



**AN ACT CONCERNING APPEAL OF SITE PLAN REVIEWS.**

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

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2 repealed and the following is substituted in lieu thereof:

3 (b) [Except] Notwithstanding the provisions of any special act or  
4 municipal ordinance or regulation and except as provided in  
5 subsections (c), (d) and (q) of this section and sections 7-147 and 7-147i,  
6 any person aggrieved by any decision of a board, including a decision  
7 to approve or deny a site plan pursuant to subsection (g) of section 8-3,  
8 may take an appeal to the superior court for the judicial district in  
9 which the municipality is located. The appeal shall be commenced by  
10 service of process in accordance with subsections (e) and (f) of this  
11 section within fifteen days from the date that notice of the decision was  
12 published as required by the general statutes. The appeal shall be  
13 returned to court in the same manner and within the same period of  
14 time as prescribed for civil actions brought to that court.

15 Sec. 2. (a) Any appeal of a decision of a zoning commission,  
16 planning and zoning commission or other agency exercising zoning  
17 authority to approve or deny a site plan in which a final judgment has  
18 not been entered prior to the effective date of this act, otherwise valid  
19 except that the party taking such appeal failed to exhaust available  
20 administrative remedies by appealing such decision initially to a

21 zoning board of appeals, is validated.

22 (b) If any appeal of a decision of a zoning commission, planning and  
23 zoning commission or other agency exercising zoning authority to  
24 approve or deny a site plan taken on or after June 21, 1998, and prior to  
25 the effective date of this act has failed to be tried on its merits because  
26 the appeal has been dismissed by the Superior Court for want of  
27 jurisdiction due to the failure of the party taking such appeal to  
28 exhaust available administrative remedies by appealing such decision  
29 initially to a zoning board of appeals, the party taking such appeal  
30 may, within sixty days after the effective date of this act, petition the  
31 court to reopen such appeal. Notwithstanding the provisions of section  
32 52-212a of the general statutes, such party shall have the right to have  
33 such appeal reopened unless the court finds that (1) there has been a  
34 substantial infringement of property rights, or (2) the judgment of the  
35 Superior Court has been appealed and a final judgment has been  
36 rendered on that appeal.

37 Sec. 3. This act shall take effect from its passage.

**JUD**      *JOINT FAVORABLE SUBST.*