



Land Use Brief

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C.G.S SEC. 8-1c(B): EXPERT TECHNICAL SUPPORT

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The Naugatuck Valley Council of Governments' Land Use Brief is a resource for land use staff and commissioners to support local land use decision making.

The information provided within this brief is for informational purposes only.

NVCOG recommends reaching out to your municipal attorney prior to action.

Background

[CGS Sec. 8-1c](#) was amended via [Public Act No. 21-29](#) to include an opportunity for land use commissions to make use of expert fees in the review process for land use applications. [CGS Sec. 8-1c\(b\)](#) states that a municipality may require, by regulation, for the applicant to pay the cost of reasonable fees associated with the necessary review made by an expert consultant. The ability to utilize this new tool became effective on October 1, 2022.

This brief will summarize and outline [CGS Sec. 8-1c\(b\)](#) and provide examples of its use in the Naugatuck Valley Planning Region.

Questions? Comments?
Suggestions for future
Land Use Briefs?

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Applicant Fees for Land Use Application Expert Reviews

Public Act No. 21-29 | Sec. 8-1c(b)

Effective Date: October 1, 2022

CGS 8-1c(b) permits a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission to require any person applying for approval of an application to pay the cost of reasonable fees associated with any necessary reviews by consultants with expertise in land use of any particular technical aspect for the benefit of the commission or board.

The fees shall:

- (1) Be accounted for separately from other funds of such commission or board,
- (2) Be used only for expenses associated with the technical review by consultants who are not salaried employees of the municipality or such commission or board, and;
- (3) If unused, be returned to the applicant not later than forty-five (45) days after the completion of the technical review. This shall include any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued.



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Examples of Municipal Expert Fee Regulations: City of Bristol

The City of Bristol is currently rewriting their zoning regulations. As of the November 03, 2023, draft version of the regulations, the City included expert fee language in Article IV of their Zoning regulations:

16.3.11 B. The Zoning Commission may engage the services of an outside consultant to assist in its review of a Site Plan application. If such services are engaged, the Commission will procure an estimate for those services and the applicant shall submit a deposit for the full amount of the estimated fee to the City prior to opening of a public hearing on the application. An application will be denied as incomplete if the deposit is not submitted.

“This tool can be effective in helping Bristol, other communities, and their commissions to access the assistance they need to make more informed decisions. It is also an opportunity for municipalities to consult experts without placing the burden on taxpayers in footing the bill. In a past application, we’ve consulted the expertise of a geological technical expert to analyze and collect data on slopes, helping the Zoning Commission to better understand the application.”

– **Robert Flanagan, AICP, City Planner, Bristol**



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Examples of Municipal Expert Fee Regulations: Borough of Naugatuck

Sec 33.3.13 Additional fees for technical services and consultants.

In addition to the standard fees for the processing of an application, the applicant may be required to pay an additional fee to cover the costs of technical services and consultants to analyze, review and report on areas requiring a detailed, technical review if one or more of the following are met in the opinion of the commission / agency:

- (1) The nature and intensity of the project may have a substantial impact on the site and its surrounding areas;*
- (2) The project is large, complex or otherwise a substantial project;*
- (3) Town staff will not be able to complete a technical review of the application in the time period prescribed by the General Statutes;*
- (4) The project poses environmental, traffic and/or other issues beyond the expertise of Town staff to evaluate and make appropriate recommendations; or*
- (5) Additional technical evaluations are determined by the commission/agency to be necessary to fulfill the Town requirements for processing the application and/or may be necessary to obtain a satisfactory evaluation of the application.*

“We have adopted these changes because they enable us to have a neutral third-party review of proposed project applications. A third-party review may identify and bring up something that we have not discussed already in our review process.”

- Ed Carter, Certified Zoning Enforcement Officer, Naugatuck



Examples of Municipal Expert Fee Regulations: Town of Killingworth

Article IV : Technical Assistance Sec. 275-6 Fees

- A. *If the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission or Zoning Board of Appeals finds that the nature and intensity of any proposed activity, use or development may have a significant impact on the site and its surrounding areas or that an application to any such commission or board may substantially affect regulated areas, then the Town may require additional technical assistance, which term shall also include legal assistance, in reviewing, evaluating and processing an application in accordance with its regulations. The Town will estimate the expense of the additional technical assistance based on a preliminary estimate prepared by a qualified party or expert. The amount of this estimate plus 50% of such amount for contingency will be the applicable technical assistance fee to be deposited with the Town. The applicant will pay the technical assistance fee simultaneous with submission of any such application or prior to review of such application.*
- B. *Upon completion of the technical review, including any conditions of approval made in the final action by the commission or board on the application, the Town will determine the costs incurred, pay the invoice of the qualified expert, and refund any excess amount to the applicant. The applicant will not be responsible for costs incurred for technical assistance that exceed 150% of the Town's estimate.*

Next Steps:

Encourage your land use commissions to amend or adopt expert fee language in their regulations. Should you desire any support in adopting expert fee language, please feel free to contact NVCOG Community Planner Emely Ricci, at ericci@nvcogct.gov or (475) 233-2068.



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