Chapter 15

PLANNING*

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*__Cross references__—Buildings and building regulations, Ch. 6; flood damage prevention, Ch. 9; parks and recreation, Ch. 14; streets and sidewalks, Ch. 19.

State law reference—Zoning, planning, economic development, etc., G.S. Title 8.

ARTICLE I. IN GENERAL

Sec. 15-1. Filling of lowlands.

(a) No person shall undertake the filling and reclamation of marshlands, places of natural drainage or places where water naturally tends to accumulate until written notice of such proposed filling is given to the director of health, who shall thereupon inspect the side of the proposed fill.

(b) Following such inspection the director of health shall issue a certificate of inspection indicating the opinion of the director of health as to the suitability of the filled and reclaimed area for sanitary systems.

(c) Inspection may be waived upon the written representation of the applicant that such reclaimed area will not be used for the layout of any sanitary system.

(d) Any person who fills or reclaims land without first complying with the provisions of this section shall be guilty of an infraction punishable in accordance with section 1-11.
(Ord. of 4-13-65(1), §§ 1—4)

Sec. 15-2. Land use application fees.

Pursuant to the provisions of G.S. § 8-1c, the town adopts the following fee schedules for applications to the planning and zoning commission, the planning and zoning administrator (as agent for the planning and zoning commission), the zoning board of appeals, the inland wetlands agency, and the inland wetlands official (as agent for the inland wetlands agency).

(a) *Fees that must be submitted with the application.* The following fees shall be due at the time the application is filed. The failure to submit any such fee shall render the application incomplete and shall be grounds for the relevant commission, board or agent to refuse to process the application or to deny the application.

APPLICATION TYPE		*FEE*
ZONING		
Regulation Text Amendment/Zone Change		$ 500 .00
Floating Zone		500.00
Special Exception Permit/Site Plan Review (The Maximum Fee Shall Be $3,000.00)		150.00 plus 25.00 per dwelling unit and/or 5.00 per 100 sq. ft. of nonresidential use
Special Exception Permit Modification/Site Plan Review Modification (The Maximum Fee Shall Be $3,000.00)		150.00 plus 25.00 per new dwelling unit and/or 5.00 per 100 sq. ft. of nonresidential use (new construction or substantial reconstruction)
Modification of Floating Zone Concept Plan		150.00
DVD Major Alteration		150.00
DVD Minor Alteration		50.00
Accessory Apartment		
a.	Certificate of Zoning Compliance	75 .00
b.	Annual Residence Statement	15.00
Earth Removal/Filling Permit		500.00
Customary Home Occupation		25.00
Day Care Facility For Six or Fewer Persons		25.00
Bed and Breakfast		50.00
Signage		
a.	Permanent Sign Application	100.00

APPLICATION TYPE		FEE
b.	Temporary Sign Application	50.00
c.	Temporary Sign Annual Renewal	25.00
d.	Temporary Sign Registration	NC
Trailer Permit, Home Under Construction		50.00
Review Letter—Zoning Compliance		25.00 plus 50.00/hr. research
PLANNING		
Subdivision Regulation Amendment		500.00
Subdivision/Resubdivision Application		250.00 or 100.00 per lot (whichever is greater) plus 1.00 per linear foot of proposed road or road to be reconstructed or modified
Lot Line Revision/Subdivision Modification		75.00 per lot involved plus 1.00 per linear foot of road to be modified
ZONING BOARD OF APPEALS		
Variance Application		175.00
Appeal Of Decision		175.00
Certificate of Location		175.00
PLANNING, ZONING and ZBA		
Coastal Site Plan Review		
a.	Without other application	75.00
b.	With other application	50.00
Extension Of Previous Approval		50.00
Rescheduled Public Hearing (Requested By Applicant After Publication)		45.00
Additional Fee If CEPA Intervention Is Filed		250.00
INLAND WETLANDS AGENCY		
Permitted And Nonregulated Uses—Section 4 of these Regulations		
a.	Permitted Uses As Of Right (Section 4.1)	50.00
b.	Nonregulated Uses (Section 4.2)	50.00
Regulated Uses—Section 6 of the Regulations		
a.	Residential Uses	75.00 plus: 25.00/lot or 45.00/acre wetlands, rounded to the nearest tenth of an acre, on the property, whichever is more
b.	Commercial Uses	75.00 plus: Fee from Schedule A
c.	All Other Uses	75.00
Significant Activity Application Fee—Section 7.6 of the Regulations		175.00
Map Amendment Applications—Section 16.4 of the Regulations		175.00 plus: Fee from Schedule B
Modification, Extension Or Transfer of Previous Approval—Section 12 of the Regulations		50.00 (No fee for correcting typographical or other errors)

APPLICATION TYPE	*FEE*
Wetland Review Area Markers	2.00 per Marker
Schedule A. For the purpose of calculating the permit application fee, the Regulated Area in Schedule A is the total area of wetlands and watercourses upon which a Regulated Activity is proposed	
Less than and including the first 2,500 sq. ft. of Regulated Area	18.00/1,000 sq. ft. of Regulated Area
From 2,501 to 50,000 sq. ft. of Regulated Area	12.00/1,000 sq. ft. of Regulated Area
For any additional amount over 50,000 sq. ft. of Regulated Area	6.00/1,000 sq. ft. of Regulated Area
Schedule B. For the purpose of calculating the map amendment application fee, the Regulated Area in Schedule B is the total length of wetlands and watercourses boundary subject to the proposed boundary change	
Less than and including the first 500 linear ft. of boundary area	20.00/100 linear ft. of boundary
From 501 to 1,000 linear ft of boundary area	15.00/100 linear ft. of boundary
For any additional amount over 1,000 linear ft of boundary area	8.00/100 linear ft. of boundary
Exemption. Boards, commissions, councils and departments of the Town of Madison are exempt from all fee requirements under Subsection 21.5 of the Inland Wetland Regulations.	
STATUTORY FEES	
As may be required by State law.	

(b) *Consultants' fees and expenses.*

1. *Determining need for consultants.* Following the submission of any of the foregoing applications, the relevant commission, board or official may determine that it, he or she will require the assistance of professional consultants, including, but not necessarily limited to, scientific, engineering, and legal consultants, to review the application or to provide monitoring services. Issues for which such review or monitoring may be needed may include, but are not limited to, compliance with existing laws and regulations; the potential for environmental or other impacts; the need for public improvements, drainage improvements, sediment and erosion-control measures, and other environmental safety measures; and the provision of adequate legal conveyances and financial performance security. It is the purpose of this Ordinance to ensure that any fees and expenses reasonably incurred by the commission, board or official in procuring such services be reimbursed by the applicant.

2. *Estimate of fees.* If the assistance of professional consultants is found to be necessary or appropriate at any time after the submission of an application, the relevant commission, board or official may estimate the fees and expenses that such consulting services are likely to entail. The estimate, which shall not be binding on the commission, board or official, may be derived in any reasonable manner, including but not limited to (1) a good-faith estimate of the hours that the consultants are likely to require based upon the specific nature of the application, or (2) a schedule of estimated unit fees (e.g., a standard, per-lot fee or per-acre fee) adopted for general use on the basis of the commission's, board's or official's prior experience with similar applications. Any estimate provided under this section shall be for

the purpose of establishing an escrow account, as described below, and shall not prohibit the commission, board or official from seeking additional consultants' services if the need or desirability of such services is determined after the nonbinding estimate has been provided.

If the likely amount of consulting fees is estimated on the basis of the hours the consultants are likely to require to perform the needed services, but the commission, board or official does not have specific knowledge of the fees the consultants may charge, the estimate of fees may be calculated in accordance with the following schedule:

i.	Technical (including engineering or scientific) consultants, per hour ...	$ 150.00
ii.	Legal consultants, per hour.....	250.00
iii.	Review by town staff (not including any agent issuing a permit), per hour.....	50.00
iv.	Other consultants' expenses	As may reasonably be estimated

In the event the commission, board or official, at the time of estimating the consultants' fees, has already secured the services of one or more consultants whose hourly rates differ from those in the foregoing schedule, the hourly rates actually charged by the consultants shall be used for the estimate in lieu of those set forth in the foregoing schedule.

3. *Payment of estimated fees.* Within ten (10) days after the commission, board or official notifies an applicant of any estimate of fees and expenses made pursuant to this section, the applicant shall provide a sum equivalent to one hundred (100) percent of the estimated amount, except as provided in subsection 4. All such funds received from the applicant shall be deposited into an escrow account to be held by the town. Wherever possible, the amount required pursuant to the foregoing provisions must be paid before the commission, board or official holds any required public hearing or makes any decision on the application. If the amount required is not timely paid and the commission, board or official is obliged by the provisions of state law to commence a public hearing or render a decision, the commission, board or official may deny the application as incomplete.

4. *Maintenance of minimum balance.* The commission, board or official shall require the applicant to maintain a minimum balance in the fee escrow account of twenty-five (25) percent of the amount of fees estimated pursuant to subsection (b)2., above. The commission, board or official shall notify the applicant upon receipt of any invoice for consultants' services, the payment of which would cause the escrow account balance to fall below twenty-five (25) percent of the estimated fees. The applicant shall then have thirty (30) days to provide sufficient additional funds to restore the escrow account balance to at least twenty-five (25) percent of the estimated fees. If the amount required is not timely paid and the commission, board or official is obliged by the provisions of state law to commence a public hearing or to render a decision, the commission, board or official may deny the application as incomplete.

5. *Use of escrowed funds.* Funds paid into the escrow account shall be applied as needed to offset the actual consultants' fees and expenses in-

curred by the relevant commission, board or agent. In the event the amount paid by the applicant exceeds the total amount actually needed to reimburse the fees and expenses incurred by the commission, board or official, the balance remaining in the escrow account shall be promptly returned to the applicant. In the event the amount paid into the escrow fund is less than required to reimburse all applicable consultants' fees and expenses, the applicant shall be required to pay the balance due as a prerequisite to the issuance or maintenance of any final permit or the final approval of any application or petition. If a permit or approval has been issued before the required additional fees are incurred or become due, the applicant shall be obliged to pay the additional fees within thirty (30) days after billing. The failure to pay such fees when due shall be grounds for revocation of the permit or approval.

(c) The foregoing fees shall supersede any fees previously established by the board of selectmen, planning and zoning commission or inland wetlands agency.

(d) In the event that any applicant, at the time a nonbinding estimate of consultants' fees is being made pursuant to subsection (b), has failed to pay any portion of the fees due under this section with respect to a prior application, the applicant will be required to provide a sum equivalent to one hundred fifty (150) percent, rather than one hundred (100) percent, of the estimated fees and expenses.

(Ord. of 5-21-84(1); Ord. of 11-20-09(1))

Sec. 15-3. Alternate members of zoning board of appeals.

The four (4) alternate members of the zoning board of appeals shall be elected at municipal elections for a term of four (4) years. Nominations of candidates for the initial term provided for in this section shall be made in the manner provided for in G.S. § 9-221 for vacancies occurring in elective municipal offices between the eighty-fifth and the twenty-first day prior to a municipal election, namely by the appointment of nominees by each town committee.

(Ord. of 8-11-59; Ord. of 4-23-07(3))

Sec. 15-4. Zoning board of appeals to fill vacancies caused by disqualification.

(a) Pursuant to section 8-11 of the General Statutes, the board of selectmen may choose an elector or electors of the town to act as a member or members of the zoning board of appeals in the hearing and/or determination of a matter before the board in which a regular member or members of such board is or are disqualified, provided, however, that such replacement or replacements shall first be made from alternate members pursuant to the provisions of section 8-1b of the General Statutes. Any such elector shall not be a member of the planning and zoning commission.

(b) The names of such elector or electors so chosen shall be given to the chairman of the zoning board of appeals, who shall rotate service among such replacements, as they are needed, so far as is practical.

(c) Such replacement or replacements shall only act as a member or members of such board in the hearing and determination of a matter before such board in place of a disqualified regular member, and, when so seated, shall have all the powers and duties vested in members of the zoning board of appeals by the General Statutes.

(Ord. of 1-3-94)

Sec. 15-5. Designation of the planning and zoning commission as the town's aquifer protection agency.

(1) *Designation and membership.*

(a) In accordance with the provisions of G.S. § 22a-354a et seq., the planning and zoning commission is hereby designated as the aquifer protection agency ("hereinafter the agency") of the town. [The staff of the planning and zoning office shall serve as the staff of the agency.]

(b) Members of the planning and zoning commission shall serve coexisting terms on the agency. The membership requirements of the agency shall be the same as those of the planning and zoning commission including, but not limited to, the number of members, terms, methods of selection and removal of members, and filling of vacancies.

(c) At least one (1) member of the agency or staff of the agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to G.S. § 22a-354v.

(2) *Regulations to be adopted.*

(a) The agency shall adopt regulations in accordance with G.S. § 22a-354p and R.C.S.A. § 22a-354i-3. Said regulations shall provide for:

(i) The manner in which boundaries of aquifer protection areas shall be established and amended or changed.

(ii) Procedures for the regulation of activity within the area.

(iii) The form for an application to conduct regulated activities within the area.

(iv) Notice and publication requirements.

(v) Criteria and procedures for the review of applications.

(vi) Administration and enforcement.

(3) *Inventory of land use.*

(a) In order to carry out the purposes of the aquifer protection program, the agency will conduct an inventory of land use within the area to assess potential contamination sources.

(b) Not later than three (3) months after approval by the Commissioner of the Connecticut Department of Environmental Protection of level B mapping of aquifers, the agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the commissioner pursuant to G.S. § 22a-354f. Such inventory shall be completed not more than one (1) year after authorization of the agency [G.S. § 22a-354e].

(Ord. of 7-24-06)

Secs. 15-6—15-20. Reserved.

ARTICLE II. ECONOMIC DEVELOPMENT COMMISSION*

Sec. 15-21. Established; composition.

An economic development commission, pursuant to section 7-136 of the General Statutes, is hereby established. The commission shall consist of seven (7) members to be appointed by the board of selectmen.
(Ord. of 7-16-79)

Sec. 15-22. Terms of members.

Initially the members appointed to the economic development commission shall serve staggered terms. Thereafter, all appointments shall be for five-year terms.
(Ord. of 7-16-79)

Secs. 15-23—15-40. Reserved.

ARTICLE III. INLAND WETLANDS AGENCY†

Sec. 15-41. Creation.

There shall be an inland wetlands agency for the town established in accordance with An Act Concerning Inland Wetlands and Water Courses.
(Ord. of 1-17-74, § 1)

***Cross reference**—Boards, commissions and committees, § 2-76 et seq.

State law reference—Economic development commissions, G.S. § 7-136.

†**Cross reference**—Boards, commissions and committees, § 2-76 et seq.

State law reference—Wetlands and watercourses, G.S. § 22a-28 et seq.

Sec. 15-42. Responsibilities.

The inland wetlands agency shall have all the powers and responsibilities authorized under the General Statutes.
(Ord. of 1-17-74, § 2)

Sec. 15-43. Membership.

The inland wetlands agency shall be composed of seven (7) members and three (3) alternate members who shall be appointed by the board of selectmen. The original regular members shall be appointed for staggered terms. Thenceforth, all terms for regular and alternate members shall be four (4) years. Members and alternates shall continue to serve until their successors have been appointed and qualified.
(Ord. of 1-17-74, § 3)

Sec. 15-44. Vacancies.

Any vacancy in the membership of the inland wetlands agency or of the alternates shall be filled by the board of selectmen pursuant to section 5-6-F of the Charter.
(Ord. of 1-17-74, § 4)

Sec. 15-45. Organization; promulgation of regulations.

After the full membership of the inland wetlands agency has been appointed by the board of selectmen, the members shall meet for the purpose of organizing the inland wetlands agency, and they shall elect a chairman, a vice-chairman and a secretary. The agency shall have the power to employ staff personnel to carry out the functions of the agency, subject to the approval of the board of selectmen. Forthwith upon the organization of the agency, the agency shall proceed to promulgate regulations for the implementation of Public Act No. 155 in accordance with the procedures set forth in that Act and the regulations promulgated pursuant to that Act by the commissioner of the department of environmental protection.
(Ord. of 1-17-74, § 5)

Secs. 15-46—15-60. Reserved.

ARTICLE IV. HISTORIC DISTRICT*

Sec. 15-61. Definitions.

As used in this article, the following terms shall have the meaning indicated:

(a) *Altered* means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed.

(b) *Erected* means constructed, built, installed or enlarged.

(c) *Exterior architectural features* means such portion of the exterior of a structure or building as is open to view from a public street, way or place.

(d) *Building* means a combination of materials forming a shelter for persons, animals or property.

(e) *Structure* means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls.

(f) *Appropriate* means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

(Ord. of 4-23-07(8), § 1)

Sec. 15-62. Established.

In order to promote the educational, cultural, economic and general welfare of the town and others through the preservation and protection of buildings and places of historic interest and through the development of appropriate settings for such buildings and places, the Madison Historic District and the Liberty Street Neighborhood Historic District are hereby established pursuant to G.S. §§ 7-147a to 7-147o inclusive, as may be amended.
(Ord. of 4-23-07(8), § 2; Amend. of 9-23-13)

***Editor's note**—Ord. of 4-23-07(4) repealed Art. IV, titled Preservation Board and consisting of §§ 15-61—15-63. Said article derived from Ord. of 1-19-81. Ord of 4-23-07(8) enacted the new provisions set out herein.

Sec. 15-63. Establishment of Madison Historic District Commission.

A Madison Historic District Commission consisting of five (5) members and three (3) alternate members is hereby established. It shall be the purpose of the commission to perform the duties and functions of a historic district commission as provided in G.S. §§ 7-147a to 7-147o, inclusive, as may be amended.
(Ord. of 4-23-07(8), § 3)

Sec. 15-64. Organization of historic district commission.

The board of selectmen shall appoint five (5) members and three (3) alternate members to the commission in such a manner that the terms of one (1) member shall expire on the first day of January of each year commencing in 2007 and continuing to 2011 inclusive, and the terms of one (1) alternate member shall expire on the first day of January of each year commencing in 2007 and continuing to 2009 inclusive. All subsequent appointments shall be made by the board of selectmen and shall be for a term of five (5) years each except that an appointment to fill an unexpired term shall be for the duration of such unexpired term only. At all times one (1) or more of the members or alternates of the historic district commission shall be residents in the Madison Historic District and one (1) or more of the members or alternates of the historic district commission shall be residents in the Liberty Street Neighborhood Historic District, if there are such residents willing to serve on such commission. Members and alternate members shall be electors of the Town holding no salaried Town office. Within a period of thirty (30) days after the appointment of members to the first Commission, such members shall meet, organize, and elect a chairman, vice chairman and clerk from its own members. Within a period not exceeding thirty (30) days after the first day of January of each succeeding year commencing in 2007, the members of the commission shall elect a chairman, vice-chairman and clerk from its own members. When a member of the commission is unable to act at a particular time because of absence, illness or self-interest, or other good reason, he shall notify the chairman of the commission, and the chairman shall designate an alternate member to serve in place of the member. All members and alternate members shall serve without compensation.
(Ord. of 4-23-07(8), § 4; Amend. of 9-23-13)

Sec. 15-65. Powers of historic district commission.

The historic district commission shall be vested with all powers and shall faithfully perform all duties imposed upon historic district commissions in G.S. §§ 7-147a to 7-147o inclusive, as may be amended. The Commission shall fix the time and place of its regular meetings. The presence of four (4) members or alternate members shall constitute a quorum, and no resolution or vote shall be adopted by less than three (3) affirmative votes. The commission may adopt regulations, rules of procedure and orders to carry out the purpose of this article.
(Ord. of 4-23-07(8), § 5)

Sec. 15-66. Certificate of appropriateness.

(a) No building or structure shall be erected, altered, restored, moved or demolished within the historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the commission and approved by the commission. Exterior architectural features shall include such portion of the exterior of a structure as is open to view from a public street, way or place. A certificate of appropriateness shall be required whether or not a building permit is required. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(b) The commission may request such plans, elevations, specifications, material and other information including, in the case of demolition or removal, a statement of the proposed conditions and appearance of the property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.
(Ord. of 4-23-07(8), § 6)

Sec. 15-67. Application for certificate; hearing; approval.

The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the town not more than fifteen (15) days or less than five (5) days before such hearing. The commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination. In the notice to the applicant the commission may make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in section 15-66, shall be a certificate of appropriateness issued by the commission. Failure of the commission to act within sixty-five (65) days shall constitute approval and no evidence of approval shall be needed. The commission shall keep a record of all applications for certificates of appropriateness and of its entire doings.
(Ord. of 4-23-07(8), § 7)

Sec. 15-68. Considerations in determining appropriateness.

(a) If the historic district commission determines that the proposed erection, construction, restoration, alteration or razing will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, aboveground utility structures, mechanical appurtenances and the type and texture of building materials. In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood. A certificate of appropriateness may be refused for any building or structure, the erection, reconstruction, restoration, alteration or razing of which, in the opinion of the commission, would be detrimental to the interest of the historic district.

(b) In its deliberations, the historic district commission shall not consider interior arrangement or use and shall take no action except for the purpose of preventing the erection, reconstruction, restoration, alteration or razing of buildings in the historic district obviously incongruous with the historic aspects of the district.
(Ord. of 4-23-07(8), § 8)

Sec. 15-69. Variances and modifications.

Where, by reason of topographical conditions, district borderline situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provisions of G.S. §§ 7-147a to 7-147o, inclusive, as may be amended, would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to the sections or to interpret the meaning of the sections so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of such sections so that the general character of the district shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will in its judgment better fulfill the purpose of such sections.
(Ord. of 4-23-07(8), § 9)

Sec. 15-70. Action by historic district to prevent illegal acts.

(a) If any action or ruling taken by the commission pursuant to the provisions of G.S. §§ 7-147a to 7-147o inclusive, as may be amended, has been violated, the commission may, in addition to

other remedies, institute an action or proceeding in the superior court for the judicial district wherein such violation exists to prevent such unlawful erection, construction, reconstruction, alteration, razing, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land. Regulations and orders of the commission issued pursuant to such sections of the Connecticut General Statutes shall be enforced by the zoning enforcement officer or the designee of the first selectman who is hereby authorized to inspect and examine any building structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of such sections of the Connecticut General Statutes.

(b) The owner or agent of any building or premises where such a violation has been committed or exists, or where the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in which such violation exists, shall be fined not more than one hundred dollars ($100.00) for each day that such violation continues, but, if the offense is willful, the person convicted thereof shall be fined not more than two hundred fifty dollars ($250.00) for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense.
(Ord. of 4-23-07(8), § 10)

Sec. 15-71. Appeals.

Any person severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within fifteen (15) days from the date when such decision was rendered, take an appeal to the superior court for the judicial district of New Haven which appeal shall be made returnable to such court in the same manner as that prescribed for civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the commission within twelve (12) days before the return day to which such appeal has been taken. Procedure upon such appeal would be the same as that defined in G.S. § 8-8.
(Ord. of 4-23-07(8), § 11)

Sec. 15-72. Exempted acts.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the historic district which does not involve a change of appearance or design thereof nor to prevent the construction, reconstruction, alteration, or demolition of any such appearance or feature which the building inspector certifies is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any feature under a permit issued by the building inspector prior to the effective date of establishment of the district.
(Ord. of 4-23-07(8), § 12)

Sec. 15-73. Boundaries.

The boundaries of the Madison Historic District shall be defined as follows:

Starting on the north side of Meetinghouse Lane at the intersection with Copse Road, the northern boundary runs easterly along the rear lot lines of the properties on Meetinghouse Lane and School Street across Academy Street to include the property at 581 Boston Post Road. The eastern boundary follows the eastern property line of 581 Boston Post Road, proceeds westerly along the centerline of Boston Post Road, then follows the easterly property line of 558 Boston Post Road on the south. The southern boundary runs westerly along the rear property lines of 558 through 438 Boston Post Road, except that at 8 West Wharf Road, it follows a line that connects the rear corners of 498 and 448 Boston Post Road. The western boundary line follows the western property line of 446 Boston Post Road, proceeds

easterly along the centerline of Boston Post Road, then follows the western property line of 1 Advent Hill. The north boundary line follows the rear property lines from 1 Advent Hill east along Boston Post Road and Britton Lane to Copse Road where it follows the centerline of the road to the starting point.

The boundaries of the Liberty Street Neighborhood Historic District shall be defined as follows:

Starting at the northernmost point of lot 29-138, proceed southeast along its northern boundary to the point where it turns to the south. Proceed south along the eastern boundary of lot 29-138 and 29-139 to the midline of Liberty Street. Proceed along the midline of Liberty Street to a point opposite the southwest corner of lot 29-142. Proceed to the southwest corner and then along the western and northern boundaries of the lot to the point of intersection with the western boundary of lot 29-143. Proceed north, east, and south along the boundaries of the lot to the northernmost corner of lot 29-144. Follow the northern boundary of 29-144 and 29-145 to the eastern boundary of lot 29-145. Follow this south to the point of intersection with the boundary of lot 29-146. Follow the northern and eastern boundaries of lot 29-146 to the midline of Liberty Street. Follow the midline of Liberty Street to a point opposite the easternmost corner of lot 29-62. Proceed southwest and west along the boundary of the lot to the midline of Waterbury Avenue. Proceed north along the midline of Waterbury Avenue to a point opposite the southern boundary of lot 29-84. Proceed west and north along the southern and western boundaries of the lot to the midline of Liberty Street. Follow the midline of Liberty Street to a point opposite the easternmost point of lot 29-129. Proceed southeast along the southern boundary and the north and east along the western boundary to the northernmost point of the lot. Proceed across Liberty Street to the westernmost point of lot 29-135. Proceed east, north, east, to the northernmost point of the property. Proceed southeast along the eastern boundaries of lots 29-135 and 29-136 to the point of intersection with the boundary of lot 29-138. Proceed northeast along the northern boundary of lot 29-138 to the point of beginning.
(Ord. of 4-23-07(8), § 13; Amend. of 9-23-13)

Secs. 15-74—15-80. Reserved.

ARTICLE V. PLANNING AND ZONING COMMISSION*

Sec. 15-81. Number of members; terms.

(a) The number of members of the planning and zoning commission is hereby increased from five (5) to nine (9) and the planning and zoning commission shall henceforth operate and conduct its business as a nine-member commission not counting the first selectman and the town engineer who by the provisions of section 8-19 of the General Statutes are nonvoting members of the commission.

(b) The regular term of office for members and alternates of the planning and zoning commission shall be for four (4) years and all appointments shall run from October 1 of the year in which the appointment is made except as provided below.

(c) In order to implement the provisions of this section the board of selectmen shall appoint forthwith four (4) members to the planning and zoning commission in addition to the five (5) incumbent members now serving. Whereas the terms of the present incumbent members expire on five (5) successive annual dates commencing October 1, 1962, the appointment of new members to the commission shall be conducted as follows: two (2) new members shall be appointed to serve until October 1, 1962, and two (2) new members shall be appointed to serve until October 1, 1963. Commencing as of October 1, 1962, the board of selectmen shall make appointments to fill vacancies created by expired terms as follows: On October 1, 1962, three (3) new members shall be appointed for regular three-year terms expiring October 1, 1965. On October 1, 1963, three (3) new members shall be appointed for three-year terms expiring October 1, 1966. On October 1, 1964, one (1) new member shall be appointed to serve until October 1, 1967. On October 1, 1965, one (1) new member shall be appointed to serve until October 1, 1967, and three (3) new members shall be appointed for regular three-year terms

*Cross reference—Boards, commissions and committees, § 2-76 et seq.

expiring October 1, 1968. On October 1, 1966, one (1) new member shall be appointed to serve until October 1, 1967, and three (3) new members shall be appointed for regular three-year terms expiring October 1, 1969. Thenceforth, annually, commencing October 1, 1967, the board of selectmen shall appoint three (3) members for regular three-year terms.

(d) Commencing with the expiration of regular appointive terms of office on October 1, 1973, the board of selectmen shall appoint successor members to terms of office commencing the first Monday in January next, and henceforth the regular appointive terms of members of the planning and zoning commission shall commence as of the first Monday in January.

(e) Each duly appointed member of the planning and zoning commission shall continue to hold his office until his successor has been appointed and has qualified.
(Ord. of 1-16-62, § 1(a)—(c), (f); Ord. of 1-21-74; Ord. of 4-23-07(5))

Sec. 15-82. Vacancies.

Effective January 1, 2007, vacancies on the planning and zoning commission shall be filled by the board of selectmen for the unexpired portion of the term.
(Ord. of 1-16-62, § 1(d); Ord. of 4-23-07(6))

Sec. 15-83. Alternate members.

(a) Pursuant to section 8-1b of the General Statutes, there shall be three (3) alternate members of the planning and zoning commission (hereinafter referred to as the panel of alternates) who shall have all the powers and duties vested in alternate members of planning and zoning commissions by the General Statutes, as the same may be amended from time to time.

(b) The members of the panel of alternates shall be appointed by the board of selectmen.

(c) Members of the panel of alternates shall be electors of the town and shall not be members of the zoning board of appeals. In the event any member of the panel of alternates shall cease to be an elector of the town, such member shall vacate his position as a member of the panel of alternates.

(d) One (1) member of the original panel of alternates shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years, and one (1) member for a term of three (3) years; and, thereafter, each member of the panel of alternates shall be appointed for a term of three (3) years. All terms prior to January 2005 shall continue until completed. Any new appointment following the expiration of a term shall be made for a four-year term. Each member shall continue to hold office for his term or until his successor has been appointed.

(e) An alternate shall act as a member of the planning and zoning commission in the hearing and determination of the matters before the planning and zoning commission if a regular member is disqualified under the conditions set forth in sections 8-11 and 8-21 of the General Statutes or if a regular member is unable to act due to absence or otherwise in the hearing or determination of a matter before the planning and zoning commission.

(f) Each alternate may attend all meetings and executive sessions of such commission and may take part in all discussions at any meeting at which such alternate is present, but may not present or second a motion, nor vote unless:

(1) Such alternate has been named to serve in place of an absent or disqualified regular member, or

(2) The vote is on a decision upon a public hearing or on acceptance of minutes of a previous meeting at which such alternate served in place of an absent or disqualified regular member.

(g) Alternate members shall be chosen to serve, when required, by the chairman, who will rotate such service among alternate members so far as is practical.

(h) Members of the panel of alternates may be removed for cause by the board of selectmen in accordance with the procedures set forth in the Charter and ordinances of the town.
(Ord. of 2-19-74; Ord. of 8-16-93; Ord. of 4-23-07(7))

Sec. 15-84. Officers; rules; records.

The planning and zoning commission shall elect a chairman and a secretary from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities.
(Ord. of 1-16-62, § 1(e))

Sec. 15-85. Appointment of replacement member in the event of disqualification of a member.

(a) Pursuant to section 8-11 of the General Statutes, the board of selectmen may chose an elector or electors of the town to act as a member or members of the planning and zoning commission in the hearing and/or determination of a matter before the commission in which a regular member or members of the commission is or are disqualified, provided, however, that such replacement or replacements shall first be made from alternate members pursuant to the provisions of section 8-1b of the General Statutes. Any such elector so appointed shall not be a member of the zoning board of appeals.

(b) The names of such elector or electors so chosen shall be given to the chairman of the planning and zoning commission who shall rotate service among such replacements, as they are needed, so far as is practical.

(c) Such replacement or replacements shall only act as a member or members of the commission in the hearing and determination of a matter before the commission in place of a disqualified regular member, and, when so seated, shall have

all the powers and duties vested in members of planning and zoning commissions by the General Statutes.
(Ord. of 8-16-93)

Secs. 15-86—15-100. Reserved.

ARTICLE VI. REGIONAL COUNCIL OF GOVERNMENT*

Sec. 15-101. Creation.

The town hereby joins with such of the towns and cities within its planning region as defined by the state development commission as may enact a similar ordinance to create a regional council of government.
(Ord. of 8-22-67, § 1)

Sec. 15-102. Town representative.

The representative to the regional council of government shall be the first selectman.
(Ord. of 8-22-67, § 2)

Sec. 15-103. Powers, duties.

The regional council of government shall have such powers, purposes, responsibilities and duties as stated in the General Statutes.
(Ord. of 8-22-67, § 3)

Secs. 15-104—15-120. Reserved.

ARTICLE VII. REGIONAL PLANNING AGENCY†

Sec. 15-121. Created.

The town hereby joins the regional planning agency for the South Central Region, as defined by the state development commission.
(Ord. of 11-13-62, § I)

Sec. 15-122. Town representatives.

(a) The town, having a population of four thousand five hundred sixty-seven (4,567) according to the Federal Census of 1960, shall have two (2) representatives to the regional planning agency.

(b) The board of selectmen is hereby authorized to appoint one (1) member to the agency to serve initially a term of one (1) year from November 13, 1962. Thereafter, the term of office will be two (2) years.

(c) The town planning and zoning commission, duly constituted, shall elect one (1) of its members for a term of two (2) years to serve from November 13, 1962. Appointees shall serve for the terms of their offices and until their successors shall have been appointed.
(Ord. of 11-13-62, § II)

Sec. 15-123. Vacancies.

Vacancies in the regional planning agency created by resignation or inability to serve shall be filled by the appointing authority for the remainder of the unexpired term. Any representative who is absent from three (3) consecutive regular meetings of the agency and any intervening duly called special meeting thereof shall be considered to have resigned from the body, except that the requirements of this section may be waived by the board of selectmen for good cause.
(Ord. of 11-13-62, § III)

Secs. 15-124—15-139. Reserved.

ARTICLE VIII. CITATION PROCEDURES AND FINES

DIVISION 1. ZONING VIOLATIONS

Sec. 15-140. Zoning enforcement officer to issue citations.

The zoning enforcement officer is authorized to issue citations for violations of the zoning regulations of the town, to the extent and in the manner provided by this division. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person

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*Cross reference—Boards, commissions and committees, § 2-76 et seq.

†Cross reference—Boards, commissions and committees, § 2-76 et seq.

State law reference—Regional planning agencies, G.S. § 8-31 et seq.

named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. If sent by regular mail, the day of receipt of the citation shall be deemed to be three (3) business days after the day of mailing. The zoning enforcement officer shall file and retain an original or certified copy of the citation.
(Ord. of 11-20-09(2), § 1)

Sec. 15-141. Fines.

The fine for each violation is one hundred fifty dollars ($150.00). Each day that the violation exists shall constitute a separate violation and shall be subject to an additional one-hundred-fifty-dollar ($150.00) fine. All fines shall be made payable to the town.
(Ord. of 11-20-09(2), § 2)

Se. 15-142. Contents of citation.

The citation shall inform the person cited:

(a) Of the allegations against him or her and the amount of the fines due;

(b) That if the person cited does not wish to contest his or her liability, he or she must pay the fine to the town within thirty (30) days after the day of receipt of the citation.

(Ord. of 11-20-09(2), § 3)

Sec. 15-143. Enforcement.

If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the town within the time allowed under section 15-142, the zoning enforcement officer or other town official shall send a notice to the person cited, informing such person:

(a) Of the allegations against him or her, the amount of the fines, and the imposition of the administrative fee set forth in section 15-144;

(b) That the person cited may contest liability before a hearing officer appointed by the first selectman, as provided in section 15-147, by delivering, in person or by mail, within ten (10) days of the date of the notice, a written demand for a hearing;

(c) That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and

(d) That such judgment may issue without further notice.

(Ord. of 11-20-09(2), § 4)

Sec. 15-144. Admission of liability.

If the person who is sent notice pursuant to subsection 15-143 wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, together with an additional administrative fee of twenty-five dollars ($25.00), either in person or by mail. All fines and fees shall be made payable to the town. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the notice described in section 15-143 shall be deemed to have admitted liability, and the zoning enforcement officer shall certify to the hearing officer that such person has failed to respond. The hearing officer shall thereupon enter and assess the fines and fees provided for by this division and shall follow the procedures set forth in section 15-146.
(Ord. of 11-20-09(2), § 5)

Sec. 15-145. Requirements for hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the zoning enforcement officer shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the

hearing and may present evidence in his or her behalf. The zoning enforcement officer may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the hearing officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the zoning regulations. The hearing officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and from and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing. If the hearing officer determines that the person who received the citation is not liable, the hearing officer shall dismiss the matter and enter that determination in writing accordingly. If the hearing officer determines that the person who received the citation is liable for the violation, the hearing officer shall forthwith enter and assess the fines against such person as provided by this ordinance, including an additional hearing fee of fifty dollars ($50.00).
(Ord. of 11-20-09(2), § 6)

Sec. 15-146. Notice of assessment.

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the chief court administrator, together with an entry fee of eight dollars ($8.00) or such other amount as may be required by state law. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
(Ord. of 11-20-09(2), § 7)

Sec. 15-147. Citation hearing officers.

The first selectman shall appoint one or more citation hearing officers to conduct the hearings provided by this division. Neither the zoning enforcement officer nor any official or employee of the town may be appointed as a hearing officer pursuant to this division. The rate of compensation of the hearing officer shall be determined by the board of selectmen.
(Ord. of 11-20-09(2), § 8)

Sec. 15-148. Issuance of citations.

No citation shall be issued pursuant to this division unless:

(i) The zoning enforcement officer has provided notice of the violation to the person who would receive the citation;

(ii) The notice specifies a reasonable time for the violation to be corrected; and

(iii) The violation is not corrected within the time required.

The hearing officer shall not uphold the issuance of any citation if he or she determines that the time provided for the violation to be corrected was unreasonable under all of the circumstances.
(Ord. of 11-20-09(2), § 9)

Secs. 15-149—15-164. Reserved.

DIVISION 2. INLAND WETLANDS AND WATERCOURSES VIOLATIONS

Sec. 15-165. Inlands wetlands agent to issue citations.

The inland wetlands agent is authorized to issue citations for violations of the inland wetlands and watercourses regulations of the town, to the extent and in the manner provided by this division. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. If sent by regular mail, the day of receipt of the citation shall be deemed to be three (3) business days after the day of mailing. The inland wetlands agent shall file and retain an original or certified copy of the citation.
(Ord. of 11-20-09(3), § 1)

Sec. 15-166. Fines.

The fine for the first such citation issued to any person with respect to any specific parcel of land shall be two hundred fifty dollars ($250.00). The fine for the second citation issued to any person with respect to any specific parcel of land shall be five hundred dollars ($500.00). The fine for any subsequent citation shall be one thousand dollars ($1,000.00). A separate citation may be issued for each day of a continuing violation. No such fine may be levied against the state or any employee of the state acting within the scope of his or her employment. All fines shall be made payable to the town.
(Ord. of 11-20-09(3), § 2)

Sec. 15-167. Contents of citation.

The citation shall inform the person cited:

(a) Of the allegations against him or her and the amount of the fines due;

(b) That if the person cited does not wish to contest his or her liability, he or she must pay the fine to the town within thirty (30) days after the day of receipt of the citation.

(Ord. of 11-20-09(3), § 3)

Sec. 15-168. Payment of fines.

If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the town within the time allowed under section 15-167, the inland wetlands agent shall send a notice to the person cited, informing such person:

(a) Of the allegations against him or her, the amount of the fines, and the imposition of the administrative fee set forth in section 15-169;

(b) That the person cited may contest liability before a hearing officer appointed by the first selectman, as provided in section 15-172, by delivering, in person or by mail, within ten (10) days of the date of the notice, a written demand for a hearing;

(c) That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and

(d) That such judgment may issue without further notice.

(Ord. of 11-20-09(3), § 4)

Sec. 15-169. Payment of fines.

If the person who is sent notice pursuant to section 15-167 wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, together with an additional administrative fee of twenty-five dollars ($25.00), either in person or by mail. All fines and fees shall be made payable to the town. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the notice described in section 15-166 shall be deemed to have admitted liability, and the inland wetlands agent shall certify to the hearing officer that such person has failed to respond. The hearing officer shall thereupon enter and assess the fines and fees provided for by this Ordinance and shall follow the procedures set forth in section 15-170.
(Ord. of 11-20-09(3), § 5)

Sec. 15-170. Notice of hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than (30) thirty days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the inland wetlands agent shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The inland wetlands agent may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the hearing officer may enter an assessment by default against

him or her upon a finding of proper notice and liability under the applicable provisions of the inland wetlands and watercourses regulations. The hearing officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and from and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing. If the hearing officer determines that the person who received the citation is not liable, the hearing officer shall dismiss the matter and enter that determination in writing accordingly. If the hearing officer determines that the person who received the citation is liable for the violation, the hearing officer shall forthwith enter and assess the fines against such person as provided by this division, including an additional hearing fee of fifty dollars ($50.00).
(Ord. of 11-20-09(3), § 6)

Sec. 15-171. Notice of assessment.

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the chief court administrator, together with an entry fee of eight dollars ($8.00) or such other amount as may be required by state law. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
(Ord. of 11-20-09(3), § 7)

Sec. 15-172. Citation hearing officers.

The first selectman shall appoint one or more citation hearing officers to conduct the hearings provided by this division. Neither the inland wetlands agent nor any official or employee of the town may be appointed as a hearing officer pursuant to this division. The rate of compensation of the hearing officer shall be determined by the board of selectmen.
(Ord. of 11-20-09(3), § 8)

Sec. 15-173. Notice of violation.

No citation shall be issued pursuant to this division unless:

(i) The inland wetlands agent has provided notice of the violation to the person who would receive the citation;

(ii) The notice specifies a reasonable time for the violation to be corrected; and

(iii) The violation is not corrected within the time required.

The hearing officer shall not uphold the issuance of any citation if he or she determines that the time provided for the violation to be corrected was unreasonable under all of the circumstances.
(Ord. of 11-20-09(3), § 9)

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