



Senate

File No. 765

General Assembly

January Session, 2003

(Reprint of File No. 395)

Substitute Senate Bill No. 1024
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 23, 2003

AN ACT CONCERNING CONSISTENCY IN MUNICIPAL LAND USE ADMINISTRATIVE REVIEW PROCESSES.

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

1 Section 1. Subsection (a) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003, and applicable to applications filed on or after said date*):

4 (a) Such zoning commission shall provide for the manner in which
5 regulations under section 8-2 or 8-2j and the boundaries of zoning
6 districts shall be respectively established or changed. No such
7 regulation or boundary shall become effective or be established or
8 changed until after a public hearing in relation thereto, held by a
9 majority of the members of the zoning commission or a committee
10 thereof appointed for that purpose consisting of at least five members,
11 [at which parties in interest and citizens shall have an opportunity to
12 be heard. Notice of the time and place of such hearing shall be
13 published in the form of a legal advertisement appearing in a
14 newspaper having a substantial circulation in such municipality at
15 least twice at intervals of not less than two days, the first not more than

16 fifteen days nor less than ten days, and the last not less than two days,
17 before such hearing, and a] Such hearing shall be held in accordance
18 with the provisions of section 8-7d, as amended by this act. A copy of
19 such proposed regulation or boundary shall be filed in the office of the
20 town, city or borough clerk, as the case may be, in such municipality,
21 but, in the case of a district, in the offices of both the district clerk and
22 the town clerk of the town in which such district is located, for public
23 inspection at least ten days before such hearing, and may be published
24 in full in such paper. [In addition to such notice, such zoning
25 commission may, by regulation, provide for notice by mail to persons
26 who are owners of land which is included in or adjacent to the land
27 which is the subject of the hearing.] The commission may require a
28 filing fee to be deposited with the commission to defray the cost of
29 publication of the notice required for a hearing.

30 Sec. 2. Section 8-3b of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2003, and*
32 *applicable to applications filed on or after said date*):

33 When the zoning commission of any municipality proposes to
34 establish or change a zone or any regulation affecting the use of a zone
35 any portion of which is within five hundred feet of the boundary of
36 another municipality located within the area of operation of a regional
37 planning agency, the zoning commission shall give written notice of its
38 proposal to the regional planning agency or agencies of the region in
39 which it and the other municipality are located. [not later than thirty-
40 five days before the public hearing to be held in relation thereto.] Such
41 notice shall be made by certified mail, return receipt requested not
42 later than thirty days before the public hearing to be held in relation
43 thereto. The regional planning agency shall study such proposal and
44 shall report its findings and recommendations thereon to the zoning
45 commission at or before the hearing, and such report shall be [read
46 aloud at the hearing] made a part of the record of such hearing. The
47 report of any regional planning agency of any region that is contiguous
48 to Long Island Sound shall include findings and recommendations on
49 the environmental impact of the proposal on the ecosystem and habitat

50 of Long Island Sound. If such report of the regional planning agency is
51 not submitted at or before the hearing, it shall be presumed that such
52 agency does not disapprove of the proposal. A regional planning
53 agency receiving such a notice may transmit such notice to the
54 Secretary of the Office of Policy and Management or his designee for
55 comment. The planning agency may designate its executive committee
56 to act for it under this section or may establish a subcommittee for the
57 purpose. The report of said planning agency shall be purely advisory.

58 Sec. 3. Subsection (b) of section 8-3c of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective*
60 *October 1, 2003, and applicable to applications filed on or after said date*):

61 (b) The zoning commission or combined planning and zoning
62 commission of any municipality shall hold a public hearing on an
63 application or request for a special permit or special exception, as
64 provided in section 8-2, and on an application for a special exemption
65 under section 8-2g. Such hearing shall be held in accordance with the
66 provisions of section 8-7d, as amended by this act. The commission
67 shall not render a decision on the application until the inland wetlands
68 agency has submitted a report with its final decision to such
69 commission. In making its decision the zoning commission shall give
70 due consideration to the report of the inland wetlands agency. [Notice
71 of the time and place of such hearing shall be published in a
72 newspaper having a substantial circulation in such municipality at
73 least twice, at intervals of not less than two days, the first not more
74 than fifteen days, nor less than ten days, and the last not less than two
75 days before the date of such hearing. In addition to such notice, such
76 zoning commission may, by regulation, provide for notice by mail to
77 persons who are owners of land which is adjacent to the land which is
78 the subject of the hearing. At such hearing any party may appear in
79 person and may be represented by agent or by attorney.] Such
80 commission shall decide upon such application or request within the
81 period of time permitted under section 8-7d, as amended by this act.
82 Whenever a commission grants or denies a special permit or special
83 exception, it shall state upon its records the reason for its decision.

84 Notice of the decision of the commission shall be published in a
85 newspaper having a substantial circulation in the municipality and
86 addressed by certified mail to the person who requested or applied for
87 a special permit or special exception, by its secretary or clerk, under his
88 signature in any written, printed, typewritten or stamped form, within
89 fifteen days after such decision has been rendered. In any case in
90 which such notice is not published within such fifteen-day period, the
91 person who requested or applied for such special permit or special
92 exception may provide for the publication of such notice within ten
93 days thereafter. Such permit or exception shall become effective upon
94 the filing of a copy thereof (1) in the office of the town, city or borough
95 clerk, as the case may be, but, in the case of a district, in the offices of
96 both the district clerk and the town clerk of the town in which such
97 district is located and (2) in the land records of the town in which the
98 affected premises are located, in accordance with the provisions of
99 section 8-3d.

100 Sec. 4. Section 8-7 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2003, and*
102 *applicable to applications filed on or after said date*):

103 The concurring vote of four members of the zoning board of appeals
104 shall be necessary to reverse any order, requirement or decision of the
105 official charged with the enforcement of the zoning regulations or to
106 decide in favor of the applicant any matter upon which it is required to
107 pass under any bylaw, ordinance, rule or regulation or to vary the
108 application of the zoning bylaw, ordinance, rule or regulation. An
109 appeal may be taken to the zoning board of appeals by any person
110 aggrieved or by any officer, department, board or bureau of any
111 municipality aggrieved and shall be taken within such time as is
112 prescribed by a rule adopted by said board, or, if no such rule is
113 adopted by the board, within thirty days, by filing with the zoning
114 commission or the officer from whom the appeal has been taken and
115 with said board a notice of appeal specifying the grounds thereof. The
116 officer from whom the appeal has been taken shall forthwith transmit
117 to said board all the papers constituting the record upon which the

118 action appealed from was taken. An appeal shall not stay any such
119 order, requirement or decision which prohibits further construction or
120 expansion of a use in violation of such zoning regulations except to
121 such extent that the board grants a stay thereof. An appeal from any
122 other order, requirement or decision shall stay all proceedings in the
123 action appealed from unless the zoning commission or the officer from
124 whom the appeal has been taken certifies to the zoning board of
125 appeals after the notice of appeal has been filed that by reason of facts
126 stated in the certificate a stay would cause imminent peril to life or
127 property, in which case proceedings shall not be stayed, except by a
128 restraining order which may be granted by a court of record on
129 application, on notice to the zoning commission or the officer from
130 whom the appeal has been taken and on due cause shown. [Such
131 board shall, within the period of time permitted under section 8-7d,
132 hear such appeal and give due notice thereof to the parties. Notice of
133 the time and place of such hearing shall be published in a newspaper
134 having a substantial circulation in such municipality at least twice at
135 intervals of not less than two days, the first not more than fifteen days,
136 nor less than ten days, and the last not less than two days before such
137 hearing. In addition to such notice, such board may, by regulation,
138 provide for notice by mail to persons who are owners of land which is
139 adjacent to the land which is the subject of the hearing. At such
140 hearing any party may appear in person and may be represented by
141 agent or by attorney.] The board shall hold a public hearing on such
142 appeal in accordance with the provisions of section 8-7d, as amended
143 by this act. Such board may reverse or affirm wholly or partly or may
144 modify any order, requirement or decision appealed from and shall
145 make such order, requirement or decision as in its opinion should be
146 made in the premises and shall have all the powers of the officer from
147 whom the appeal has been taken but only in accordance with the
148 provisions of this section. Whenever a zoning board of appeals grants
149 or denies any special exception or variance in the zoning regulations
150 applicable to any property or sustains or reverses wholly or partly any
151 order, requirement or decision appealed from, it shall state upon its
152 records the reason for its decision and the zoning bylaw, ordinance or

153 regulation which is varied in its application or to which an exception is
154 granted and, when a variance is granted, describe specifically the
155 exceptional difficulty or unusual hardship on which its decision is
156 based. Notice of the decision of the board shall be published in a
157 newspaper having a substantial circulation in the municipality and
158 addressed by certified mail to any person who appeals to the board, by
159 its secretary or clerk, under his signature in any written, printed,
160 typewritten or stamped form, within fifteen days after such decision
161 has been rendered. In any case in which such notice is not published
162 within such fifteen-day period, the person who requested or applied
163 for such special exception or variance or took such appeal may provide
164 for the publication of such notice within ten days thereafter. Such
165 exception or variance shall become effective upon the filing of a copy
166 thereof (1) in the office of the town, city or borough clerk, as the case
167 may be, but, in the case of a district, in the offices of both the district
168 clerk and the town clerk of the town in which such district is located
169 and (2) in the land records of the town in which the affected premises
170 are located, in accordance with the provisions of section 8-3d.

171 Sec. 5. Section 8-7d of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2003, and*
173 *applicable to applications filed on or after said date*):

174 (a) [Except as provided in subsection (b) of this section, in] In all
175 matters wherein a formal petition, application, request or appeal must
176 be submitted to a zoning commission, planning and zoning
177 commission, [or] zoning board of appeals under this chapter, planning
178 commission under chapter 126 or inland wetlands agency under
179 chapter 440 and a hearing is required or otherwise held on such
180 petition, application, request or appeal, such hearing shall commence
181 within sixty-five days after receipt of such petition, application,
182 request or appeal and shall be completed within thirty-five days after
183 such hearing commences, unless a shorter period of time is required
184 under this chapter or chapter 126 or 440. Notice of the hearing shall be
185 published in a newspaper having a general circulation in such
186 municipality where the land that is the subject of the hearing is located

187 at least twice at intervals of not less than two days, the first not more
188 than fifteen days, nor less than ten days, and the last not less than two
189 days before the date set for the hearing. In addition to such notice,
190 such commission, board or agency may, by regulation, provide for
191 notice to persons who own or occupy land that is adjacent to the land
192 that is the subject of the hearing. All applications and maps and
193 documents relating thereto shall be open for public inspection. At such
194 hearing any person or persons may appear and be heard and may be
195 represented by agent or by attorney. All decisions on such matters
196 shall be rendered within sixty-five days after completion of such
197 hearing unless a shorter period of time is required pursuant to this
198 chapter, chapter 126 or chapter 440. The petitioner or applicant may
199 consent to one or more extensions of any period specified in this
200 subsection, provided the total extension of [any] all such [period]
201 periods shall not be for longer than [the original period as specified in
202 this subsection] sixty-five days, or may withdraw such petition,
203 application, request or appeal.

204 (b) [Whenever] Notwithstanding the provisions of subsection (a) of
205 this section, whenever the approval of a site plan is the only
206 requirement to be met or remaining to be met under the zoning
207 regulations for any building, use or structure, a decision on an
208 application for approval of such site plan shall be rendered within
209 sixty-five days after receipt of such site plan. Whenever a decision is to
210 be made on an application for subdivision approval under chapter 126
211 on which no hearing is held, such decision shall be rendered within
212 sixty-five days after receipt of such application. Whenever a decision is
213 to be made on an inland wetlands and watercourses application under
214 chapter 440 on which no hearing is held, such decision shall be
215 rendered within sixty-five days after receipt of such application. The
216 applicant may consent to one or more extensions of such period,
217 provided the total period of any such extension or extensions shall not
218 exceed [two further sixty-five-day periods,] sixty-five days or may
219 withdraw such plan or application.

220 (c) For purposes of subsection (a) or (b) of this section and section 13

221 of this act, the [day] date of receipt of a petition, application, request or
222 appeal shall be the day of the next regularly scheduled meeting of such
223 commission, [or] board or agency, immediately following the day of
224 submission to such [board or] commission, board or agency or its
225 agent of such petition, application, request or appeal or thirty-five days
226 after such submission, whichever is sooner. If the commission, [or]
227 board or agency does not maintain an office with regular office hours,
228 the office of the clerk of the municipality shall act as the agent of such
229 commission, [or] board or agency for the receipt of any petition,
230 application, request or appeal.

231 (d) The provisions of subsection (a) of this section shall not apply to
232 any action initiated by any zoning or planning and zoning commission
233 regarding adoption or change of any zoning regulation or boundary.

234 (e) Notwithstanding the provisions of this section, if an application
235 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
236 inclusive, as amended by this act, and the time for a decision by a
237 zoning commission or planning and zoning commission established
238 pursuant to this section would elapse prior to the thirty-fifth day after
239 a decision by the inland wetlands agency, the time period for a
240 decision shall be extended to thirty-five days after the decision of such
241 agency. The provisions of this subsection shall not be construed to
242 apply to any extension consented to by an applicant or petitioner.

243 (f) The zoning commission, planning commission, zoning and
244 planning commission, zoning board of appeals or inland wetlands
245 agency shall notify the clerk of any adjoining municipality of the
246 pendency of any application, petition, appeal, request or plan
247 concerning any project on any site in which: (1) Any portion of the
248 property affected by a decision of such commission, board or agency is
249 within five hundred feet of the boundary of the adjoining
250 municipality; (2) a significant portion of the traffic to the completed
251 project on the site will use streets within the adjoining municipality to
252 enter or exit the site; (3) a significant portion of the sewer or water
253 drainage from the project on the site will flow through and

254 significantly impact the drainage or sewerage system within the
255 adjoining municipality; or (4) water runoff from the improved site will
256 impact streets or other municipal or private property within the
257 adjoining municipality. Such notice shall be made by certified mail,
258 return receipt requested, and shall be mailed within seven days of the
259 date of receipt of the application, petition, request or plan. Such
260 adjoining municipality may, through a representative, appear and be
261 heard at any hearing on any such application, petition, appeal, request
262 or plan.

263 Sec. 6. Subsection (a) of section 8-25 of the general statutes is
264 repealed and the following is substituted in lieu thereof (*Effective*
265 *October 1, 2003, and applicable to applications filed on or after said date*):

266 (a) No subdivision of land shall be made until a plan for such
267 subdivision has been approved by the commission. Any person, firm
268 or corporation making any subdivision of land without the approval of
269 the commission shall be fined not more than five hundred dollars for
270 each lot sold or offered for sale or so subdivided. Any plan for
271 subdivision shall, upon approval, or when taken as approved by
272 reason of the failure of the commission to act, be filed or recorded by
273 the applicant in the office of the town clerk within ninety days of the
274 expiration of the appeal period under section 8-8, or in the case of an
275 appeal, within ninety days of the termination of such appeal by
276 dismissal, withdrawal or judgment in favor of the applicant but, if it is
277 a plan for subdivision wholly or partially within a district, it shall be
278 filed in the offices of both the district clerk and the town clerk, and any
279 plan not so filed or recorded within the prescribed time shall become
280 null and void, except that the commission may extend the time for
281 such filing for two additional periods of ninety days and the plan shall
282 remain valid until the expiration of such extended time. All such plans
283 shall be delivered to the applicant for filing or recording not more than
284 thirty days after the time for taking an appeal from the action of the
285 commission has elapsed or not more than thirty days after the date
286 that plans modified in accordance with the commission's approval and
287 that comply with section 7-31 are delivered to the commission,

288 whichever is later, and in the event of an appeal, not more than thirty
289 days after the termination of such appeal by dismissal, withdrawal or
290 judgment in favor of the applicant or not more than thirty days after
291 the date that plans modified in accordance with the commission's
292 approval and that comply with section 7-31 are delivered to the
293 commission, whichever is later. No such plan shall be recorded or filed
294 by the town clerk or district clerk or other officer authorized to record
295 or file plans until its approval has been endorsed thereon by the
296 chairman or secretary of the commission, and the filing or recording of
297 a subdivision plan without such approval shall be void. Before
298 exercising the powers granted in this section, the commission shall
299 adopt regulations covering the subdivision of land. No such
300 regulations shall become effective until after a public hearing [, notice
301 of the time, place and purpose of which shall be given by publication
302 in a newspaper of general circulation in the municipality at least twice,
303 at intervals of not less than two days, the first not more than fifteen
304 days nor less than ten days, and the last not less than two days prior to
305 the date of such hearing] held in accordance with the provisions of
306 section 8-7d, as amended by this act. Such regulations shall provide
307 that the land to be subdivided shall be of such character that it can be
308 used for building purposes without danger to health or the public
309 safety, that proper provision shall be made for water, sewerage and
310 drainage, including the upgrading of any downstream ditch, culvert or
311 other drainage structure which, through the introduction of additional
312 drainage due to such subdivision, becomes undersized and creates the
313 potential for flooding on a state highway, and, in areas contiguous to
314 brooks, rivers or other bodies of water subject to flooding, including
315 tidal flooding, that proper provision shall be made for protective flood
316 control measures and that the proposed streets are in harmony with
317 existing or proposed principal thoroughfares shown in the plan of
318 conservation and development as described in section 8-23, especially
319 in regard to safe intersections with such thoroughfares, and so
320 arranged and of such width, as to provide an adequate and convenient
321 system for present and prospective traffic needs. Such regulations shall
322 also provide that the commission may require the provision of open

323 spaces, parks and playgrounds when, and in places, deemed proper by
324 the planning commission, which open spaces, parks and playgrounds
325 shall be shown on the subdivision plan. Such regulations may, with
326 the approval of the commission, authorize the applicant to pay a fee to
327 the municipality or pay a fee to the municipality and transfer land to
328 the municipality in lieu of any requirement to provide open spaces.
329 Such payment or combination of payment and the fair market value of
330 land transferred shall be equal to not more than ten per cent of the fair
331 market value of the land to be subdivided prior to the approval of the
332 subdivision. The fair market value shall be determined by an appraiser
333 jointly selected by the commission and the applicant. A fraction of
334 such payment the numerator of which is one and the denominator of
335 which is the number of approved parcels in the subdivision shall be
336 made at the time of the sale of each approved parcel of land in the
337 subdivision and placed in a fund in accordance with the provisions of
338 section 8-25b. The open space requirements of this section shall not
339 apply if the transfer of all land in a subdivision of less than five parcels
340 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
341 uncle or first cousin for no consideration, or if the subdivision is to
342 contain affordable housing, as defined in section 8-39a, equal to twenty
343 per cent or more of the total housing to be constructed in such
344 subdivision. Such regulations, on and after July 1, 1985, shall provide
345 that proper provision be made for soil erosion and sediment control
346 pursuant to section 22a-329. Such regulations shall not impose
347 conditions and requirements on manufactured homes having as their
348 narrowest dimension twenty-two feet or more and built in accordance
349 with federal manufactured home construction and safety standards or
350 on lots containing such manufactured homes which are substantially
351 different from conditions and requirements imposed on single-family
352 dwellings and lots containing single-family dwellings. Such
353 regulations shall not impose conditions and requirements on
354 developments to be occupied by manufactured homes having as their
355 narrowest dimension twenty-two feet or more and built in accordance
356 with federal manufactured home construction and safety standards
357 which are substantially different from conditions and requirements

358 imposed on multifamily dwellings, lots containing multifamily
359 dwellings, cluster developments or planned unit developments. The
360 commission may also prescribe the extent to which and the manner in
361 which streets shall be graded and improved and public utilities and
362 services provided and, in lieu of the completion of such work and
363 installations previous to the final approval of a plan, the commission
364 may accept a bond in an amount and with surety and conditions
365 satisfactory to it securing to the municipality the actual construction,
366 maintenance and installation of such improvements and utilities
367 within a period specified in the bond. Such regulations may provide,
368 in lieu of the completion of the work and installations above referred
369 to, previous to the final approval of a plan, for an assessment or other
370 method whereby the municipality is put in an assured position to do
371 such work and make such installations at the expense of the owners of
372 the property within the subdivision. Such regulations may provide
373 that in lieu of either the completion of the work or the furnishing of a
374 bond as provided in this section, the commission may authorize the
375 filing of a plan with a conditional approval endorsed thereon. Such
376 approval shall be conditioned on (1) the actual construction,
377 maintenance and installation of any improvements or utilities
378 prescribed by the commission, or (2) the provision of a bond as
379 provided in this section. Upon the occurrence of either of such events,
380 the commission shall cause a final approval to be endorsed thereon in
381 the manner provided by this section. Any such conditional approval
382 shall lapse five years from the date it is granted, provided the
383 applicant may apply for and the commission may, in its discretion,
384 grant a renewal of such conditional approval for an additional period
385 of five years at the end of any five-year period, except that the
386 commission may, by regulation, provide for a shorter period of
387 conditional approval or renewal of such approval. Any person, firm or
388 corporation who, prior to such final approval, sells or offers for sale
389 any lot subdivided pursuant to a conditional approval shall be fined
390 not more than five hundred dollars for each lot sold or offered for sale.

391 Sec. 7. Section 8-26 of the general statutes is repealed and the

392 following is substituted in lieu thereof (*Effective October 1, 2003, and*
393 *applicable to applications filed on or after said date*):

394 All plans for subdivisions and resubdivisions, including
395 subdivisions and resubdivisions in existence but which were not
396 submitted to the commission for required approval, whether or not
397 shown on an existing map or plan or whether or not conveyances have
398 been made of any of the property included in such subdivisions or
399 resubdivisions, shall be submitted to the commission with an
400 application in the form to be prescribed by it. The commission shall
401 have the authority to determine whether the existing division of any
402 land constitutes a subdivision or resubdivision under the provisions of
403 this chapter, provided nothing in this section shall be deemed to
404 authorize the commission to approve any such subdivision or
405 resubdivision which conflicts with applicable zoning regulations. Such
406 regulations may contain provisions whereby the commission may
407 waive certain requirements under the regulations by a three-quarters
408 vote of all the members of the commission in cases where conditions
409 exist which affect the subject land and are not generally applicable to
410 other land in the area, provided that the regulations shall specify the
411 conditions under which a waiver may be considered and shall provide
412 that no waiver shall be granted that would have a significant adverse
413 effect on adjacent property or on public health and safety. The
414 commission shall state upon its records the reasons for which a waiver
415 is granted in each case. The commission may establish a schedule of
416 fees and charge such fees. The amount of the fees shall be sufficient to
417 cover the costs of processing subdivision applications, including, but
418 not limited to, the cost of registered or certified mailings and the
419 publication of notices, and the costs of inspecting subdivision
420 improvements. Any schedule of fees established under this section
421 shall be superseded by fees established by ordinance under section 8-
422 1c. The commission may hold a public hearing regarding any
423 subdivision proposal if, in its judgment, the specific circumstances
424 require such action. No plan of resubdivision shall be acted upon by
425 the commission without a public hearing. [Notice of the public hearing

426 shall be given by publication in a newspaper of general circulation in
427 the municipality at least twice at intervals of not less than two days,
428 the first not more than fifteen days, nor less than ten days, and the last
429 not less than two days prior to the date of such hearing, and by
430 sending a copy thereof by registered or certified mail to the applicant.
431 In addition to such notice, such commission may, by regulation,
432 provide for notice by mail to persons who are owners of land which is
433 adjacent to the land which is the subject of the hearing.] Such public
434 hearing shall be held in accordance with the provisions of section 8-7d,
435 as amended by this act. The commission shall approve, modify and
436 approve, or disapprove any subdivision or resubdivision application
437 or maps and plans submitted therewith, including existing
438 subdivisions or resubdivisions made in violation of this section, within
439 the period of time permitted under section 8-26d, as amended by this
440 act. Notice of the decision of the commission shall be published in a
441 newspaper having a substantial circulation in the municipality and
442 addressed by certified mail to any person applying to the commission
443 under this section, by its secretary or clerk, under his signature in any
444 written, printed, typewritten or stamped form, within fifteen days after
445 such decision has been rendered. In any case in which such notice is
446 not published within such fifteen-day period, the person who made
447 such application may provide for the publication of such notice within
448 ten days thereafter. Such notice shall be a simple statement that such
449 application was approved, modified and approved or disapproved,
450 together with the date of such action. The failure of the commission to
451 act thereon shall be considered as an approval, and a certificate to that
452 effect shall be issued by the commission on demand. The grounds for
453 its action shall be stated in the records of the commission. No planning
454 commission shall be required to consider an application for approval
455 of a subdivision plan while another application for subdivision of the
456 same or substantially the same parcel is pending before the
457 commission. For the purposes of this section, an application is not
458 "pending before the commission" if the commission has rendered a
459 decision with respect to such application and such decision has been
460 appealed to the Superior Court. If an application involves land

461 regulated as an inland wetland or watercourse under the provisions of
462 chapter 440, the applicant shall submit an application to the agency
463 responsible for administration of the inland wetlands regulations no
464 later than the day the application is filed for the subdivision or
465 resubdivision. The commission shall not render a decision until the
466 inland wetlands agency has submitted a report with its final decision
467 to such commission. In making its decision the commission shall give
468 due consideration to the report of the inland wetlands agency. In
469 making a decision on an application, the commission shall consider
470 information submitted by the applicant under subsection (b) of section
471 8-25 concerning passive solar energy techniques. The provisions of this
472 section shall apply to any municipality which exercises planning
473 power pursuant to any special act.

474 Sec. 8. Section 8-26b of the general statutes is repealed and the
475 following is substituted in lieu thereof (*Effective October 1, 2003, and*
476 *applicable to applications filed on or after said date*):

477 Whenever a subdivision of land is planned, the area of which will
478 abut or include land in two or more municipalities one or both of
479 which are within a region or regions having a regional planning
480 agency or agencies, the planning commission, where one exists, of each
481 such municipality shall, before approving the plan, [submit it] give
482 written notice of such subdivision plan to the regional planning agency
483 or agencies of the region in which it or the other municipality is
484 located. Such notice shall be made by certified mail, return receipt
485 requested not later than thirty days before the public hearing to be
486 held in relation thereto. A regional planning agency receiving such
487 [report] notice shall, [within thirty days,] at or before the hearing
488 report to each such planning commission and to the proponent of such
489 subdivision on its findings on the intermunicipal aspects of the
490 proposed subdivision, including street layout, storm drainage, sewer
491 and water service and such other matters as it considers appropriate. If
492 such report of a regional planning agency is not submitted, [within
493 thirty days after transmittal] at or before the hearing, it shall be
494 presumed that such agency does not disapprove of the proposed

495 subdivision. A regional planning agency may designate its executive
496 committee to act for it under this section or it may establish a
497 subcommittee for the purpose. The report of such regional planning
498 agency shall be purely advisory.

499 Sec. 9. Section 8-26d of the general statutes is repealed and the
500 following is substituted in lieu thereof (*Effective October 1, 2003, and*
501 *applicable to applications filed on or after said date*):

502 [(a)] In all matters wherein a formal application, request or appeal is
503 submitted to a planning commission under this chapter [and a hearing
504 is held on such application, request or appeal, such hearing shall
505 commence within sixty-five days after receipt of such application,
506 request or appeal and shall be completed within thirty-five days after
507 such hearing commences. All decisions on such matters shall be
508 rendered within sixty-five days after completion of such hearing. The
509 applicant may consent to one or more extensions of any period
510 specified in this subsection, provided the total extension of any such
511 period shall not be for longer than the original period as specified in
512 this subsection, or may withdraw such application, request or appeal]
513 all public hearings shall be held and all decisions made in accordance
514 with the provisions of section 8-7d, as amended by this act.

515 [(b) A decision on an application for subdivision approval, on which
516 no hearing is held, shall be rendered within sixty-five days after
517 receipt of such application. The applicant may consent to one or more
518 extensions of such period, provided the total period of any such
519 extension or extensions shall not exceed sixty-five days.

520 (c) For purposes of subsection (a) or (b) of this section, the receipt of
521 an application, request or appeal shall be the day of the next regularly
522 scheduled meeting of such commission or board, immediately
523 following the day of submission to such board or commission or its
524 agent of such application, request or appeal or thirty-five days after
525 such submission, whichever is sooner. If the commission or board does
526 not maintain an office with regular office hours, the office of the clerk

527 of the municipality shall act as the agent of such commission or board
528 for the receipt of any application, request or appeal.

529 (d) Notwithstanding the provisions of this section, if an application
530 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
531 inclusive, and the time for a decision by a planning commission
532 established pursuant to this section would elapse prior to the thirty-
533 fifth day after a decision by the inland wetlands, the time period for a
534 decision shall be extended to thirty-five days after the decision of such
535 agency. The provisions of this subsection shall not be construed to
536 apply to any extension consented to by an applicant.]

537 Sec. 10. Section 8-26e of the general statutes is repealed and the
538 following is substituted in lieu thereof (*Effective October 1, 2003, and*
539 *applicable to applications filed on or after said date*):

540 The planning commission of any municipality shall hold a public
541 hearing on an application or request for a special permit or special
542 exception, as provided in section 8-2. [Notice of the time and place of
543 such hearing shall be published in a newspaper having a substantial
544 circulation in such municipality at least twice, at intervals of not less
545 than two days, the first not more than fifteen days, nor less than ten
546 days, and the last not less than two days before the date of such
547 hearing. In addition to such notice, such planning commission may, by
548 regulation, provide for notice by mail to persons who are owners of
549 land which is adjacent to the land which is the subject of the hearing.
550 At such hearing any party may appear in person and may be
551 represented by agent or by attorney.] Any such public hearing shall be
552 held in accordance with the provisions of section 8-7d, as amended by
553 this act. Such commission shall decide upon such application or
554 request within the period of time permitted under section 8-26d, as
555 amended by this act. Whenever a commission grants or denies a
556 special permit or special exception, it shall state upon its records the
557 reason for its decision. Notice of the decision of the commission shall
558 be published in a newspaper having a substantial circulation in the
559 municipality and addressed by certified mail to the person who

560 requested or applied for a special permit or special exception, by its
561 secretary or clerk, under his signature in any written, printed,
562 typewritten or stamped form, within fifteen days after such decision
563 has been rendered. In any case in which such notice is not published
564 within such fifteen-day period, the person who requested or applied
565 for such a special permit or special exception may provide for the
566 publication of such notice within ten days thereafter. Such permit or
567 exception shall become effective upon the filing of a copy thereof (1) in
568 the office of the town, city or borough clerk, as the case may be, but, in
569 the case of a district, in the offices of both the district clerk and the
570 town clerk of the town in which such district is located, and (2) in the
571 land records of the town in which the affected premises are located, in
572 accordance with the provisions of section 8-3d.

573 Sec. 11. Subsection (b) of section 22a-42a of the general statutes is
574 repealed and the following is substituted in lieu thereof (*Effective*
575 *October 1, 2003, and applicable to applications filed on or after said date*):

576 (b) No regulations of an inland wetlands agency including
577 boundaries of inland wetland and watercourse areas shall become
578 effective or be established until after a public hearing in relation
579 thereto is held by the inland wetlands agency. [, at which parties in
580 interest and citizens shall have an opportunity to be heard. Notice of
581 the time and place of such hearing shall be published in the form of a
582 legal advertisement, appearing in a newspaper having a substantial
583 circulation in the municipality at least twice at intervals of not less than
584 two days, the first not more than fifteen days nor less than ten days,
585 and the last not less than two days, before such hearing, and a] Any
586 such hearing shall be held in accordance with the provisions of section
587 8-7d, as amended by this act. A copy of such proposed regulation or
588 boundary shall be filed in the office of the town, city or borough clerk
589 as the case may be, in such municipality, for public inspection at least
590 ten days before such hearing, and may be published in full in such
591 paper. A copy of the notice and the proposed regulations or
592 amendments thereto, except determinations of boundaries, shall be
593 provided to the commissioner at least thirty-five days before such

594 hearing. Such regulations and inland wetland and watercourse
595 boundaries may be from time to time amended, changed or repealed,
596 by majority vote of the inland wetlands agency, after a public hearing
597 in relation thereto is held by the inland wetlands agency, [at which
598 parties in interest and citizens shall have an opportunity to be heard
599 and for which notice shall be published in the manner specified in this
600 subsection] in accordance with the provisions of section 8-7d, as
601 amended by this act. Regulations or boundaries or changes therein
602 shall become effective at such time as is fixed by the inland wetlands
603 agency, provided a copy of such regulation, boundary or change shall
604 be filed in the office of the town, city or borough clerk, as the case may
605 be. Whenever an inland wetlands agency makes a change in
606 regulations or boundaries it shall state upon its records the reason why
607 the change was made and shall provide a copy of such regulation,
608 boundary or change to the Commissioner of Environmental Protection
609 no later than ten days after its adoption provided failure to submit
610 such regulation, boundary or change shall not impair the validity of
611 such regulation, boundary or change. All petitions submitted in
612 writing and in a form prescribed by the inland wetlands agency,
613 requesting a change in the regulations or the boundaries of an inland
614 wetland and watercourse area shall be considered at a public hearing
615 [in the manner provided for establishment of inland wetlands
616 regulations and boundaries within ninety days after receipt of such
617 petition. The inland wetlands agency shall act upon the changes
618 requested in such petition within sixty days after the hearing. The
619 petitioner may consent to one or more extensions of the periods
620 specified in this subsection for the holding of the hearing and for
621 action on such petition, provided the total extension of any such
622 period shall not be for longer than the original period as specified in
623 this subsection, or may withdraw such petition] held in accordance
624 with the provisions of section 8-7d, as amended by this act. The failure
625 of the inland wetlands agency to act within any time period specified
626 in this subsection, or any extension thereof, shall not be deemed to
627 constitute approval of the petition.

628 Sec. 12. Subsection (c) of section 22a-42a of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective*
630 *October 1, 2003, and applicable to applications filed on or after said date*):

631 (c) (1) On and after the effective date of the municipal regulations
632 promulgated pursuant to subsection (b) of this section, no regulated
633 activity shall be conducted upon any inland wetland or watercourse
634 without a permit. Any person proposing to conduct or cause to be
635 conducted a regulated activity upon an inland wetland or watercourse
636 shall file an application with the inland wetlands agency of the town or
637 towns wherein the wetland or watercourse in question is located. The
638 application shall be in such form and contain such information as the
639 inland wetlands agency may prescribe. The date of receipt of an
640 application shall be [the day of the next regularly scheduled meeting of
641 such inland wetlands agency, immediately following the day of
642 submission to such inland wetlands agency or its agent of such
643 application, provided such meeting is no earlier than three business
644 days after receipt, or thirty-five days after such submission, whichever
645 is sooner] determined in accordance with the provisions of subsection
646 (c) of section 8-7d, as amended by this act. The inland wetlands agency
647 shall not hold a public hearing on such application unless the inland
648 wetlands agency determines that the proposed activity may have a
649 significant impact on wetlands or watercourses, a petition signed by at
650 least twenty-five persons requesting a hearing is filed with the agency
651 not later than fourteen days after the date of receipt of such
652 application, or the agency finds that a public hearing regarding such
653 application would be in the public interest. An inland wetlands agency
654 may issue a permit without a public hearing provided no petition
655 provided for in this subsection is filed with the agency on or before the
656 fourteenth day after the date of receipt of the application. Such hearing
657 shall be held [no later than sixty-five days after the receipt of such
658 application. Notice of the hearing shall be published at least twice at
659 intervals of not less than two days, the first not more than fifteen days
660 and not fewer than ten days, and the last not less than two days before
661 the date set for the hearing in a newspaper having a general circulation

662 in each town where the affected wetland or watercourse, or any part
663 thereof, is located. All applications and maps and documents relating
664 thereto shall be open for public inspection. At such hearing any person
665 or persons may appear and be heard. The hearing shall be completed
666 within forty-five days of its commencement. Action shall be taken on
667 such application within thirty-five days after the completion of a
668 public hearing or in the absence of a public hearing within sixty-five
669 days from the date of receipt of such application. The applicant may
670 consent to one or more extensions of the periods specified in this
671 subsection for the holding of the hearing and for action on such
672 application, provided the total extension of any such period shall not
673 be for longer than the original period as specified in this subsection, or
674 may withdraw such application] in accordance with the provisions of
675 section 8-7d, as amended by this act. If the inland wetlands agency, or
676 its agent, fails to act on any application within thirty-five days after the
677 completion of a public hearing or in the absence of a public hearing
678 within sixty-five days from the date of receipt of the application, or
679 within any extension of any such period as provided in section 8-7d, as
680 amended by this act, the applicant may file such application with the
681 Commissioner of Environmental Protection who shall review and act
682 on such application in accordance with this section. Any costs incurred
683 by the commissioner in reviewing such application for such inland
684 wetlands agency shall be paid by the municipality that established or
685 authorized the agency. Any fees that would have been paid to such
686 municipality if such application had not been filed with the
687 commissioner shall be paid to the state. The failure of the inland
688 wetlands agency or the commissioner to act within any time period
689 specified in this subsection, or any extension thereof, shall not be
690 deemed to constitute approval of the application.

691 (2) An inland wetlands agency may delegate to its duly authorized
692 agent the authority to approve or extend an activity that is not located
693 in a wetland or watercourse when such agent finds that the conduct of
694 such activity would result in no greater than a minimal impact on any
695 wetland or watercourse provided such agent has completed the

696 comprehensive training program developed by the commissioner
697 pursuant to section 22a-39. Notwithstanding the provisions for receipt
698 and processing applications prescribed in subdivision (1) of this
699 subsection, such agent may approve or extend such an activity at any
700 time. Any person receiving such approval from such agent shall,
701 within ten days of the date of such approval, publish, at the applicant's
702 expense, notice of the approval in a newspaper having a general
703 circulation in the town wherein the activity is located or will have an
704 effect. Any person may appeal such decision of such agent to the
705 inland wetlands agency within fifteen days after the publication date
706 of the notice and the inland wetlands agency shall consider such
707 appeal at its next regularly scheduled meeting provided such meeting
708 is no earlier than three business days after receipt by such agency or its
709 agent of such appeal. The inland wetlands agency shall, at its
710 discretion, sustain, alter or reject the decision of its agent or require an
711 application for a permit in accordance with subdivision (1) of
712 subsection (c) of this section.

713 Sec. 13. (NEW) (*Effective October 1, 2003, and applicable to applications*
714 *filed on or after said date*) (a) Whenever an application or request is made
715 to a water pollution control authority or sewer district for (1) a
716 determination of the adequacy of sewer capacity related to a proposed
717 use of land, (2) approval to hook up to a sewer system at the expense
718 of the applicant, or (3) approval of any other proposal for waste water
719 treatment or disposal at the expense of the applicant, the water
720 pollution control authority or sewer district shall make a decision on
721 such application or request within sixty-five days from the date of
722 receipt, as defined in subsection (c) of section 8-7d of the general
723 statutes, as amended by this act, of such application or request. The
724 applicant may consent to one or more extensions of such period,
725 provided the total of such extensions shall not exceed sixty-five days.

726 (b) Notwithstanding any other provision of the general statutes, an
727 appeal may be taken from an action of a water pollution control
728 agency or sewer district pursuant to subsection (a) of this section in
729 accordance with section 8-8 of the general statutes.

730 Sec. 14. (Effective October 1, 2003) Sections 8-3h, 8-7b, 8-7e, 8-26f, 22a-
731 42b and 22a-42c of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 2	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 3	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 4	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 5	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 6	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 7	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 8	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 9	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 10	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 11	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 12	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 13	<i>October 1, 2003, and applicable to applications filed on or after said date</i>
Sec. 14	<i>October 1, 2003</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	STATE MANDATE - Cost/Savings	Potential Minimal	Potential Minimal

Explanation

It is anticipated that certain municipalities could incur costs not currently budgeted for. Any cost would vary from town to town. Increased costs would be attributable to the receipt of numerous land use applications or complex applications that must be acted on in a shorter time frame or as a result of the changes in notification requirements. The exact impact is unknown.

Making the statutory timeframes for all land use applications uniform could reduce errors due to confusion on a notice or an exceeded deadline. This could reduce municipal legal fees associated with appeals by applicants or interested parties. The fiscal impact is anticipated to be minimal.

House "A" specifies that the bill's provisions apply to applications filed on or after October 1, 2003 and does not change the fiscal impact from the file.

OLR Bill Analysis

sSB 1024 (as amended by House "A")*

AN ACT CONCERNING CONSISTENCY IN MUNICIPAL LAND USE ADMINISTRATIVE REVIEW PROCESSES**SUMMARY:**

This bill standardizes the timeframes under which land use commissions must act on applications and the requirements under which they must notify the public and other parties about the public hearings they hold on these matters. In doing so, it changes the timeframes for wetlands commissions to act on applications and the extent to which all land use commissions can extend the timeframes for acting on applications. The bill also makes technical changes.

The bill requires sewer districts and water pollution control authorities to act on certain applications or requests within 65 days after the date they were received. This timeframe applies to requests to determine the sewer capacity of proposed land uses, approvals for sewer connections the applicant must pay, and any other applicant-funded proposal for treating or disposing of wastewater. These bodies can extend this timeframe if the applicant agrees. The bill does not limit the number of extensions they can request, but it does limit the total number of days for all extensions to 65.

*House Amendment "A" specifies that the bill's provisions apply to land use applications filed on or after October 1, 2003, which is the bill's effective date.

EFFECTIVE DATE: October 1, 2003 and applicable to land use applications filed on or after that date.

LAND USE COMMISSIONS

The bill standardizes the timeframes under which land use commissions must act on applications, petitions, requests, and appeals and consolidates these timeframes in one section of the statutes. It affects zoning commissions, planning commissions, combined

planning and zoning commissions, zoning boards of appeals, and inland wetland commissions.

These commissions issue different types of approvals. Zoning and combined planning and zoning commissions determine whether a proposed project conforms to the zoning regulations. They also decide whether to change a zoning regulation or boundary, usually when requested by a developer who proposes a land use the regulations do not allow. Planning commissions act on applications to subdivided undeveloped land and regulate how that land must be prepared for development. Zoning boards of appeals (ZBAs) act on requests for exemption from a zoning regulation (i.e., variance). Wetlands commissions act on requests to develop land in or near a wetlands.

As under current law, the bill’s timeframes for acting on these applications vary depending on whether the commission holds a public hearing on the application.

STANDARDIZED TIMEFRAMES FOR ACTING ON APPLICATIONS

Applications Heard at Public Hearings

The bill standardizes the timeframes for starting and completing hearings and acting on land use applications. Most of the timeframes already apply to the zoning decisions.

The bill applies the timeframe for zoning and subdivision decisions to wetlands decisions, but limits the total extension allowed for all the steps in making the decisions. Table 1 compares the bill’s timeframes with current law.

Table 1: Comparison of the Timeframes for Acting on Applications Heard at Public Hearings Under the Bill and Current Law

<i>Step</i>	<i>Bill</i>	<i>Effect on Current Law</i>	<i>CGS Site and Bill Sec.</i>
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Step	Bill	Effect on Current Law	CGS Site and Bill Sec.
Date commission officially receives application	Day of the commission's next regularly scheduled meeting or 35 days after it was submitted, whichever is sooner	No change for zoning and subdivision The bill eliminates the provision that sets the date for receiving a wetlands application to 35 days after it was submitted when the commission's next regularly scheduled meeting falls within three days after the applicant submitted it.	8-7d(c), Sec. 5; 22a-42a(c)(1), Sec. 12;
Starting hearings	Must be started within 65 days after the date the commission received the application	No change for zoning, subdivision, and wetlands approvals that do not require regulatory changes Wetlands commissions must currently start and finish hearings on requested boundary or regulatory changes within 90 days after receiving the request; the bill's timeframe for both actions is 100 days.	8-7d (a), Sec. 5; 22a-42a(c)(1), Sec. 12; 22a-42a(b), Sec. 11
Completing hearings	Must be completed within 35 days after the hearing's start date	No change for zoning and subdivision Wetlands commissions must currently start and finish hearings on requested boundary or regulatory changes within 90 days after receiving the request; the bill's timeframe for both actions is 100 days. Wetlands Commissions must currently finish a hearing on wetlands permit within 45 days after the hearings start date.	8-7d (a), Sec. 5 22a-42a(b); Sec. 11
Rendering decisions	Must be rendered within 65 days of the hearing's completion date	No change for zoning and subdivision Currently, wetlands commissions must decide on an application for a boundary or regulatory change within 60 days after completing the hearing; they must act on an application for regulatory approval within 35 days after completing the hearing.	8-7d (a), Sec. 5 22a-42a(b), Sec. 5; 22a-42a(c)(1);

Table 2: Comparison of the Timeframes for Acting on Applications Not Heard at Public Hearings Under the Bill and Current Law

<i>Step</i>	<i>Bill</i>	<i>Affect on Current Law</i>	<i>CGS Site and Bill Sec.</i>
Date commission officially receives application	Day of the commission’s next regularly scheduled meeting or 35 days after it was submitted, whichever is sooner	No change for zoning and subdivision The bill eliminates the provision that sets the date for receiving a wetlands application to 35 days after it was submitted when the commission’s next regularly scheduled meeting falls within three days after the applicant submitted it.	8-7d(c), Sec. 5; 22a-42a(c)(1), Sec. 12
Rendering decisions	Within 65 days after the commission receives application for site plan (zoning), subdivision (planning), and wetlands approvals	No change for site plans, subdivisions, or wetlands approvals	8-7d (b), 8-26d (b) and 22a-42a 9(c) (1), Sec. 9
Extending the period for rendering decision	Applicant can agree to extend the period for rendering a decision for up to 65 days	Currently, site plan applicants can agree to extend the period for rendering a decision period for two 65-day periods, for a maximum of 130 days. No change for subdivision and wetlands	8-7d (b), Sec. 5; 8-26d (b), Sec. 9; 22a-42a(c), § 12

STANDARDIZED NOTICE REQUIREMENTS

The bill standardizes the conditions under which land use commissions must notify the public, affected property owners, adjoining towns, and their region’s regional planning agency (RPA) about public hearings and the method for doing so. Table 3 shows how the bill changes the current notification requirements.

Table 3: Analysis of How the Bill Affects Current Notification Requirements

<i>Party</i>	<i>Bill’s Requirement</i>	<i>Affect on Current Law</i>	<i>CGS Site and Bill Sec.</i>
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Public	Publish two notices not less than two days apart in newspaper serving town: first notice to run between 10 and 15 days before hearing and the second not less than two days before the hearing.	<p>No change with respect to hearings on zoning and wetland regulatory changes, except that the bill drops the requirement that the notice regarding a hearing on a zone change be in the form of a legal advertisement.</p> <p>Bill drops the requirement that wetlands publish the notice in newspapers serving each of the other towns affected by the wetland's application.</p> <p>Bill eliminates the current requirement that planning commissions send copy of notice to subdivision applicant by registered or certified mail.</p>	8-3, Sec. 1; 8-3c(b), Sec. 3; 8-7, Sec. 4; 8-25, Sec. 6; 22a-42a(b), Sec. 11; and 22a-42a(c), Sec. 12
Adjacent landowners	Commissions may by regulation give notice of the hearing to people who own or occupy property adjacent to the land that is the subject of the hearing.	Current law limits the notice requirement to adjacent property owners while the bill extends it to the people occupying the property as well.	8-3c(b), Sec. 3; 8-7, Sec. 4; 8-26, Sec. 7; and 8-26e, Sec. 10;
Adjoining towns	<p>Commission must notify adjoining town's clerk by certified mail within seven days of receiving application if:</p> <p>any portion of project is within 500 feet of adjoining town, resulting traffic will use streets in that town to enter or exit project site, water and sewer serving the project will flow through and significantly affect the adjoining town's drainage or sewerage system, and water runoff from project will affect streets and private project in adjoining town.</p>	<p>Bill changes the timeframe by which a zoning board of appeals must notify an adjoining town from within one week before the hearing to within one week after receiving the application.</p> <p>The bill drops the ban on ZBAs and planning and wetlands' commissions from holding the hearing unless the adjoining town received the notice.</p> <p>It also drops the requirement that a wetlands applicant notify the adjoining town when his application affects wetlands in that town.</p>	8-7b, Sec. 14; 8-7e, Sec. 14; 8-26f, Sec. 14; 22a-42b, Sec. 14; and 22a-42c, Sec. 14

<p>RPA's</p>	<p>Zoning commission must notify RPA within 30 days before the hearing on a proposed zone change by certified mail, return receipt requested, if the change affects land within 500 feet of an adjacent town. Town must make RPA's report part of the hearing's record.</p> <p>Planning commission must notify RPA by certified mail, return receipt requested, about proposed subdivisions that abut or include land in two or more towns. RPA must report to commission and applicant at or before the hearing about subdivision's potential impact on adjacent towns.</p>	<p>Shortens zoning commissions' deadline for notifying RPA's from 35 to 30 days and requires that notice to be given by certified mail, return receipt requested. Current law requires RPA's report to be read aloud at the hearing.</p> <p>Bill requires commission to send a notice to the RPA about the proposed subdivision instead of sending it a copy of the subdivision plan.</p>	<p>8-3d, Sec. 2</p>
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The bill specifies that land use commissions must make all applications, maps, and documents relating to the hearing available for the public to inspect. This requirement already applies to documents relating to wetlands applications.

The bill eliminates the requirement that ZBA notify the parties in an appeal involving a zoning order, requirement, or decision (CGS § 8-7, bill section 4).

BACKGROUND

Legislative History

On April 23, the Senate referred the bill to the Appropriations Committee, which reported it favorably on May 1.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
 Yea 16 Nay 0

Appropriations Committee
Joint Favorable Report
Yea 47 Nay 0