

Town of Durham
 ARTICLE I
In General
 [Proposed]

§ 12-1. Open space. [Comp. Ords. 1983, pg. 40, 9-24-69]

The Planning and Zoning Commission hereby gives notice to all interested parties, and to citizens of Durham, that, subsequent to a public hearing held on September 22, 1969, the Planning and Zoning Commission voted to adopt that certain amendment to the comprehensive plan for the Town as follows:

Pursuant to provisions of § 12-107E of the General Statutes, all farm land, forest land and land which is not presently built upon or included under an approved subdivision plan, is designated as open space land.

§ 12-2. Fees for processing of land use regulations. [Comp. Ords. 1983, pg. 118, 3-3-86, § 1; Ord. of 2-6-89; Amd. of 4-13-92]

- (a) Established. Pursuant to the provisions of § 8-1c of the General Statutes, the Board of Selectmen is empowered and authorized to establish reasonable fees for the processing of land use applications by the Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands Commission and to amend or change any existing fees adopted by Ordinance.
- (b) General schedule. The general schedule of fees for land use applications is as follows:

Land Use General Fee Schedule:

- 1. Administrative Zoning Compliance Review: \$25.00
- 2. Zoning Opinion Request: \$25.00
- 3. Lot Line Revision Review \$25.00

Planning and Zoning Commission Application Fee Schedule:

- 1. Subdivision or Resubdivision \$100 per lot + \$50 Legal Notice Fee + 5% of the total cost of estimated public improvements.
- 2. Special Permit General \$ 100 + \$50 Legal Notice Fee + 3% of the total cost of estimated public improvements.
- 3. Zone Map Change \$100 + \$50 Legal Notice Fee
- 4. Zoning Text Amendment \$75 + \$50 Legal Notice Fee
- 5. Site Plan \$100 + \$50 Legal Notice Fee + 3% of the total cost of estimated public improvements
- 6. Subdivision Text Amendment \$75.00 + \$50 Legal Notice Fee
- 7. Modifications to Special Exception \$75.00 + \$50 Legal Notice Fee
- 8. Modification to Site Plan Approval \$75.00 + \$50 Legal Notice Fee

Zoning Board of Appeals

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| 1. Variance Application | \$125.00 + \$50 Legal Notice Fee |
| 2. Appeals of an Order or Decision | \$125.00 + \$50 Legal Notice Fee |

Inland Wetlands and Watercourses Agency Applications

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| As of Right Application Review | \$N/A |
| 1. Wetlands Permit- URA Impacts Only | \$100.00 + \$50 Legal Notice Fee |
| 2. Wetlands Significant Impact | \$150 + \$50 Legal Notice Fee |
| 3. Petition to Amend Wetlands Map | \$100 + \$50 Legal Notice Fee |

Complex Application Fee: For any of the foregoing applications, the subject Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts, including legal counsel, to analyze, review, and report on issues requiring such expertise. The Agency or the duly authorized agent shall estimate the cost of the additional review and action.

(c) Application for solid waste facility. An application for a solid waste facility shall follow the procedures outlined in this subsection:

(1) Definitions. For purposes of this section the following words, terms and phrases shall have the meanings ascribed to them in this subsection:

BIOMEDICAL WASTE — Untreated solid waste generated during the administration of medical care or the performance of medical research involving humans or animals of which, because of its quantity, character or composition, has been determined by the Connecticut Department of Environmental Protection to require special handling, including infectious waste, pathological waste and chemotherapy waste, but excluding any solid waste which has been classified by the state department of environmental protection as a hazardous waste pursuant to § 22a-115 of the General Statutes or is a radioactive material regulated pursuant to § 22a-148 of the General Statutes.

BIOMEDICAL WASTE TREATMENT FACILITY — A solid waste facility capable of storing, treating or disposing of any amount of biomedical waste, excluding any facility where the only biomedical waste treated, stored or disposed of is biomedical waste generated at the site.

PERSON — Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

PUBLIC IMPROVEMENTS — For the purpose of this section, shall include, but shall not be limited to, the construction of new roads to be constructed to standards approved by the Planning and Zoning Commission, whether such roads are to

be privately owned or conveyed to the Town, improvements to existing roads, storm drainage facilities, water and sewer lines, the planting of trees or other landscaping and the installation of retaining walls or other structures.

RESOURCE RECOVERY FACILITY — A facility utilizing processes aimed at reclaiming the material or energy values of solid waste.

SOLID WASTE — Unwanted or discarded materials including solid, liquid, semisolid or contained gaseous material.

SOLID WASTE DISPOSAL AREA — The location utilized for ultimate disposal of wastes.

SOLID WASTE FACILITY — Any solid waste disposal area, volume reduction plant, or resource recovery facility or biomedical waste treatment facility operated by any municipal or regional authority or any person if such area, plant or facility handles more than five tons a year of solid waste or any amount of biomedical waste.

VOLUME REDUCTION PLANT — A plant designed primarily for the purpose of reducing the volume of solid waste which must finally be disposed of, including but not limited to incinerators, pulverizers, compactors, shredding and baling plants, transfer stations, and compost plants or other plants which accept and process refuse for recycling, reuse and resource recovery.

- (2) Fee for solid waste facility application. When an application is filed with the Planning and Zoning Commission seeking a zone change, zoning approval, special permit or exception or site plan approval for construction of a solid waste facility, in addition to the application fee set forth in Subsection (b)(6) of this section, the applicant shall pay a minimum fee of \$50,000 but not less than 1% of the estimated cost of construction of the solid waste facility including but not limited to all equipment therein and all site improvements thereon. The applicant shall provide upon the filing of the application a statement estimating the total cost of construction. Such estimate shall be subject to review by the Planning and Zoning Commission, its staff and agents. Payment shall be made to the Town in the form of a bank check or certified check.
- (3) Use of fee for solid waste facility. Upon receipt of the application fee for the solid waste facility, the Planning and Zoning Commission shall obtain the services of consultants to help review and evaluate the application. Before hiring any consultants other than staff the Planning and Zoning Commission shall:
 - a. Refer its written proposal regarding the consultants it proposes to hire to the Board of Selectmen for a report. Failure of the Board of Selectmen to report within 10 days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of disapproval of the proposal by the Board of Selectmen, the reasons for the disapproval shall be recorded and transmitted to the Planning and Zoning Commission. A proposal disapproved by the Board of Selectmen shall be adopted by the Planning and Zoning Commission only upon the favorable vote of not less than 2/3 of all members of the Planning and Zoning Commission.
 - b. Advise the applicant in writing of the consultants it proposes to hire; and give the applicant 10 days from the date of notice to comment on the qualification of those consultants. Any

decision of the Planning and Zoning Commission to hire a consultant will be final, regardless of the applicant's approval or disapproval.

- c. The consultants shall advise the Planning and Zoning Commission of the effects the proposed solid waste facility might reasonably be expected to have upon the health, safety and welfare of the people of the Town, including but not limited to the effects that the proposed facility might reasonably be expected to have upon the subject property and neighboring properties, natural resources, groundwater, air quality, noise levels, volume of traffic and property values.
- d. The Planning and Zoning Commission shall draw upon the application fee to pay for the expenses of having consultants help review, evaluate or process the application, and testify about their reports and conclusions before a court of law should an appeal be taken from the Planning and Zoning Commission's final decision on the application.
- e. The Planning and Zoning Commission shall keep a separate account of its drawings from the solid waste facility application fee and shall periodically but not less frequently than bimonthly advise the applicant of its expenditures and of the balance remaining from the fee. Any portion of the application fee which the Planning and Zoning Commission does not expend for the purposes described in this section shall be refunded to the applicant without interest. The refund shall be made within 30 days of the earlier of the following events:
 - 1. Publication by the Planning and Zoning Commission of legal notice of a final decision, provided no appeal is taken from the commission's decision; or
 - 2. Notice of decision by a court of law on any appeal from a final decision of the Planning and Zoning Commission, provided no appeal is taken from the court's decision and the court's decision does not require further proceedings before any lower court or the Planning and Zoning Commission.

(4) Exemption for solid waste facility proposed by the Town or the Durham/Middlefield Interlocal Advisory Board. Any application seeking the approval of the Planning and Zoning Commission for construction of a solid waste facility to be operated by the Town or by DMIAB shall be exempt from the payment of the application fee required under this chapter.

(5) Payment of application fees. All application fees, including sums required under Subsection (c) of this section shall be paid upon the filing of the application.

§ 12-3. through § 12-20. (Reserved)