

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

**IT IS HEREBY ORDAINED:**

1. Washington Town Ordinances #703B, entitled “Zoning Board of Appeals Fees,” #704D, entitled “Subdivision Fees”, and #710, entitled “An Ordinance to Charge Fees for Consultant Services and/or Legal Opinions Required in the Processing of Land Use or Road Construction Applications,” are rescinded.

2. Pursuant to the provisions of Section 8-1c of the Connecticut General Statutes, the Town of Washington adopts the following fee schedules for applications to the Zoning Commission or its official agent, the Planning Commission, or the Zoning Board of Appeals.

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.

i. *Applications to the Zoning Commission or its Agent:*

Zoning Permit . . . . .	\$25
Special Permit or Special Exception . . . . .	\$ 150
Modification or renewal of Special Permit or Special Exception. . . . .	\$ 50
Site plan review or modification, when no Special Permit or Special Exception is required. . . . .	\$100
Petition for amendment to zoning regulations. . . . .	\$ 250
Petition for amendment to zoning district or boundary. . . . .	\$ 250

ii. *Applications to the Planning Commission:*

Subdivision or resubdivision application, per lot. . . . .	\$ 300
Modification (other than resubdivision) of approved subdivision or resubdivision plan . . . . .	\$ 100

iii. *Applications to the Zoning Board of Appeals:*

Variance . . . . .	\$ 100
Appeal from action of enforcement agent. . . . .	\$ 100
Appeal from Zoning Commission decision (when allowed by Zoning Regulations) . . . . .	\$ 100
Special Permit or Special Exception (when Board is required to decide application pursuant to the Zoning Regulations) . . . . .	\$ 150

iv. *Statutory Fees:*

Fee required by Public Act 92-235, Section 4 . . . . . 10.00

(fee may be adjusted if required by amendment to Public Act)

B. Consultants' Fees and Expenses

Following the submission of any of the foregoing applications, the relevant commission, board or agent 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 agent in procuring such services be reimbursed by the applicant.

If the assistance of professional consultants is found to be necessary or appropriate at any time after the submission of an application, the respective commission, board or agent 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 agent, 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 agent'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 agent 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 agent 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 agent, 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.

Within ten (10) days after a commission, board or agent notifies an applicant of any estimate of fees and expenses made pursuant to this Ordinance, the applicant shall provide a sum equivalent to 150 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 agent 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 agent is obliged by the provisions of state law to commence a public hearing or render a decision, the commission, board or agent may deny the application as incomplete.

The amount paid into the escrow account pursuant to the foregoing provisions 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 amount actually needed to reimburse the fees and expenses incurred by the commission, board or agent, 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.

3. The foregoing fees shall supersede any fees previously established by the Zoning Commission, Planning Commission, and Zoning Board of Appeals.
4. 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 200 percent, rather than 150 percent, of the estimated fees and expenses.

**This Ordinance shall become effective November 1, 2003.**