



To: Board of Selectmen  
From: Richelle Hodza, Land Use Director *R.H.*  
Date: November 15, 2023  
Re: Adoption of the Revised Support Service Fee (§70-2 of the Weston Town Code)

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The proposed amendments to this Ordinance were adopted by the Board of Selectmen on October 21, 2021. However, it was recently discovered that the post-adoption notice procedures outlined in Section 4.4 of the Town Charter did not happen. As a result, this request is presented to you again. Thank you!

The Board of Selectmen adopted the Town's current land use fee ordinance on July 1, 2006. §70-2 of the Weston Town Code contains provisions for a Support Service Fee. The Support Service Fee permits the Planning & Zoning Commission, the Zoning Board of Appeals, and the Conservation Commission to engage the services of an outside consultant to evaluate and review an application with the costs of the review paid by the applicant. The Support Service Fee section of the land use fee ordinance expired on June 30, 2021. The Board of Selectmen last extended the Support Service fee on June 22, 2017 for the period of July 1, 2017 to June 30, 2021.

The Support Service Fee is a valuable tool for the land use boards, albeit a tool that they have utilized a limited number of times. I recommend that §70-2 of The Weston Town Code, Support Service Fee, be extended without an expiration date. The Town Attorney agrees with this recommendation. Additional revisions are proposed so the Support Service Fee is consistent with Section 2(b) of Public Act 21-29, permitting municipalities to charge land use board applicants the cost of reasonable fees associated with any necessary review by consultants.

### **History**

In the fifteen years since the Support Service Fee was adopted, the Town's Conservation Commission has voted to require the fee five times. The most recent time was in November 2011 to engage Todd Ritchie, P.E. and Michelle Ford, Registered Professional Soil Scientist of GHD, Inc. to review an application to remediate wetlands violations on a site on Smith Ridge Road. The Commission approved the remediation plans and included permit conditions drafted by Mr. Ritchie. Mr. Ritchie also conducted site visits with staff, the Commission and the owner's landscape architect to assure compliance. The independent review resulted in a successful remediation project. The Planning & Zoning Commission and the Zoning Board of Appeals have never utilized the Support Service Fee.

**Section 70-2. Support Service Fee**

- A. The Weston Planning & Zoning Commission, the Weston Zoning Board of Appeals, and/or the Weston Conservation Commission may require the services of outside consultants WITH EXPERTISE IN LAND USE to evaluate or supplement application materials. Technical areas subject to such ~~services~~ REVIEW include, but are not limited to, ~~soil studies, water studies, traffic studies, building plans, engineering studies, surveys, etc.~~ ARCHITECTURE, ENGINEERING, TRAFFIC, STORMWATER MANAGEMENT, SEWAGE DISPOSAL, WATER SUPPLY AND SIMILAR SYSTEMS.
- B. The decision to require the Support Service Fee shall be by affirmative vote of no fewer than five members of the Planning and Zoning Commission, or no fewer than five members of the Conservation Commission, unless there are only four members qualified to vote then a unanimous vote is required. The decision to require the Support Service Fee shall be by affirmative vote of no fewer than four members of the Zoning Board of Appeals. The fees for any outside consultant(s) shall be borne entirely by the applicant and shall be deposited with the Town prior to review of such application.
- C. The applicant shall deposit 150% of the estimated cost of REASONABLE FEES ASSOCIATED WITH ANY NECESSARY review of such application by such outside consultant(s), based on a preliminary estimate determined by a qualified party or expert, prior to review of such application. Upon completion of the technical review by the outside consultant(s), the Town shall determine the costs incurred for the review and refund ~~the excess monies~~ ANY AMOUNT OF THE FEE REMAINING AFTER PAYMENT OF ALL EXPENSES FOR SUCH TECHNICAL REVIEW, INCLUDING ANY INTEREST ACCRUED, to the applicant NOT LATER THAN FORTY-FIVE (45) DAYS AFTER COMPLETION OF THE TECHNICAL REVIEW. The applicant will not be responsible for any costs incurred for THE technical ~~assistance~~ REVIEW which exceed 150% of the collected ~~estimate~~ FEES. The effective date of this section of this section of the ordinance shall be July 1, 2008. ~~This section of the ordinance shall expire on June 30, 2021, unless sooner extended by specific vote of the Board of Selectmen.~~

<i>Adopted by Board of Selectmen</i>	<i>June 3, 2008</i>
<i>Effective Date</i>	<i>July 1, 2008</i>
<i>Expired</i>	<i>June 30, 2021</i>
<i>Amended</i>	<i>[April or May, 2023]</i>

*Note: By vote of the Board of Selectmen on 5-7-2009, the support service fee was extended to 6-30-2011. By vote of the Board of Selectmen on 5-23-2011, the support service fee was extended to 6-30-2013. By vote of the Board of Selectmen on 6-10-2013, the support service fee was extended to 6-30-2017. By vote of the Board of Selectmen on 6-22-2017, the support fee was extended to 6-30-2021.*