

MEMORANDUM

To: Jonathan Mullen, Planner
From: Richard J. Johnson, Town Manager
Date: August 4, 2022
Re: **Building Zone Regulations – New Section 3-28**

By action at its meeting of August 2, 2022, the Council referred to the Town Plan and Zoning Commission a proposed amendment to the Building Zone Regulations to establish a new Section 3-28 to read as follows:

The Council and/or Commission, within their respective jurisdiction of review, may commission additional technical assistance in evaluating any application submitted hereunder, or a modification to an existing application or permit, if 1) the Council or Commission determines that such assistance is necessary to make an informed decision on an application; 2) Town staff will not be able to complete a technical review of an application in the time period prescribed by State Statute; or 3) the expertise required to review any aspect of the application is outside of the expertise of Town staff. The entire fee for such services shall be borne by the applicant and paid in accordance with Town ordinances relating to application fees.

Upon completion of the technical review and determination of the cost, all fees for any technical services required shall be paid in full before the application is acted on by the Town Plan and Zoning Commission or Council as the case may be.

As noted, the new regulation is intended to clarify the ability of the Council or Commission to require supplemental technical review to be paid in full by the applicant for the pending matter.

The section of the Town Code concerning fees and charges would be amended as follows to accompany the proposed new regulation:

New Section 15-38(15) – Such other reasonable fees as may be charged by a third-party consultant in conjunction with review of an application and/or permit pursuant to the building-zone regulations.

Please schedule the proposed amendment to the Regulations for the TP&Z meeting of August 23, 2022 and advise on the Commission's report and recommendation.

RJJ/sal