



General Assembly

February Session, 2000

Raised Bill No. 76

LCO No. 213

Referred to Committee on Planning and Development

Introduced by:
(PD)

An Act Concerning Transcripts Of Meetings Of Municipal Land Use Agencies.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (i) of section 8-8 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (i) Within thirty days after the return date to court, or within any
4 further time the court allows, the board shall transmit the record to the
5 court. The record shall include, without limitation, (1) the original
6 papers acted on by the board and appealed from, or certified copies
7 thereof, (2) a copy of the transcript of the stenographic or sound
8 recording prepared in accordance with section 8-7a, and (3) the written
9 decision of the board including the reasons therefor and a statement of
10 any conditions imposed. If the board does not provide a transcript of
11 the stenographic or the sound recording of a meeting where the board
12 deliberates or makes a decision on a petition, application or request on
13 which a public hearing was held, a true and accurate transcript of a
14 stenographic or sound recording of the meeting prepared by or on
15 behalf of the applicant shall be admissible as part of the record. By
16 stipulation of all parties to the appeal, the record may be shortened. A

17 party unreasonably refusing to stipulate to limit the record may be
18 taxed by the court for additional costs. The court may require or
19 permit subsequent corrections or additions to the record.

20 Sec. 2. Subsection (a) of section 22a-43 of the general statutes is
21 repealed and the following is substituted in lieu thereof:

22 (a) The commissioner or any person aggrieved by any regulation,
23 order, decision or action made pursuant to sections 22a-36 to 22a-45,
24 inclusive, by the commissioner, district or municipality or any person
25 owning or occupying land which abuts any portion of land or is within
26 a radius of ninety feet of the wetland or watercourse involved in any
27 regulation, order, decision or action made pursuant to said sections
28 may, within the time specified in subsection (b) of section 8-8 from the
29 publication of such regulation, order, decision or action, appeal to the
30 superior court for the judicial district where the land affected is
31 located, and if located in more than one judicial district to the court in
32 any such judicial district. Such appeal shall be made returnable to said
33 court in the same manner as that prescribed for civil actions brought to
34 said court, except that the record shall be transmitted to the court
35 within the time specified in subsection (i) of section 8-8, as amended by
36 this act. If the inland wetlands agency or its agent does not provide a
37 transcript of the stenographic or the sound recording of a meeting
38 where the inland wetlands agency or its agent deliberates or makes a
39 decision on a permit for which a public hearing was held, a transcript
40 of a stenographic or sound recording of the meeting prepared by or on
41 behalf of the applicant shall be admissible as part of the record. Notice
42 of such appeal shall be served upon the inland wetlands agency and
43 the commissioner. The commissioner may appear as a party to any
44 action brought by any other person within thirty days from the date
45 such appeal is returned to the court. The appeal shall state the reasons
46 upon which it is predicated and shall not stay proceedings on the
47 regulation, order, decision or action, but the court may on application
48 and after notice grant a restraining order. Such appeal shall have
49 precedence in the order of trial.

Statement of Purpose:

To authorize the admission in court of transcripts made by an applicant in the case of an appeal of certain local land use decisions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]