



General Assembly

**Amendment**

February Session, 2006

LCO No. 4590

**\*HB0529004590SRO\***

Offered by:  
SEN. MCKINNEY, 28<sup>th</sup> Dist.

To: Subst. House Bill No. 5290      File No. 606      Cal. No. 437

**"AN ACT CONCERNING NOTICE REQUIREMENTS FOR LAND USE APPLICATIONS."**

1      Strike lines 1 to 138, inclusive, and insert the following in lieu  
2      thereof:

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 Section 8-7d of the general statutes is repealed and the  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

5      (a) In all matters wherein a formal petition, application, request or  
6      appeal must be submitted to a zoning commission, planning and  
7      zoning commission or zoning board of appeals under this chapter, a  
8      planning commission under chapter 126 or an inland wetlands agency  
9      under chapter 440 and a hearing is required or otherwise held on such  
10     petition, application, request or appeal, such hearing shall commence  
11     within sixty-five days after receipt of such petition, application,  
12     request or appeal and shall be completed within thirty-five days after  
13     such hearing commences, unless a shorter period of time is required  
14     under this chapter, chapter 126 or chapter 440. Notice of the hearing  
15     shall be published in a newspaper having a general circulation in such

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

39 (b) Notwithstanding the provisions of subsection (a) of this section,  
40 whenever the approval of a site plan is the only requirement to be met  
41 or remaining to be met under the zoning regulations for any building,  
42 use or structure, a decision on an application for approval of such site  
43 plan shall be rendered within sixty-five days after receipt of such site  
44 plan. Whenever a decision is to be made on an application for  
45 subdivision approval under chapter 126 on which no hearing is held,  
46 such decision shall be rendered within sixty-five days after receipt of  
47 such application. Whenever a decision is to be made on an inland  
48 wetlands and watercourses application under chapter 440 on which no  
49 hearing is held, such decision shall be rendered within sixty-five days

50 after receipt of such application. The applicant may consent to one or  
51 more extensions of such period, provided the total period of any such  
52 extension or extensions shall not exceed sixty-five days or may  
53 withdraw such plan or application.

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

65 (d) The provisions of subsection (a) of this section shall not apply to  
66 any action initiated by any zoning commission, planning commission  
67 or planning and zoning commission regarding adoption or change of  
68 any zoning regulation or boundary or any subdivision regulation,  
69 except that (1) for any proposed significant change of a zoning  
70 boundary or a significant change to a permitted use or density limit in  
71 one or more specified zones, the zoning commission or planning and  
72 zoning commission shall provide, by regulation, for notice by mail of  
73 any public hearing on such change to persons who own land that is the  
74 subject of the hearing or who own land immediately adjacent to the  
75 land that is the subject of the hearing; (2) for any proposed change of a  
76 zoning regulation not subject to subdivision (1) of this subsection, the  
77 zoning commission or planning and zoning commission shall provide,  
78 by regulation, for notice by mail of any public hearing on such change  
79 to persons who own land the commission reasonably determines to be  
80 potentially significantly impacted by such proposed change; or (3) for  
81 any proposed change of any subdivision regulation, the planning  
82 commission or planning and zoning commission shall provide, by  
83 regulation, for notice by mail of any public hearing on such change to

84 persons who own land the commission reasonably determines to be  
85 potentially significantly impacted by such proposed change. For  
86 purposes of this subsection, (A) notice shall be mailed not later than  
87 ten days prior to the commencement of the public hearing, (B) proof of  
88 mailing shall be evidenced by a certificate of mailing, and (C) the  
89 person who owns land shall be the owner indicated on the property  
90 tax map or on the last-completed grand list as of the date such notice is  
91 mailed. The commission's determination under subdivision (1) of this  
92 subsection regarding the significance of any proposed change and  
93 under subdivision (2) or (3) of this subsection regarding land that  
94 could be significantly impacted by the proposed change shall not be a  
95 basis of any legal claim or appeal. Notwithstanding the provisions of  
96 subdivision (1) of this subsection, the provisions of subsection (a) of  
97 this section shall not apply to a proposal by a zoning commission or  
98 planning and zoning commission to change the allowable uses or  
99 densities in all zones in the municipality. A zoning commission,  
100 planning commission or combined planning and zoning commission  
101 may establish a public notice registry of names and addresses to which  
102 mail notice shall be made and shall place on such registry the name  
103 and address of any land owner or elector and the name and address of  
104 any association organized under the provisions of Section 501(c) of the  
105 Internal Revenue Code of 1986, or any subsequent corresponding  
106 internal revenue code of the United States, as from time to time  
107 amended, of potentially interested persons, upon request of such land  
108 owner, elector or association.

109 (e) Notwithstanding the provisions of this section, if an application  
110 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
111 inclusive, and the time for a decision by a zoning commission or  
112 planning and zoning commission established pursuant to this section  
113 would elapse prior to the thirty-fifth day after a decision by the inland  
114 wetlands agency, the time period for a decision shall be extended to  
115 thirty-five days after the decision of such agency. The provisions of  
116 this subsection shall not be construed to apply to any extension  
117 consented to by an applicant or petitioner.

118 (f) The zoning commission, planning commission, zoning and  
119 planning commission, zoning board of appeals or inland wetlands  
120 agency shall notify the clerk of any adjoining municipality of the  
121 pendency of any application, petition, appeal, request or plan  
122 concerning any project on any site in which: (1) Any portion of the  
123 property affected by a decision of such commission, board or agency is  
124 within five hundred feet of the boundary of the adjoining  
125 municipality; (2) a significant portion of the traffic to the completed  
126 project on the site will use streets within the adjoining municipality to  
127 enter or exit the site; (3) a significant portion of the sewer or water  
128 drainage from the project on the site will flow through and  
129 significantly impact the drainage or sewerage system within the  
130 adjoining municipality; or (4) water runoff from the improved site will  
131 impact streets or other municipal or private property within the  
132 adjoining municipality. Such notice shall be made by certified mail,  
133 return receipt requested, and shall be mailed within seven days of the  
134 date of receipt of the application, petition, request or plan. Such  
135 adjoining municipality may, through a representative, appear and be  
136 heard at any hearing on any such application, petition, appeal, request  
137 or plan.

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