

TOWN OF STONINGTON
SPECIAL TOWN MEETING
November 20, 2007

First Selectman Ed Haberek, Jr. called the Special Town Meeting of the Town of Stonington to order at 7:00 p.m. on November 20, 2007 in the auditorium of the Stonington High School, South Broad St., Pawcatuck, CT. Those present were First Selectman Ed Haberek, Jr. Selectmen Peter Balestracci and William Brown and Town Attorney Thomas Londregan.

Mr. Bill Sternberg made a motion to nominate Mr. James O'Boyle as Moderator. Hearing no objection he was unanimously elected Moderator of the meeting and Town Clerk Cynthia Ladwig served as clerk.

There being no objection, the Moderator dispensed with the reading of the Call recorded immediately preceding this page. The Moderator asked for a resolution to waive the reading on the first item on the Call, which was presented and read by First Selectman Haberek.

BE IT HEREBY RESOLVED, That the reading of the resolution to be presented to this special town meeting under the first item of the Call be waived, and the full text of the resolution, a copy of which has been made available to all those in attendance at this meeting, be incorporated into the text of this meeting.

BE IT HEREBY RESOLVED OF THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN A LAWFUL MEETING DULY ASSEMBLED:

To consider and vote upon a resolution authorizing the settlement of a declaratory action lawsuit against the Town of Stonington regarding the Town's interest in Mathews and Main Street;

That, William S. Brown, as First Selectman, be authorized to execute a stipulated judgment on behalf of the Town of Stonington and a document entitled, "Settlement Agreement regarding Mathews and Main Street" for purposes of resolving the declaratory action instituted by Dodson's Boatyard LLC against the Town of Stonington and the Stonington Village Improvement Association, Inc. being docket CV 07-5002844 S, pending in the Superior Court for the Judicial District of New London. A copy of the complete text of the proposed settlement agreement is on file in the Town Clerk's office during normal business hours.

At this time, First Selectman Haberek made a motion to postpone the first resolution until the next Town Meeting and it was seconded by Mr. Ben Tamsky. The audience requested to know why the resolution was being postponed, so First Selectman Haberek and Mr. Tamsky withdrew their motions to postpone and the Moderator opened the floor to discussion. First Selectman Haberek explained that a map that was referred to in the full text of the resolution was not available until earlier in the day and he felt that

the public and staff needed more time to review the map in question. Selectman Brown discussed his dismay that the item was being postponed as he had worked very hard to resolve this issue. Also, commenting were Ed Hart, Mark Arruda representing Dodson's Boatyard, Tom Haggerty, Ben Tamsky, and Bill Sternberg. Since there was no further discussion, First Selectman Haberek made a motion to postpone the first resolution until the next Town Meeting and it was seconded by Mr. Ben Tamsky. The Moderator asked for a voice vote. All were in favor. Motion to postpone passed.

The Moderator asked for a resolution to waive the reading on the second item on the Call, which was presented and read by Moderator O'Boyle.

BE IT HEREBY RESOLVED, That the reading of the resolution to be presented to this Special Town Meeting under the second item of the Call be waived, and the full text of the resolution, a copy of which has been made available to all those in attendance at this meeting, be incorporated into the text of this meeting.

The following is the ordinance:

AN ORDINANCE OF THE TOWN OF STONINGTON, CONNECTICUT, PROVIDING FOR A ONE-TIME WAIVER AND REIMBURSEMENT OF PLANNING & ZONING APPLICATION FEES FOR A ZONE CHANGE REAPPLICATION BY EDWARD J. BESKY AND ANDREA BESKY.

WHEREAS, the Town of Stonington (hereinafter "Town") has a fee schedule that it enforces against all persons who submit applications with the Town of Stonington Planning & Zoning Commission (hereinafter "Commission") to cover the costs associated with processing said applications; and

WHEREAS, General Statute §8-1c provides, in relevant part, that the Town may establish said fee schedule; and

WHEREAS, Edward J. Besky and Andrea Besky submitted an application to the Commission for a zone change for certain property located at 83 Noyes Avenue, Stonington, Connecticut; and

WHEREAS, due to an error on behalf of the Town in not filing certain maps ten (10) days prior to the public hearing on said application, Edward J. Besky and Andrea Besky were required to resubmit said application and to pay a reapplication fee and coastal area management fee totaling FIVE HUNDRED THIRTY DOLLARS (\$530.00); and

WHEREAS, as a result of the Town's error, pursuant to General Statute §8-1c, the Town desires to establish a one-time waiver of fee schedule for said zone change reapplication totaling FIVE HUNDRED THIRTY DOLLARS (\$530.00).

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT

THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Section 1.

- (a) The fees to be charged to Edward J. Besky and Andrea Besky for a certain zone change reapplication for certain real property located at 83 Noyes Avenue, Stonington, Connecticut, that became necessary as a result of an error by the Town on the original application, are hereby waived in the amount of FIVE HUNDRED THIRTY DOLLARS (\$530.00).
- (b) Any amount of said FIVE HUNDRED THIRTY DOLLARS (\$530.00) that Edward J. Besky and Andrea Besky may have paid shall be reimbursed to them without interest or costs.

Section 2. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions of applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Section 3. Conflict With Existing Ordinances

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date

This ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town of Stonington.

The motion to waive being properly seconded by Mr. Haggerty, the floor was opened to discussion. Commenting on the resolution were Ms. Gail Shea, Town Attorney Londregan, First Selectman Haberek, Selectman Brown, Mr. Ed Hart, Mr. Bill Sternberg and Mr. Sam Fiore. With no further discussion the Moderator asked for a vote. The resolution passed with two in opposition.

The Moderator asked for a resolution to waive the reading on the third item on the Call, which was presented and read by Moderator O'Boyle.

BE IT HEREBY RESOLVED, That the reading of the resolution to be presented to this special town meeting under the third item of the Call be waived, and the full text of the resolution, a copy of which has been made available to all those in attendance at this meeting, be incorporated into the text of this meeting.

The following is the ordinance:

AN ORDINANCE OF THE TOWN OF STONINGTON, CONNECTICUT, AMENDING THE TOWN'S EXISTING ORDINANCE REGARDING THE PARKING OF BOAT TRAILERS AT TOWN OWNED BOAT LAUNCHES AND DOCKS AND PROVIDING FOR THE PROHIBITION OF STORING VESSELS AT SAID BOAT LAUNCHES AND DOCKS.

WHEREAS, the Town of Stonington (hereinafter "Town") has an ordinance regarding the parking of boat trailers at Town owned boat launches (hereinafter "Existing Ordinance"); and

WHEREAS, the Existing Ordinance limits and controls the parking of boat trailers and motor vehicles, but does not limit and control the storing and mooring of vessels at and to Town owned boat launches and docks for an extended period of time; and

WHEREAS, the Town wishes to limit and control the storing and mooring of vessels at and to Town owned boat launches and docks; and

WHEREAS, General Statute §7-148(c)(6)(A)(i) authorizes the Town to control and operate public docks, wharves and recreation places; and

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT THE FOLLOWING REVISIONS TO THE EXISTING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Section 1.

(A) That the heading of the Existing Ordinance be repealed and replaced with the following language:

“ORDINANCE RE: PARKING OF BOAT TRAILER, MOTOR VEHICLES, AND VESSELS AND HOURS OF OPERATION AT TOWN OWNED BOAT LAUNCHES AND DOCKS.”

(B) That Section I (Definitions) of the Existing Ordinance be amended to replace and include the following language:

“C. MUNICIPAL BOAT LAUNCH – An area under the control of the Town of Stonington, including docks, which is dedicated to and posted for the release of boats and other water related recreational apparatus into the water.”

“E. VESSEL – Any boat, scow, lighter or floating vessel, whether or not said vessel is powered by manual means or by motor or other form of self-propulsion.”

- (C) That Section II (Liability of Owner) of the Existing Ordinance be repealed and replaced with the following language:

“SECTION II. LIABILITY OF OWNER

Whenever there occurs a violation of this ordinance, proof of registration number of any motor vehicle, boat trailer, or vessel involved shall be prima facie evidence, in any criminal action or in any action based on an infraction or parking ticket, that the owner was the operator of said motor vehicle, boat trailer, or vessel, except, in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence that the Lessee was the operator thereof.”

- (D) That Section III (Prohibition of Parking Boat Trailers and Motor Vehicles at Designated Municipal Boat Launching Areas) of the Existing Ordinance be repealed and replaced with the following language:

“SECTION III. PROHIBITION OF PARKING OR STORING BOAT TRAILERS, MOTOR VEHICLES, OR VESSELS AT DESIGNATED MUNICIPAL BOAT LAUNCHING AREAS AND DOCKS.

- (a) Parking of boat trailers with or without motor vehicles, or just motor vehicles, shall be prohibited upon any town owned boat launching area(s) or docks or any town road in the vicinity of said launch area(s). Prohibited areas shall be designated and marked. Parking facilities where such trailers and/or motor vehicles may be parked shall be designated at boat launching area(s) and docks.
- (b) The tying, securing, mooring, anchoring, or storage of any vessel to any municipal boat launch or dock overnight shall be prohibited.”

- (E) That Section IV (Hours of Operation of Town Owned Boat Launches) be repealed and replaced with the following language:

SECTION IV. HOURS OF OPERATION OF TOWN OWNED BOAT LAUNCHES AND DOCKS.

Town owned boat launches and docks will be open and access to said launches and docks available between the hours of 6 a.m. through 9 p.m., seven (7) days per week. Any attempted use of said launch areas or docks outside the allowed access areas will constitute a violation of this ordinance.

- (F) That Section V.A (Enforcement) of the Existing Ordinance be repealed and replaced with the following language:

“A. ENFORCEMENT – Any vehicle, boat trailer, or vessel found parked, moored, anchored, or secured in violation of this ordinance may be removed, or conveyed by or

under the direction of the member of the Police Department by means of towing the same or otherwise, to a private garage or other storage area in the Town of Stonington. Such removal shall be at the risk of the owner. Before the owner or person in charge of such vehicle or vessel shall be permitted to remove the same from the custody of the garage or storage area where it was towed, he shall furnish evidence of his identity and ownership or right to possession and shall pay to the private garage towing and storage charges reasonably incurred in such removal.”

(G) That all other sections of the Existing Ordinance shall remain in full force and effect.

Section 2. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions of applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Section 3. Conflict With Existing Ordinances

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date

This ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town of Stonington.

The motion to waive being properly seconded, the Moderator recognized First Selectman Haberek who made a motion to postpone the third resolution until the next Town Meeting because it had been brought to his attention that the Pawcatuck and Stonington Harbor Management Commissions had not reviewed the amendments to the ordinance. The motion to postpone being properly seconded, the floor was opened to discussion. Commenting on the resolution were Mr. Ed Purcell, Town Attorney Londregan, First Selectman Haberek, Mr. Tom Haggerty, Mr. Bill Sternberg and Mr. David Bentley. With no further discussion the Moderator asked for a vote to postpone. The motion to postpone passed.

The Moderator read the following resolution:

To consider and vote on a resolution to adopt an ordinance of the Town of Stonington, Connecticut pursuant to the authorization of Section 8-1c of the General Statutes of the State of Connecticut which authorizes any municipality, by ordinance, to establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission or

zoning board of appeals. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and at the Town Meeting.

The following is the proposed ordinance:

ORDINANCE RE: PLANNING AND ZONING FEES

WHEREAS, the Town of Stonington receives many land use applications which require review and inspections and such review and inspections are necessary for the protection of the public health, safety, and welfare; and

WHEREAS, said applications require the review by Town Officials, Town Attorneys, and experts retained by the Town; and

WHEREAS, General Statute Section 8-1c allows a municipality to establish a schedule of reasonable fees for the processing of applications by land use agencies.

NOW THEREFORE BE IT ORDAINED, that in accordance with Connecticut General Statute Section 8-1c fees for municipal land use applications for the Town of Stonington are set forth as follows:

SECTION 1: Purpose.

This ordinance is adopted pursuant to the authorization of Section 8-1c of the General Statutes of the State of Connecticut which authorizes any municipality, by ordinance, to establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals. It is the stated policy of this ordinance to effect the following:

- 1.1 To establish a schedule of fees whereby the approximate administrative costs for reviewing, evaluating, and processing such applications are covered by such fees;
- 1.2 To ensure that the system of fees does not include municipal expenses incurred in negotiating with applicants for agreements, conveyances, conditions, modifications or any other concessions desired by the municipality during the application process;
- 1.3 To encourage applicants to become familiar with municipal zoning and development regulations, to submit applications which comply with applicable regulations, and to submit plans, applications and proposals with fewer errors and omissions, thereby reducing municipal processing costs.

SECTION 2: Definitions.

2.1 Subdivision Application.

Any subdivision application to the Planning and Zoning Commission including, but not limited to, an application for any of the following:

subdivision or resubdivision, or application for amendment or revision to same.

2.2 Review, Evaluation and Processing.

Review, evaluation and processing is to include all functions performed in connection with, or associated with, an application, by the Planning and Zoning Commission, the Zoning Board of Appeals, and any other Department of the Town of Stonington or any consultant hired by the Town to review, evaluate or process applications, including but not limited to:

- 2.2.1 Legal advertisements regarding public hearings;
- 2.2.2 Recording and transcribing public hearings and minutes of the Planning and Zoning Commission and the Zoning Board of Appeals meetings relative to the application;
- 2.2.3 Staff salaries and overhead expenses for the Town Planner, Town Sanitarian, and other Town Officials, and consultant expenses in direct connection with the technical and regulatory review;
- 2.2.4 The Town Attorney fees in direct connection with legal advice and review of documents directly related to the subdivision;
- 2.2.5 Decisions of the Planning and Zoning Commission and the Zoning Board of Appeals and other matters requiring publication in a newspaper.

2.3 Applicant.

Any person, corporation, partnership or other entity who submits a subdivision application, or an application for any other permit or approval, authorized by the Stonington Subdivision Regulations or Zoning Regulations, or a successor in interest.

SECTION 3: Fees Charged for Applications.

3.1 Use Permits by Right/Additions

3.1.1	Additions up to and including 1,000 Square Feet (SF).....	\$50.00 plus \$10.00 per 100 SF of gross floor area
3.1.2	Additions of 1,001 SF and greater.....	\$200.00 plus \$10.00 per 100 SF of gross floor area
3.1.3	Application renewal.....	\$25.00
3.1.4	Detached garage.....	\$100.00

3.1.5	Home occupation.....	\$50.00
3.1.6	Other new construction/reconstruction.....	\$50.00
3.1.7	Pools.....	\$25.00
3.1.8	Renovations.....	\$50.00
3.1.9	Sheds up to and including 200 SF.....	\$25.00
3.1.10	Sheds greater than 200 SF.....	\$100.00
3.1.11	Signs up to and including 18 SF.....	\$25.00
3.1.12	Signs greater than 18 SF.....	\$100.00
3.1.13	New multi-tenant signage program.....	\$250.00
3.1.14	Modification to a multi-tenant signage program.....	\$110.00
3.1.15	Single-family residence: new construction/reconstruction.....	\$250.00 plus \$25.00 per 100 SF of gross floor area

3.2 Site Plan Review and Modifications

3.2.1	Single-family residential dwelling unit in commercial zone	\$200.00
3.2.2	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF.....	\$200.00 plus \$50.00 per 1,000 SF of gross floor area
3.2.3	Commercial/industrial and institutional 5,001 SF up to and including 25,000 SF...	\$500.00 plus \$50.00 per 1,000 SF of gross floor area
3.2.4	Commercial/industrial and institutional 25,001 SF and greater.....	\$2,000.00 plus \$10.00 per 1,000 SF of gross floor area

3.3 Special Use Permits

3.3.1	Attached housing of any size, commercial/
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	industrial and institutional up to and including 5,000 SF in gross floor area.....	\$500.00 plus \$100.00 per 1,000 SF of gross floor area
3.3.2	Commercial/industrial and institutional from 5,001 SF up to and including 25,000 SF in gross floor area.....	\$1,000.00 plus \$50.00 per 1,000 SF of gross floor area
3.3.3	Commercial/industrial and institutional greater than 25,000 SF in gross floor area..	\$2,000.00 plus \$25.00 per 1,000 SF of gross floor area
3.4	<u>Nonconforming Uses</u>	
3.4.1	Change of nonconforming use.....	\$300.00
3.5	<u>Amendments</u>	
3.5.1	Regulation amendment.....	\$500.00
3.5.2	Zone change (zoning map amendment)....	\$250.00 plus \$100.00 per lot
3.6	<u>Coastal Area Management</u>	
3.6.1	Single-family residential dwelling unit.....	\$150.00
3.6.2	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF of gross floor area.....	\$500.00
3.6.3	Subdivisions.....	\$200.00 plus \$100.00 per lot
3.6.4	Commercial/industrial and institutional 5,001 SF up to and including 25,000 SF of gross floor area.....	\$1,000.00
3.6.5	Commercial/industrial and institutional 25,001 SF of gross floor area and greater..	\$2,000.00
3.6.6	Variance.....	\$100.00
3.7	<u>Subdivisions</u>	

3.7.1	Preliminary subdivision.....	\$200.00
3.7.2	Subdivision and resubdivision	
	.1 Base fee.....	\$500.00 plus:
	.2 2-20 lots, plus base fee	\$225.00 per lot
	.3 21-50 lots, plus base fee.....	\$200.00 per lot
	.4 51 plus lots, plus base fee.....	\$175.00 per lot
	.5 Inspection fee.....	\$50.00 per lot
	.6 Engineering review for storm drainage, utilities and new road (payable at the time a subdivision application is filed)..	\$500.00 plus \$1.00 per linear foot of road
	.7 Inspection and supervision of infrastructure construction (payable at the time a zoning permit application is filed).....	5% of estimated cost
3.8	<u>Variances</u>	
3.8.1	Base fee.....	\$200.00
3.8.2	Per bulk item to be varied.....	\$100.00
3.9	<u>Other Fees</u>	
3.9.1	Bond reduction.....	\$100.00
3.9.2	Groundwater protection.....	\$250.00
3.9.3	Additional costs	

In addition to the fixed fees set forth under this section, the Town of Stonington will collect payment for direct costs of materials and services performed by professionals, other than town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with an application, or require an applicant to provide certifications, inspections, and/or professional consultant reports at the applicant's expense. The payment of additional costs shall not prohibit the Town of Stonington from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

3.9.4 Reapplication fee

A reapplication fee shall be paid in lieu of the fees provided for herein when an applicant previously paid the fees as required in this ordinance within the last five months but said application was withdrawn.

The reapplication fee applies only to applications for the new construction of, reconstruction of, renovation of, or additions to a single-family residence and uses accessory to that single-family residence; it does not apply to applications for variances from the Zoning Board of Appeals.

The reapplication fee is fifty dollars (\$50.00) for applications for the new construction of, reconstruction of, or an addition to, a single-family residence and fifty percent (50%) of the original applications for renovations to, and uses accessory to, a single family residence.

- 3.9.5 The fees listed in this ordinance are exclusive of the Application Fee for municipal planning, zoning, wetlands and coastal management applications required by the Connecticut General Statutes Section 22a-27j.

SECTION 4: Severance Clause.

This ordinance and the various parts hereof are declared to be severable; and if any part, sentence, section or clause is adjudged to be invalid, it is hereby provided that the remainder of this ordinance shall not be affected hereby and shall remain in full force and effect.

SECTION 5: Repeal

All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby replaced to the extent of such inconsistency.

SECTION 6: Effective Date

This ordinance shall become effective 15 days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

The Moderator opened the floor to discussion. Commenting on the resolution were Mr. Sam Fiore, Ms. Gail Shea, Town Attorney Londregan, Mr. Joe Larkin, Zoning Enforcement Officer for the Town of Stonington, and Mr. Ed Hart.

At this time Mr. Sam Fiore made a motion to amend Section 3 as follows: Fees charged for Applications as set forth in the proposed Ordinance, Sub-sections 3.1 through and including 3.9.4, be and hereby is amended so as to reduce all fees and costs by fifty percent (50%). The Moderator asked for a second, hearing none the amendment failed.

Mr. Fiore then made a motion to add the following amendment Disposition of fees and costs. The Town fees and costs established by this Ordinance shall be payable to the Town of Stonington for its General Fund. Being properly seconded by Mr. Robinson the floor was opened to discussion. Commenting on the amendment were Mr. Sam Fiore, Ms. Gail Shea, Town Attorney Londregan and Mr. David Bentley.

With no further discussion the Moderator asked for a vote. At this time Ms. Shea asked where this amendment was being placed in the Ordinance. Mr. Fiore stated as a new sub-section 3.9.6. Ms. Shea then asked Town Attorney Londregan if it was proper to add this amendment. Town Attorney Londregan stated he didn't think it was necessary because all the fees go into the General Fund but it wouldn't be a problem adding it to the ordinance. Ms. Shea stated that the sub-section was not read in the motion. At this time Mr. Fiore withdrew his motion and Mr. Robinson withdrew his second.

Mr. Fiore then restated his motion to amend and add the following sub-section: 3.9.6 Disposition of fees and costs. The Town fees and costs established by this Ordinance shall be payable to the Town of Stonington for its General Fund. Being properly seconded by Mr. Robinson, hearing no more discussion the Moderator asked for a vote. The resolution passed as amended with one person in opposition.

The following is the Ordinance as amended:

ORDINANCE RE: PLANNING AND ZONING FEES

WHEREAS, the Town of Stonington receives many land use applications which require review and inspections and such review and inspections are necessary for the protection of the public health, safety, and welfare; and

WHEREAS, said applications require the review by Town Officials, Town Attorneys, and experts retained by the Town; and

WHEREAS, General Statute Section 8-1c allows a municipality to establish a schedule of reasonable fees for the processing of applications by land use agencies.

NOW THEREFORE BE IT ORDAINED, that in accordance with Connecticut General Statute Section 8-1c fees for municipal land use applications for the Town of Stonington are set forth as follows:

SECTION 1: Purpose.

This ordinance is adopted pursuant to the authorization of Section 8-1c of the General Statutes of the State of Connecticut which authorizes any municipality, by ordinance, to establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals. It is the stated policy of this ordinance to effect the following:

- 1.1 To establish a schedule of fees whereby the approximate administrative costs for reviewing, evaluating, and processing such applications are covered by such fees;
- 1.2 To ensure that the system of fees does not include municipal expenses incurred in negotiating with applicants for agreements, conveyances, conditions, modifications or any other concessions desired by the municipality during the application process;
- 1.3 To encourage applicants to become familiar with municipal zoning and development regulations, to submit applications which comply with applicable regulations, and to submit plans, applications and proposals with fewer errors and omissions, thereby reducing municipal processing costs.

SECTION 2: Definitions.

2.1 Subdivision Application.

Any subdivision application to the Planning and Zoning Commission including, but not limited to, an application for any of the following: subdivision or resubdivision, or application for amendment or revision to same.

2.2 Review, Evaluation and Processing.

Review, evaluation and processing is to include all functions performed in connection with, or associated with, an application, by the Planning and Zoning Commission, the Zoning Board of Appeals, and any other Department of the Town of Stonington or any consultant hired by the Town to review, evaluate or process applications, including but not limited to:

- 2.2.1 Legal advertisements regarding public hearings;
- 2.2.2 Recording and transcribing public hearings and minutes of the Planning and Zoning Commission and the Zoning Board of Appeals meetings relative to the application;
- 2.2.3 Staff salaries and overhead expenses for the Town Planner, Town Sanitarian, and other Town Officials, and consultant expenses in direct connection with the technical and regulatory review;
- 2.2.4 The Town Attorney fees in direct connection with legal advice and review of documents directly related to the subdivision;
- 2.2.5 Decisions of the Planning and Zoning Commission and the Zoning Board of Appeals and other matters requiring publication in a newspaper.

2.3 Applicant.

Any person, corporation, partnership or other entity who submits a subdivision application, or an application for any other permit or approval, authorized by the

Stonington Subdivision Regulations or Zoning Regulations, or a successor in interest.

SECTION 3: Fees Charged for Applications.

3.1 Use Permits by Right/Additions

3.1.1	Additions up to and including 1,000 Square Feet (SF).....	\$50.00 plus \$10.00 per 100 SF of gross floor area
3.1.2	Additions of 1,001 SF and greater.....	\$200.00 plus \$10.00 per 100 SF of gross floor area
3.1.3	Application renewal.....	\$25.00
3.1.4	Detached garage.....	\$100.00
3.1.5	Home occupation.....	\$50.00
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3.1.12	Signs greater than 18 SF.....	\$100.00
3.1.13	New multi-tenant signage program.....	\$250.00
3.1.14	Modification to a multi-tenant signage program.....	\$110.00
3.1.15	Single-family residence: new construction/reconstruction.....	\$250.00 plus \$25.00 per 100 SF of gross floor area

3.2 Site Plan Review and Modifications

3.2.1 Single-family residential dwelling unit

	in commercial zone	\$200.00
3.2.2	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF.....	\$200.00 plus \$50.00 per 1,000 SF of gross floor area
3.2.3	Commercial/industrial and institutional 5,001 SF up to and including 25,000 SF...	\$500.00 plus \$50.00 per 1,000 SF of gross floor area
3.2.4	Commercial/industrial and institutional 25,001 SF and greater.....	\$2,000.00 plus \$10.00 per 1,000 SF of gross floor area
3.3	<u>Special Use Permits</u>	
3.3.1	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF in gross floor area.....	\$500.00 plus \$100.00 per 1,000 SF of gross floor area
3.3.2	Commercial/industrial and institutional from 5,001 SF up to and including 25,000 SF in gross floor area.....	\$1,000.00 plus \$50.00 per 1,000 SF of gross floor area
3.3.3	Commercial/industrial and institutional greater than 25,000 SF in gross floor area..	\$2,000.00 plus \$25.00 per 1,000 SF of gross floor area
3.4	<u>Nonconforming Uses</u>	
3.4.1	Change of nonconforming use.....	\$300.00
3.5	<u>Amendments</u>	
3.5.1	Regulation amendment.....	\$500.00
3.5.2	Zone change (zoning map amendment)....	\$250.00 plus \$100.00 per lot
3.6	<u>Coastal Area Management</u>	
3.6.1	Single-family residential dwelling unit.....	\$150.00

3.6.2	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF of gross floor area.....	\$500.00
3.6.3	Subdivisions.....	\$200.00 plus \$100.00 per lot
3.6.4	Commercial/industrial and institutional 5,001 SF up to and including 25,000 SF of gross floor area.....	\$1,000.00
3.6.5	Commercial/industrial and institutional 25,001 SF of gross floor area and greater..	\$2,000.00
3.6.6	Variance.....	\$100.00
3.7	<u>Subdivisions</u>	
3.7.1	Preliminary subdivision.....	\$200.00
3.7.2	Subdivision and resubdivision	
	.1 Base fee.....	\$500.00 plus:
	.2 2-20 lots, plus base fee	\$225.00 per lot
	.3 21-50 lots, plus base fee.....	\$200.00 per lot
	.4 51 plus lots, plus base fee.....	\$175.00 per lot
	.5 Inspection fee.....	\$50.00 per lot
	.6 Engineering review for storm drainage, utilities and new road (payable at the time a subdivision application is filed)..	\$500.00 plus \$1.00 per linear foot of road
	.7 Inspection and supervision of infrastructure construction (payable at the time a zoning permit application is filed).....	5% of estimated cost
3.8	<u>Variances</u>	
3.8.1	Base fee.....	\$200.00
3.8.2	Per bulk item to be varied.....	\$100.00
3.9	<u>Other Fees</u>	
3.9.1	Bond reduction.....	\$100.00

3.9.2 Groundwater protection..... \$250.00

3.9.3 Additional costs

In addition to the fixed fees set forth under this section, the Town of Stonington will collect payment for direct costs of materials and services performed by professionals, other than town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with an application, or require an applicant to provide certifications, inspections, and/or professional consultant reports at the applicant's expense. The payment of additional costs shall not prohibit the Town of Stonington from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

3.9.4 Reapplication fee

A reapplication fee shall be paid in lieu of the fees provided for herein when an applicant previously paid the fees as required in this ordinance within the last five months but said application was withdrawn.

The reapplication fee applies only to applications for the new construction of, reconstruction of, renovation of, or additions to a single-family residence and uses accessory to that single-family residence; it does not apply to applications for variances from the Zoning Board of Appeals.

The reapplication fee is fifty dollars (\$50.00) for applications for the new construction of, reconstruction of, or an addition to, a single-family residence and fifty percent (50%) of the original applications for renovations to, and uses accessory to, a single family residence.

3.9.5 The fees listed in this ordinance are exclusive of the Application Fee for municipal planning, zoning, wetlands and coastal management applications required by the Connecticut General Statutes Section 22a-27j.

3.9.6 Disposition of fees and costs

The Town fees and costs established by this Ordinance shall be payable to the Town of Stonington for its General Fund.

SECTION 4: Severance Clause.

This ordinance and the various parts hereof are declared to be severable; and if any part, sentence, section or clause is adjudged to be invalid, it is hereby provided that the remainder of this ordinance shall not be affected hereby and shall remain in full force and effect.

SECTION 5: Repeal

All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby replaced to the extent of such inconsistency.

SECTION 6: Effective Date

This ordinance shall become effective 15 days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

With no further business on the Call of the meeting, upon motion properly made, and seconded and unanimously passed, the Moderator declared the meeting adjourned at 8:15 p.m.

/s/ Cynthia Ladwig
Clerk of the Meeting

Received for record this 21st day November, 2007.

/s/ Cynthia Ladwig
Town Clerk