

APPENDIX F

ORDINANCE FOR LAND DEVELOPMENT APPLICATIONS

Be it ordained that **Chapter 100, Article I –Complex Land Development Applications** be added to the Code of the Town of Wethersfield.

[HISTORY: Planning & Zoning Regulations, ZBA, Inland Wetlands/Watercourse Regulations, Design Review Advisory Committee and Historic District Commission Regulations]

Section 100-1 Purpose

The purpose of this ordinance is to provide the Wethersfield Planning and Zoning Commission, Zoning Board of Appeals, Inland Wetlands and Watercourse Commission, Design Review Advisory Committee, Historic District Commission and Town staff with the authority granted in Connecticut General Statutes Section 8-1c, to establish a schedule of reasonable fees for the processing of land use applications that are extraordinarily large, complex or significant and which may pose environmental, traffic and/or other issues beyond the expertise of the Town's staff to evaluate and make appropriate recommendations. Such fees shall be used to cover the cost of retaining experts to analyze and review the application.

Section 100-2 Procedure

In such instances, the Commission will review the matter with its staff and determine if outside, independent studies and/or consultations are necessary for the Commission to decide the issues before it. The Commission shall seek, to the extent practical, to identify the need for such studies or consultations prior to the commencement of the public hearing process; provided, however, that the Commission may also make such a determination during the hearing process. The decision to require the assistance of consultants shall require the affirmative vote of not less than the following: five (5) votes for Planning and Zoning applications, five (5) votes for Inland Wetlands and Watercourse applications, four (4) votes for Zoning Board of Appeals applications, three (3) votes for Historic District Commission applications and three (3) votes for Design Review Advisory Committee applications. The Board/Commission shall notify the applicant of its determination that such studies or consultations are needed and the estimated fee costs within 5 business days following such determination. If the applicant fails or refuses to deposit the consultants estimated fee with the Town the application will be considered incomplete. At its next regularly scheduled meeting or hearing on the application the Board/Commission shall note in its minutes that the application is considered incomplete. Incomplete applications are considered sufficient ground for denial of the application.

Section 100-3 Consultant Selection

Town staff shall select, after soliciting fee proposals and at its sole discretion, the persons or entities that are to perform such studies or consultations, and shall direct the performance of such studies or consultations.

Section 100-4 Fee Required

The Commission shall require an applicant, as a condition of processing its application, to deposit the fee for any required consultation or special study with the Town prior to the review of such application. All fees required under this ordinance shall be paid by cash, check or money order made payable to the Town of Wethersfield. The Commission shall require the applicant to place a sum into a fee account in an amount reasonably calculated to reflect one hundred twenty-five percent (125%) of the anticipated actual cost of such studies or consultations. The applicant shall be provided with invoices of the expenses incurred by the Town for any outside consultant work.

Upon completion of the technical review by the outside consultant and after publication of the Board or Commission's decision as required by law the balance of the fee which has not been expended by the Commission for the study and/or consultation shall be returned or released to the applicant.

Effective Date

This ordinance shall be effective on August 3, 2009.

PURPOSE: To establish a schedule of reasonable fees for the processing of land use applications that are extraordinarily large, complex or significant; which may pose environmental, traffic and/or other issues beyond the expertise of the Town staff.

PREPARED BY: Peter Gillespie, Town Planner

INTRODUCED BY: Deputy Mayor Paul Montinieri

Date: June 15, 2009

ATTACHMENTS

1. Inland Wetlands and Conservation Commission Rules and Procedures

ATTACHMENT 1

INLAND WETLANDS AND CONSERVATION COMMISSION RULES AND PROCEDURES

ARTICLE I

Purpose and Authorization

The objectives and purposes of the Inland Wetlands and Conservation Commission of Wethersfield are those set forth in The Connecticut General Statutes, and those powers and duties delegated to the Inland Wetlands and Conservation Commission in the aforementioned Statutes and by the "Ordinance Establishing an Inland Wetlands and Water Courses Commission" within the Town of Wethersfield, approved on June 24, 1974.

ARTICLE II

The Commission shall be known as the Inland Wetlands and Conservation Commission, and may hereafter be referred to as The Commission.

ARTICLE III

Office of Agency

The office of the Inland Wetlands and Conservation Commission shall be at Wethersfield Town Hall where all Commission records will be kept. Copies of all official documents, records, maps, etc., will be filed or recorded in the Engineering Division office when required.

ARTICLE IV

Membership

The membership and terms of office shall be as specified in the above stated ordinance establishing The Commission, and the aforementioned General Statutes.

ARTICLE V

Officers and Their Duties

Section 1. The officers of the Commission shall consist of a Chairman and a Vice-Chairman.

Section 2. The Chairman shall preside at all meetings and hearings of The Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call special meetings, and generally perform other duties as may be prescribed in these rules and procedures.

Section 3. The Chairman shall be one of The Commission members. He/she shall have the privilege of discussing all matters before The Commission and of voting thereon. It is the responsibility of the Chairman to assure a "Public Comments" item on the monthly agenda, that

such Public Comments be limited as to time and to issues unrelated to those matters otherwise scheduled for Public Hearing. (Amended 7-20-88)

Section 4. The Vice Chairman shall act for the Chairman in his/her absence and have the authority to perform the duties prescribed for that office. He/she shall be a Commission member.

Section 5. The Town Staff shall keep the minutes and records of The Commission and, shall prepare the agenda of regular and special meetings under the direction of the Chairman, provide notice of all meetings to Commission members; arrange proper and legal notice of hearings; attend to correspondence of The Commission, and such other duties as are normally carried out by a Clerk.

ARTICLE VI

Election of Officers

Section 1. An annual organization meeting shall be held ***the first meeting after July 1st***, at which time officers will be elected and rules and procedures reviewed and be made a part of the annual meeting. Officers may be elected by a majority vote of members present.

Section 2. Nominations shall be made from the floor at the annual organization meeting and elections of the officers specified in Section 1 of Article V shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote of the members present shall be declared elected and shall serve for one year or until his/her successor shall take office.

Section 4. Vacancies in office shall be filled by regular election procedure as herein specified with terms to run until the next annual organizational meeting.

Section 5. Resignations from The Commission shall be in written form and transmitted to the Town Clerk, who will then forward same to the executive officer of the Community.

ARTICLE VII

Meetings

Section 1. Regular meetings will be held at Wethersfield Town Hall on the third Wednesday of each month, except as may be otherwise noted in the schedule of meetings on file in the office of the Town Clerk. In event of conflict with holidays or other events, a majority may change the date of said meeting at the time the annual schedule of meetings is prepared for filing with the office of Town Clerk as set forth in Public Act 723 (1967). The Town Staff shall notify the membership of regular meetings, in writing, not less than 48 hours in advance of such meeting.

Section 2. Special meetings may be called by the Chairman, when such meetings are deemed necessary to the interests and welfare of the Town, provided notice of such meeting is posted in the office of the Town Clerk not less than 24 hours prior to such meeting; and further, emergency meetings may be called without such notice provided a copy of the minutes of such meeting, adequately setting forth the nature of the emergency and the proceedings of The Commission is filed in the Engineering Division office. E not more than 72 hours following such meeting (Public Act 723, 1967).

Section 3. A majority of the voting membership of The Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of members of the Commission except approval of minutes which shall be by majority of members present, as otherwise provided by the Connecticut General Statutes. The notice of such meeting shall specify the purpose of such meeting and no other business may be considered except by unanimous consent of the members present.

Section 4. In case any member of The Commission is unable to act because of absence, sickness or self-interest, his place shall be taken by an alternate member selected under the procedure specified by the Connecticut General Statutes.

Section 5. All meetings of The Commission shall be open to the public when in session and shall be open to the public when in executive sessions when so voted by the majority of The Commission members present and voting. In accordance with the "Ordinance Establishing an Inland Wetlands and Water Courses Commission" within the Town of Wethersfield, all meetings at which decisions are made shall be open to the public.

Section 6. Unless otherwise specified, "Roberts Rules of Order" shall govern the proceedings at the meetings of this Commission.

ARTICLE VIII

Disqualification

No members of The Commission shall participate in any hearing or decision or any matter when he/she is disqualified for self interest, personal, financial or otherwise. In the event of such disqualification, it shall be entered upon the records of The Commission and the place of the member disqualified shall be taken by an alternate member designated by the Chairman. The Chairman shall make the final decision as to the disqualification of a member for self-interest.

ARTICLE IX

Order of Business

Section 1. Unless otherwise determined by the Chairman, the order of business at public meetings shall be:

- a. Call to order.
- b. **Public Comments**
- c. **Public Hearings**
- d. **Public Meeting**
- e. Old Business
- f. New Business
- g. **General Business**
 1. **Approval of Minutes**
 2. **Reports of Officers and Committees**
 3. **Correspondence**
- h. Adjournment

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda or change the order of business.

ARTICLE X

Public Hearings

Section 1. Public hearings shall be held on the third Wednesday of each month, immediately preceding the **public** meeting, except as may be otherwise noted in the schedule of meetings on file in the office of the Town Engineer. In the event of conflict with holidays or other events, a majority vote may change the date of said hearings at the time the annual schedule of meetings is prepared for filing with the office of the Town Clerk in accordance with Public Act 723 (1967).

Section 2. The Commission may hold public hearings, in addition to required hearings, when it decides that such hearings will be in the public interest, provided that notice of any such hearing is posted in the office of the Town Engineer not less than 24 hours before such meeting in accordance with Public Act 723, (1967).

Section 3. All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in the "Ordinance Establishing an Inland Wetlands and Watercourses Commission" within the Town of Wethersfield, the aforementioned Statutes and the aforementioned Public Act 723 of 1967.

Section 4. A competent stenographer shall take the evidence, and/or the evidence shall be recorded by a sound recording device, at each hearing before The Commission in which the right to appeal lies to the Superior Court. Proceedings of the hearing shall be incorporated into the minute book of The Commission to be permanent part of the record.

Section 5. To better expedite the proceedings of the hearing and to cause a better understanding of the issue involved, The Commission shall have prepared prior to the hearing and hearing agenda and visual aids for display and presentation during the discussion of the hearing, if practicable.

ARTICLE XI

Conducting the Public Hearing

Section 1. The Chairman of the Commission shall preside at the public hearing. In the event of his absence, the Vice Chairman or duly appointed Commission member shall act as presiding officer.

Section 2. The Town Staff shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared.

Section 3. The Chairman shall prescribe the method of conduct of the hearing.

Section 4. It shall be made clear to the public that all comments must be directed to the Chair, and only after being properly recognized by the presiding officer.

Section 5. All persons recognized shall approach the hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the hearing, each person shall give his name and address.

Section 6. The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 7. The show of hands by those persons present shall not be allowed on any general question present at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of the public meeting of The Commission.

ARTICLE XII

Special committees may be appointed by the Chairman for purposes and terms which The Commission approved.

ARTICLE XIII

Public Relations

Section 1. The Chairman or a duly appointed Commission member or staff personnel shall act as public relations or publicity director for The Commission. His/her duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect the thinking of the majority of The Commission.

Section 2. In the matter of the press, radio, and television representatives, The Commission shall comply with Chapter 3, Section 1-19, 1-20, 1-21, of the Connecticut General Statutes, 1958 Revisions, as amended.

ARTICLE XIV

Staff and Their Duties

Section 1. The Commission shall appoint a duly authorized agent to carry out specific functions and duties as prescribed by The Commission. These duties shall include:

- a. making jurisdictional rulings;
- b. issuing enforcement orders;
- c. making permit compliance inspections;
- d. investigating complaints.

Section 2. The duly authorized agent shall make a report to the Commission at its regular meeting. Such report shall consist of a list and description of all rulings and activities performed.

Section 3. Any ruling made by the duly authorized agent is subject to final approval by The Commission.

ARTICLE XV

Amendments

These rules and procedures may be amended by a two-thirds vote of the entire voting membership of The Commission, only after the proposed change has been read and discussed at a previous

regular meeting, except that the rules and procedures may be changed at any meeting by the unanimous vote of the entire voting membership of The Commission.

DATE OF LAST REVISION September 9, 2020

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