



General Assembly

Amendment

February Session, 2006

LCO No. 4623

HB0529004623SR0

Offered by:

SEN. DELUCA, 32nd Dist.

SEN. MCKINNEY, 28th Dist.

SEN. RORABACK, 30th 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 Section 8-7d of the general statutes is repealed and the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 adjacent to the land that is the subject of the hearing or be provided by
24 posting a sign on the land that is the subject of the hearing, or both. For
25 purposes of such additional notice, (1) proof of mailing shall be
26 evidenced by a certificate of mailing, and (2) the person who owns
27 land shall be the owner indicated on the property tax map or on the
28 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.

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

78 (f) The zoning commission, planning commission, zoning and
79 planning commission, zoning board of appeals or inland wetlands

80 agency shall notify the clerk of any adjoining municipality of the
81 pendency of any application, petition, appeal, request or plan
82 concerning any project on any site in which: (1) Any portion of the
83 property affected by a decision of such commission, board or agency is
84 within five hundred feet of the boundary of the adjoining
85 municipality; (2) a significant portion of the traffic to the completed
86 project on the site will use streets within the adjoining municipality to
87 enter or exit the site; (3) a significant portion of the sewer or water
88 drainage from the project on the site will flow through and
89 significantly impact the drainage or sewerage system within the
90 adjoining municipality; or (4) water runoff from the improved site will
91 impact streets or other municipal or private property within the
92 adjoining municipality. Such notice shall be made by certified mail,
93 return receipt requested, and shall be mailed within seven days of the
94 date of receipt of the application, petition, request or plan. Such
95 adjoining municipality may, through a representative, appear and be
96 heard at any hearing on any such application, petition, appeal, request
97 or plan.

98 (g) Any zoning commission, planning commission or planning and
99 zoning commission initiating any action regarding adoption or change
100 of any zoning regulation or boundary or any subdivision regulation or
101 regarding the preparation or amendment of the plan of conservation
102 and development shall provide notice of such action by publication of
103 a display advertisement in a newspaper having a general circulation in
104 the municipality where land that will be potentially significantly
105 impacted by such action is located at least twice, at intervals of not less
106 than two days, the first not more than fifteen days or less than ten days
107 and the last not less than two days before the date set for the hearing.
108 Such notice shall be in addition to any other notice required under any
109 provision of the general statutes.

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