear foot of proposed road or road to be reconstructed or modified
Lot Line Revision/Subdivision Modification	\$75 per lot involved plus \$1 per linear foot of road to be modified
ZONING BOARD OF APPEALS	
Variance Application	\$175
Appeal Of Decision	\$175
Certificate of Location	\$175
PLANNING, ZONING and ZBA	
Coastal Site Plan Review	
a. Without other application	\$ 75
b. With other application	\$ 50
Extension Of Previous Approval	\$ 50
RESCHEDULED PUBLIC HEARING (Requested By Applicant After Publication)	\$ 45
Additional Fee If CEPA Intervention Is Filed	\$250
INLAND WETLANDS AGENCY	
Permitted And Non-Regulated Uses - Section 4 of these Regulations	
a. Permitted Uses As Of Right (Section 4.1)	\$ 50
b. Non-Regulated Uses (Section 4.2)	\$ 50
Regulated Uses - Section 6 of the Regulations	
a. Residential Uses	\$ 75 plus: \$25.00/lot or \$45.00/acre wetlands, rounded to the nearest tenth of an acre, on the property whichever is more
b. Commercial Uses	\$ 75 plus: Fee from Schedule A
c. All Other Uses	\$ 75
Significant Activity Application Fee - Section 7.6 of the Regulations	\$175
Map Amendment Applications - Section 16.4 of the Regulations	\$175 plus: Fee from Schedule B
Modification, Extension Or Transfer of Previous Approval - Section 12 of the Regulations	\$ 50 (No fee for correcting typographical or other errors.)
Wetland Review Area Markers	\$ 2 per Marker
Schedule A. For the purpose of calculating the permit application fee, the Regulated Area in	

Schedule A is the total area of wetlands and watercourses upon which a Regulated Activity is proposed.	
Less than and including the first 2,500 sq. ft. of Regulated Area	\$ 18/1,000 sq. ft. of Regulated Area
From 2,501 to 50,000 sq. ft. of Regulated Area	\$ 12/1,000 sq. ft. of Regulated Area
For any additional amount over 50,000 sq. ft. of Regulated Area	\$ 6/1,000 sq. ft. of Regulated Area
Schedule B. For the purpose of calculating the map amendment application fee, the Regulated Area in Schedule B is the total length of wetlands and watercourses boundary subject to the proposed boundary change	
Less than and including the first 500 linear ft of boundary area	\$ 20/100 linear ft. of boundary
From 501 to 1,000 linear ft of boundary area	\$ 15/100 linear ft. of boundary
For any additional amount over 1,000 linear ft of boundary area	\$ 8/100 linear ft. of boundary
Exemption. Boards, commissions, councils and departments of the Town of Madison are exempt from all fee requirements under Subsection 21.5 of the Inland Wetland Regulations.	
STATUTORY FEES	
As may be required by State law.	

B. Consultants' Fees and Expenses

1. Determining Need for Consultants.

Following the submission of any of the foregoing applications, the relevant Commission, Board or Official may determine that it, he or she will require the assistance of professional consultants, including but not necessarily limited to scientific, engineering, and legal consultants, to review the application or to provide monitoring services. Issues for which such review or monitoring may be needed may include, but are not limited to, compliance with existing laws and regulations; the potential for environmental or other impacts; the need for public improvements, drainage improvements, sediment and erosion-control measures, and other environmental safety measures; and the provision of adequate legal conveyances and financial performance security. It is the purpose of this Ordinance to ensure that any fees and expenses reasonably incurred by the Commission, Board or Official in procuring such services be reimbursed by the applicant.

2. Estimate of Fees.

If the assistance of professional consultants is found to be necessary or appropriate at any time after the submission of an application, the relevant Commission, Board or Official may estimate the fees and expenses that such consulting services are likely to entail. The estimate, which shall not be binding on the Commission, Board or Official, may be derived in any reasonable manner, including but not limited to (1) a good-faith estimate of the hours that the consultants are likely to require based upon the specific nature of the application,

or (2) a schedule of estimated unit fees (e.g., a standard, per-lot fee or per-acre fee) adopted for general use on the basis of the Commission's, Board's or Official's prior experience with similar applications. Any estimate provided under this Ordinance shall be for the purpose of establishing an escrow account, as described below, and shall not prohibit the Commission, Board or Official from seeking additional consultants' services if the need or desirability of such services is determined after the nonbinding estimate has been provided.

If the likely amount of consulting fees is estimated on the basis of the hours the consultants are likely to require to perform the needed services, but the Commission, Board or Official does not have specific knowledge of the fees the consultants may charge, the estimate of fees may be calculated in accordance with the following schedule:

- i Technical (including Engineering or Scientific) Consultants \$150 per hour
- ii Legal Consultants \$250 per hour
- iii Review by Town Staff (not including any agent issuing a permit) \$50 per hour
- iv Other Consultants' Expenses As may reasonably be estimated

In the event the Commission, Board or Official, at the time of estimating the consultants' fees, has already secured the services of one or more consultants whose hourly rates differ from those in the foregoing schedule, the hourly rates actually charged by the consultants shall be used for the estimate in lieu of those set forth in the foregoing schedule.

3. Payment of Estimated Fees.

Within ten (10) days after the Commission, Board or Official notifies an applicant of any estimate of fees and expenses made pursuant to this Ordinance, the applicant shall provide a sum equivalent to 100 percent of the estimated amount, except as provided in section 4 of this Ordinance. All such funds received from the applicant shall be deposited into an escrow account to be held by the Town. Wherever possible, the amount required pursuant to the foregoing provisions must be paid before the Commission, Board or Official holds any required public hearing or makes any decision on the application. If the amount required is not timely paid and the Commission, Board or Official is obliged by the provisions of state law to commence a public hearing or render a decision, the Commission, Board or Official may deny the application as incomplete.

4. Maintenance of Minimum Balance.

The Commission, Board or Official shall require the applicant to maintain a minimum balance in the fee escrow account of 25 percent of the amount of fees estimated pursuant to Section B.2, above. The Commission, Board or Official shall notify the applicant upon receipt of any invoice for consultants' services, the payment of which would cause the escrow account balance to fall below 25 percent of the estimated fees. The applicant shall then have 30 days to provide sufficient additional funds to restore the escrow account balance to at least 25 percent of the estimated fees. If the amount required is not timely paid and the Commission, Board or Official is obliged by the provisions of state law to commence a public hearing or to render a decision, the Commission, Board or Official may deny the application as incomplete.

5. Use of Escrowed Funds.

Funds paid into the escrow account shall be applied as needed to offset the actual consultants' fees and expenses incurred by the relevant commission, board or agent. In the event the amount paid by the applicant exceeds the total amount actually needed to reimburse the fees and expenses incurred by the Commission, Board or Official, the balance remaining in the escrow account shall be promptly returned to the applicant. In the event the amount paid into the escrow fund is less than required to reimburse all applicable consultants' fees and expenses, the applicant shall be required to pay the balance due as a prerequisite to the issuance or maintenance of any final permit or the final approval of any application or petition. If a permit or approval has been issued before the required additional fees are incurred or become due, the applicant shall be obliged to pay the additional fees within 30 days after billing. The failure to pay such fees when due shall be grounds for revocation of the permit or approval.

C. The foregoing fees shall supersede any fees previously established *by the Board of Selectmen, Planning and Zoning Commission or Inland Wetlands Agency*.

D. In the event that any applicant, at the time a nonbinding estimate of consultants' fees is being made pursuant to subsection B, has failed to pay any portion of the fees due under this Ordinance with respect to a prior application, the applicant will be required to provide a sum equivalent to 150 percent, rather than 100 percent, of the estimated fees and expenses.

Hearing Date: July 1, 2009

Adoption Date: July 20, 2009

Publication Date: July 29, 2009

Effective Date: August 14, 2009