



General Assembly

February Session, 2006

Substitute Bill No. 5290

* HB05290APP 041106 *

AN ACT CONCERNING NOTICE REQUIREMENTS FOR LAND USE APPLICATIONS.

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 Section 8-7d of the general statutes is repealed and the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 additional notice. Such regulations shall include provisions that the

20 notice be either mailed to persons who own [or occupy] land that is
21 immediately adjacent to the land that is the subject of the hearing or be
22 provided by posting a sign on the land that is the subject of the
23 hearing. For purposes of such additional notice, (1) proof of mailing
24 shall be evidenced by a certificate of mailing, and (2) the person who
25 owns land shall be the owner indicated on the property tax map or on
26 the last-completed grand list as of the date such notice is mailed. All
27 applications and maps and documents relating thereto shall be open
28 for public inspection. At such hearing, any person or persons may
29 appear and be heard and may be represented by agent or by attorney.
30 All decisions on such matters shall be rendered within sixty-five days
31 after completion of such hearing, unless a shorter period of time is
32 required under this chapter, chapter 126 or chapter 440. The petitioner
33 or applicant may consent to one or more extensions of any period
34 specified in this subsection, provided the total extension of all such
35 periods shall not be for longer than sixty-five days, or may withdraw
36 such petition, application, request or appeal.

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 commission, planning commission
65 or planning and zoning commission regarding adoption or change of
66 any zoning regulation or boundary or any subdivision regulation.

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

76 (f) The zoning commission, planning commission, zoning and
77 planning commission, zoning board of appeals or inland wetlands
78 agency shall notify the clerk of any adjoining municipality of the
79 pendency of any application, petition, appeal, request or plan
80 concerning any project on any site in which: (1) Any portion of the
81 property affected by a decision of such commission, board or agency is
82 within five hundred feet of the boundary of the adjoining
83 municipality; (2) a significant portion of the traffic to the completed
84 project on the site will use streets within the adjoining municipality to
85 enter or exit the site; (3) a significant portion of the sewer or water
86 drainage from the project on the site will flow through and

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

96 (g) (1) Any zoning commission, planning commission or planning
97 and zoning commission initiating any action regarding adoption or
98 change of any zoning regulation or boundary or any subdivision
99 regulation or regarding the preparation or amendment of the plan of
100 conservation and development shall provide notice of such action in
101 accordance with this subsection in addition to any other notice
102 required under any provision of the general statutes.

103 (2) A zoning commission, planning commission or planning and
104 zoning commission shall establish a public notice registry of
105 landowners, electors and nonprofit organizations qualified as a tax-
106 exempt organizations under the provisions of Section 501(c) of the
107 Internal Revenue Code of 1986, or any subsequent corresponding
108 internal revenue code of the United States, as from time to time
109 amended, requesting notice under this subsection. Each municipality
110 shall annually notify residents of such registry and the process for
111 registering for notice under this subsection. The zoning commission,
112 planning commission or planning and zoning commission shall place
113 on such registry the names and addresses of any such landowner,
114 elector or organization upon written request of such landowner,
115 elector or organization. A landowner, elector or organization may
116 request such notice be sent by mail or by electronic mail. The name
117 and address of a landowner, elector or organization shall remain on
118 the public notice registry for a period of not less than three years and
119 thereafter the land owner, elector or organization may request to be
120 placed on the public notice registry for an additional three years.

121 (3) Any notice under this subsection shall be mailed or sent by
122 electronic mail to all landowners, electors and organizations in the
123 public notice registry not later than ten days prior to the
124 commencement of the public hearing on such action.

125 Sec. 2. Section 8-2m of the 2006 supplement to the general statutes is
126 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	8-7d
Sec. 2	<i>from passage</i>	Repealer section

PD *Joint Favorable Subst.*

APP *Joint Favorable*