



General Assembly

February Session, 2006

Raised Bill No. 5287

LCO No. 1491

01491_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING THE TIME FOR DECISIONS BY LOCAL LAND USE AGENCIES.

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

1 Section 1. Section 8-7d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) In all matters wherein a formal petition, application, request or
4 appeal must be submitted to a zoning commission, planning and
5 zoning commission or zoning board of appeals under this chapter, a
6 planning commission under chapter 126 or an inland wetlands agency
7 under chapter 440 and a hearing is required or otherwise held on such
8 petition, application, request or appeal, such hearing shall commence
9 within sixty-five days after receipt of such petition, application,
10 request or appeal and shall be completed within thirty-five days after
11 such hearing commences, unless a shorter period of time is required
12 under this chapter, chapter 126 or chapter 440. Notice of the hearing
13 shall be published in a newspaper having a general circulation in such
14 municipality where the land that is the subject of the hearing is located
15 at least twice, at intervals of not less than two days, the first not more
16 than fifteen days or less than ten days and the last not less than two

17 days before the date set for the hearing. In addition to such notice,
18 such commission, board or agency may, by regulation, provide for
19 notice to persons who own or occupy land that is adjacent to the land
20 that is the subject of the hearing. All applications and maps and
21 documents relating thereto shall be open for public inspection. At such
22 hearing, any person or persons may appear and be heard and may be
23 represented by agent or by attorney. All decisions on such matters
24 shall be rendered within sixty-five days after completion of such
25 hearing, unless a shorter period of time is required under this chapter,
26 chapter 126 or chapter 440. The petitioner or applicant may consent to
27 one or more extensions of any period specified in this subsection,
28 provided the total extension of all such periods shall not be for longer
29 than sixty-five days, or may withdraw such petition, application,
30 request or appeal. Notwithstanding the provisions of this subsection, if
31 any action has been filed under section 22a-19 concerning such
32 petition, application, request or appeal, the commission, board of
33 appeals or agency, as the case may be, may extend the time for
34 rendering a decision for a period not exceeding thirty-five days after
35 such vote upon a vote of two-thirds of the members present and
36 voting.

37 (b) Notwithstanding the provisions of subsection (a) of this section,
38 whenever the approval of a site plan is the only requirement to be met
39 or remaining to be met under the zoning regulations for any building,
40 use or structure, a decision on an application for approval of such site
41 plan shall be rendered within sixty-five days after receipt of such site
42 plan. Whenever a decision is to be made on an application for
43 subdivision approval under chapter 126 on which no hearing is held,
44 such decision shall be rendered within sixty-five days after receipt of
45 such application. Whenever a decision is to be made on an inland
46 wetlands and watercourses application under chapter 440 on which no
47 hearing is held, such decision shall be rendered within sixty-five days
48 after receipt of such application. The applicant may consent to one or
49 more extensions of such period, provided the total period of any such
50 extension or extensions shall not exceed sixty-five days or may

51 withdraw such plan or application.

52 (c) For purposes of subsection (a) or (b) of this section and section 7-
53 246a, the date of receipt of a petition, application, request or appeal
54 shall be the day of the next regularly scheduled meeting of such
55 commission, board or agency, immediately following the day of
56 submission to such commission, board or agency or its agent of such
57 petition, application, request or appeal or thirty-five days after such
58 submission, whichever is sooner. If the commission, board or agency
59 does not maintain an office with regular office hours, the office of the
60 clerk of the municipality shall act as the agent of such commission,
61 board or agency for the receipt of any petition, application, request or
62 appeal.

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

66 (e) Notwithstanding the provisions of this section, if an application
67 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
68 inclusive, and the time for a decision by a zoning commission or
69 planning and zoning commission established pursuant to this section
70 would elapse prior to the thirty-fifth day after a decision by the inland
71 wetlands agency, the time period for a decision shall be extended to
72 thirty-five days after the decision of such agency. The provisions of
73 this subsection shall not be construed to apply to any extension
74 consented to by an applicant or petitioner.

75 (f) The zoning commission, planning commission, zoning and
76 planning commission, zoning board of appeals or inland wetlands
77 agency shall notify the clerk of any adjoining municipality of the
78 pendency of any application, petition, appeal, request or plan
79 concerning any project on any site in which: (1) Any portion of the
80 property affected by a decision of such commission, board or agency is
81 within five hundred feet of the boundary of the adjoining
82 municipality; (2) a significant portion of the traffic to the completed

83 project on the site will use streets within the adjoining municipality to
84 enter or exit the site; (3) a significant portion of the sewer or water
85 drainage from the project on the site will flow through and
86 significantly impact the drainage or sewerage system within the
87 adjoining municipality; or (4) water runoff from the improved site will
88 impact streets or other municipal or private property within the
89 adjoining municipality. Such notice shall be made by certified mail,
90 return receipt requested, and shall be mailed within seven days of the
91 date of receipt of the application, petition, request or plan. Such
92 adjoining municipality may, through a representative, appear and be
93 heard at any hearing on any such application, petition, appeal, request
94 or plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	8-7d

Statement of Purpose:

To provide additional time for municipal land use agencies to make decisions when an intervention under section 22a-19 of the general statutes has been filed.

[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.]