



General Assembly

January Session, 2003

***Raised Bill No. 6537***

LCO No. 3399

Referred to Committee on Planning and Development

Introduced by:  
(PD)

***AN ACT CONCERNING THE APPROVAL PROCESS FOR MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.***

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

1 Section 1. Subsections (f) to (h), inclusive, of section 8-23 of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2003*):

4 (f) A plan of conservation and development or any part thereof or  
5 amendment thereto prepared by the commission or any special  
6 committee shall be reviewed, and may be amended, by the  
7 commission prior to scheduling at least one public hearing on  
8 adoption. At least sixty-five days prior to the public hearing on  
9 adoption, the commission shall submit a copy of such plan or part  
10 thereof or amendment thereto for review and comment to the  
11 legislative body of the municipality or the board of selectmen in the  
12 case of a municipality in which the legislative body is a town meeting.  
13 Such body may hold one or more hearings on the proposed plan and  
14 shall submit any comments to the commission prior to the public  
15 hearing on adoption. The failure of such body to report prior to or at  
16 the public hearing shall be taken as approval of the plan. At least sixty-

17 five days prior to the public hearing on adoption, the commission shall  
18 submit a copy of such plan to the regional planning agency for review  
19 and comment. The regional planning agency shall report its comments  
20 to the commission at or before the hearing. The failure of the regional  
21 planning agency to report at or before the hearing shall be taken as  
22 approval of the plan. The report of the regional planning agency shall  
23 be advisory. Prior to the public hearing on adoption, the commission  
24 shall file in the office of the town clerk a copy of such plan or part  
25 thereof or amendment thereto but, in the case of a district commission,  
26 such commission shall file such information in the offices of both the  
27 district clerk and the town clerk. The commission shall cause to be  
28 published in a newspaper having a general circulation in the  
29 municipality, at least twice at intervals of not less than two days, the  
30 first not more than fifteen days, nor less than ten days, and the last not  
31 less than two days prior to the date of each such hearing, notice of the  
32 time and place of any such public hearing. Such notice shall make  
33 reference to the filing of such plan in the office of the town clerk, or  
34 both the district clerk and the town clerk, as the case may be.

35 (g) The commission may adopt the plan or any part thereof or  
36 amendment thereto by a single resolution or may, by successive  
37 resolutions, adopt parts of the plan and amendments thereto. Any  
38 plan, section of a plan or recommendation in the plan, [not endorsed]  
39 specifically disapproved prior to the public hearing on adoption by the  
40 legislative body of the municipality or by the board of selectmen in the  
41 case of a municipality in which the legislative body is a town meeting  
42 may be adopted by the commission by a vote of not less than two-  
43 thirds of all the members of the commission. Upon adoption by the  
44 commission, any plan or part thereof or amendment thereto shall  
45 become effective at a time established by the commission, provided  
46 notice thereof shall be published in a newspaper having a general  
47 circulation in the municipality prior to such effective date. Any plan or  
48 part thereof or amendment thereto shall be filed in the office of the  
49 town clerk, except that, if it is a district plan or amendment, it shall be  
50 filed in the offices of both the district and town clerk.

51 (h) Following adoption of a new plan by the commission, the  
52 legislative body of [any] the municipality or the board of selectmen in  
53 the case of a municipality in which the legislative body is a town  
54 meeting may hold one or more hearings on the proposed plan and, by  
55 resolution, may endorse the plan for the municipality.

56 Sec. 2. Subdivision (4) of subsection (a) of section 7-536 of the  
57 general statutes is repealed and the following is substituted in lieu  
58 thereof (*Effective October 1, 2003*):

59 (4) "Local capital improvement project" means a municipal capital  
60 expenditure project for any of the following purposes: (A) Road  
61 construction, renovation, repair or resurfacing, (B) sidewalk and  
62 pavement improvements, (C) construction, renovation, enlargement or  
63 repair of sewage treatment plants and sanitary or storm, water or  
64 sewer lines, including separation of lines, (D) public building  
65 construction other than schools, including renovation, repair, code  
66 compliance, energy conservation and fire safety projects, (E)  
67 construction, renovation, enlargement or repair of dams, bridges and  
68 flood control projects, (F) construction, renovation, enlargement or  
69 repair of water treatment or filtration plants and water mains, (G)  
70 construction, renovation or enlargement of solid waste facilities, (H)  
71 improvements to public parks, (I) the preparation and revision of local  
72 capital improvement plans projected for a period of not less than five  
73 years and so prepared as to show the general description, need and  
74 estimated cost of each individual capital improvement, (J)  
75 improvements to emergency communications systems, (K) public  
76 housing projects, including renovations and improvements and energy  
77 conservation and the development of additional housing, (L)  
78 renovations to or construction of veterans' memorial monuments, (M)  
79 thermal imaging systems, (N) bulky waste and landfill projects, (O) the  
80 preparation and revision of municipal plans of conservation and  
81 development adopted pursuant to section 8-23, as amended by this act,  
82 provided such plans are [endorsed by the legislative body of the  
83 municipality] not specifically disapproved by the legislative body of

84 the municipality or the board of selectmen in the case of a municipality  
85 in which the legislative body is the town meeting not more than one  
86 hundred eighty days after adoption by the commission, and (P)  
87 acquisition of automatic external defibrillators. "Local capital  
88 improvement project" means only capital expenditures and includes  
89 repairs incident to reconstruction and renovation but does not include  
90 ordinary repairs and maintenance of an ongoing nature.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

***Statement of Purpose:***

To clarify the definition of legislative body and when a two-thirds vote is needed for adoption of municipal plans of conservation and development.

*[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.]*