



Town of Simsbury Conservation Commission

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

May 16, 2023

Town of Simsbury
Board of Selectmen
933 Hopmeadow Street
Simsbury, Connecticut 06070

Honorable Board Members:

The Town Code allows outside technical assistance for its land use commissions when reviewing large and complex projects. Section 85-6.1 states that Commissions may engage subject matter experts such as engineers, traffic consultants, or soils scientists to assist the Commission when the nature, scope, or intensity is beyond the technical capacity of Town Staff to fully evaluate.

However, under the existing code, technical assistance, at the applicant's expense, is only available for a "large and complex project", which is defined as "proposed new construction of 100,000 square feet of gross building area or more and/or proposed new parking areas of 200 parking spaces or more". An application before the Conservation Commission might raise complex technical issues with potential impacts to wetlands and watercourses without involving large buildings or parking lots. In such an instance, third party technical assistance would not be available to the Commission.

We suggest that §85-6.1 A be amended to provide that subject matter experts may be retained at the Commission's discretion, without specific metrics being imposed. There would be no danger of excess on the commission's part since every proposal for the retention of an expert requires Board of Selectmen approval. There is no cost to the Town for the additional technical assistance.

The town code makes a provision for the retention of outside experts, at applicants' expense, to support the commission, but we submit that the relevant section, §85-6.1, is too restrictive.

We would very much appreciate support and your help in bringing this matter before the Board of Selectmen. Thank you for attention. A suggested revision of §85-6.1 A is attached.

Very truly yours,

Simsbury Conservation Commission

A handwritten signature in blue ink that reads "Margery Winters".

by Margery Winters
its Chairman

cc: Chairman David Ryan, Zoning Commission
Chairman Steven Antonio, Zoning Board of Appeals
Chairman Erin Leavitt-Smith, Planning Commission

§ 85-6.1. Large and complex projects. [Added 9-10-2007]

A. For purposes of this section, "large and complex project" shall mean a land development project before the Planning Commission or Zoning Commission which has, cumulatively, proposed new construction of 100,000 square feet of gross building area or more and/or proposed new parking areas of 200 parking spaces or more or a project before the Conservation Commission which the Conservation Commission deems complex.

B. The Planning Commission, Zoning Commission, the Conservation Commission/Inland Wetlands and Watercourses Agency or Zoning Board of Appeals (hereinafter collectively the "land use agencies" or each individually a "land use agency") may require additional technical assistance in reviewing and evaluating applications for a large and complex project if the land use agencies or a land use agency determines that the nature, intensity, scope or impact of the proposed development is beyond the technical capacity of Town staff to fully evaluate and the actual cost of processing a municipal land use application exceeds the established minimum fee. The requested technical assistance shall directly pertain to the statutory jurisdiction of the land use agencies or land use agency requesting the supplemental fee. The requested supplemental fee shall be limited to the documented actual cost of retained technical consultants as noted in Subsection F.

C. When, after consulting with their staff, the land use agencies or a land use agency makes such a determination that a consultant or consultants with technical expertise in engineering, traffic, environmental, economics, planning and law and/or independent studies are required to process the application, the land use agencies or a land use agency shall obtain proposals from identified consultants. After receiving proposals for such consultant or consultants and/or independent studies, the land use agencies or a land use agency shall recommend the retention of selected consultants and prepare an estimated fee based on the actual costs of retaining such consultants and submit the proposed fee to the Board of Selectmen for adoption as a resolution. Prior to the submission of the proposed fee to the Board of Selectmen, the land use agencies or land use agency shall give notice of the proposed fee to the applicant and provide the applicant with an opportunity to comment on the scope and amount of the proposed fee.

D. After approval of the fee by the Board of Selectmen, the land use agencies or a land use agency shall bill the applicant for the approved fee. The approved fee for technical assistance, together with the application fee from the fee schedule, shall be paid forthwith. No application shall be deemed filed and complete unless accompanied by the appropriate application fees.

E. Any consultant fees not expended on review of the application shall be refunded to the applicant upon conclusion of the application process.

F. In the event that consultant costs are in excess of the approved fee paid by the applicant, the land use agencies or a land use agency shall bill the applicant, who shall pay such additional costs prior to the issuance of the permit or license sought. In no event shall the excess costs billed to the applicant exceed 110% of the approved fee.