



General Assembly

February Session, 2008

**Raised Bill No. 5146**

LCO No. 1437

\*        HB05146PD        041808        \*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT CONCERNING INLAND WETLANDS AGENCY REPORTS.**

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

1 Section 1. Subsection (g) of section 8-3 of the 2008 supplement to the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (g) The zoning regulations may require that a site plan be filed with  
5 the commission or other municipal agency or official to aid in  
6 determining the conformity of a proposed building, use or structure  
7 with specific provisions of such regulations. If a site plan application  
8 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
9 inclusive, the applicant shall submit an application for a permit to the  
10 agency responsible for administration of the inland wetlands  
11 regulations not later than the day such application is filed with the  
12 zoning commission. The commission shall, within the period of time  
13 established in section 8-7d of the 2008 supplement to the general  
14 statutes, accept the filing of and shall process, pursuant to section 8-7d  
15 of the 2008 supplement to the general statutes, any site plan  
16 application involving land regulated as an inland wetland or  
17 watercourse under chapter 440. The decision of the zoning commission

18 shall not be rendered on the site plan application until the inland  
19 wetlands agency has submitted a report with its final decision. In  
20 making its decision, the commission shall [~~consider~~] give due  
21 consideration to the report of the inland wetlands agency and if the  
22 commission establishes terms and conditions for approval that are not  
23 consistent with the final decision of the inland wetlands agency, the  
24 commission shall state on the record the reason for such terms and  
25 conditions. A site plan may be modified or denied only if it fails to  
26 comply with requirements already set forth in the zoning or inland  
27 wetlands regulations. Approval of a site plan shall be presumed unless  
28 a decision to deny or modify it is rendered within the period specified  
29 in section 8-7d of the 2008 supplement to the general statutes. A  
30 certificate of approval of any plan for which the period for approval  
31 has expired and on which no action has been taken shall be sent to the  
32 applicant within fifteen days of the date on which the period for  
33 approval has expired. A decision to deny or modify a site plan shall set  
34 forth the reasons for such denial or modification. A copy of any  
35 decision shall be sent by certified mail to the person who submitted  
36 such plan within fifteen days after such decision is rendered. The  
37 zoning commission may, as a condition of approval of any modified  
38 site plan, require a bond in an amount and with surety and conditions  
39 satisfactory to it, securing that any modifications of such site plan are  
40 made or may grant an extension of the time to complete work in  
41 connection with such modified site plan. The commission may  
42 condition the approval of such extension on a determination of the  
43 adequacy of the amount of the bond or other surety furnished under  
44 this section. The commission shall publish notice of the approval or  
45 denial of site plans in a newspaper having a general circulation in the  
46 municipality. In any case in which such notice is not published within  
47 the fifteen-day period after a decision has been rendered, the person  
48 who submitted such plan may provide for the publication of such  
49 notice within ten days thereafter. The provisions of this subsection  
50 shall apply to all zoning commissions or other final zoning authority of  
51 each municipality whether or not such municipality has adopted the  
52 provisions of this chapter or the charter of such municipality or special

53 act establishing zoning in the municipality contains similar provisions.

54 Sec. 2. Section 8-26 of the 2008 supplement to the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective from*  
56 *passage*):

57 (a) All plans for subdivisions and resubdivisions, including  
58 subdivisions and resubdivisions in existence but which were not  
59 submitted to the commission for required approval, whether or not  
60 shown on an existing map or plan or whether or not conveyances have  
61 been made of any of the property included in such subdivisions or  
62 resubdivisions, shall be submitted to the commission with an  
63 application in the form to be prescribed by it. The commission shall  
64 have the authority to determine whether the existing division of any  
65 land constitutes a subdivision or resubdivision under the provisions of  
66 this chapter, provided nothing in this section shall be deemed to  
67 authorize the commission to approve any such subdivision or  
68 resubdivision which conflicts with applicable zoning regulations. Such  
69 regulations may contain provisions whereby the commission may  
70 waive certain requirements under the regulations by a three-quarters  
71 vote of all the members of the commission in cases where conditions  
72 exist which affect the subject land and are not generally applicable to  
73 other land in the area, provided that the regulations shall specify the  
74 conditions under which a waiver may be considered and shall provide  
75 that no waiver shall be granted that would have a significant adverse  
76 effect on adjacent property or on public health and safety. The  
77 commission shall state upon its records the reasons for which a waiver  
78 is granted in each case.

79 (b) The commission may establish a schedule of fees and charge  
80 such fees. The amount of the fees shall be sufficient to cover the costs  
81 of processing subdivision applications, including, but not limited to,  
82 the cost of registered or certified mailings and the publication of  
83 notices, and the costs of inspecting subdivision improvements. Any  
84 schedule of fees established under this section shall be superseded by  
85 fees established by ordinance under section 8-1c.

86     (c) The commission may hold a public hearing regarding any  
87 subdivision proposal if, in its judgment, the specific circumstances  
88 require such action. No plan of resubdivision shall be acted upon by  
89 the commission without a public hearing. Such public hearing shall be  
90 held in accordance with the provisions of section 8-7d of the 2008  
91 supplement to the general statutes.

92     (d) The commission shall approve, modify and approve, or  
93 disapprove any subdivision or resubdivision application or maps and  
94 plans submitted therewith, including existing subdivisions or  
95 resubdivisions made in violation of this section, within the period of  
96 time permitted under section 8-26d. Notice of the decision of the  
97 commission shall be published in a newspaper having a substantial  
98 circulation in the municipality and addressed by certified mail to any  
99 person applying to the commission under this section, by its secretary  
100 or clerk, under his signature in any written, printed, typewritten or  
101 stamped form, within fifteen days after such decision has been  
102 rendered. In any case in which such notice is not published within  
103 such fifteen-day period, the person who made such application may  
104 provide for the publication of such notice within ten days thereafter.  
105 Such notice shall be a simple statement that such application was  
106 approved, modified and approved or disapproved, together with the  
107 date of such action. The failure of the commission to act thereon shall  
108 be considered as an approval, and a certificate to that effect shall be  
109 issued by the commission on demand. The grounds for its action shall  
110 be stated in the records of the commission. No planning commission  
111 shall be required to consider an application for approval of a  
112 subdivision plan while another application for subdivision of the same  
113 or substantially the same parcel is pending before the commission. For  
114 the purposes of this [section] subsection, an application is not "pending  
115 before the commission" if the commission has rendered a decision with  
116 respect to such application and such decision has been appealed to the  
117 Superior Court.

118     (e) If an application involves land regulated as an inland wetland or  
119 watercourse under the provisions of chapter 440, the applicant shall

120 submit an application to the agency responsible for administration of  
 121 the inland wetlands regulations no later than the day the application is  
 122 filed for the subdivision or resubdivision. The commission shall,  
 123 within the period of time established in section 8-7d of the 2008  
 124 supplement to the general statutes, accept the filing of and shall  
 125 process, pursuant to section 8-7d of the 2008 supplement to the general  
 126 statutes, any subdivision or resubdivision involving land regulated as  
 127 an inland wetland or watercourse under chapter 440. The commission  
 128 shall not render a decision until the inland wetlands agency has  
 129 submitted a report with its final decision to [such] the commission. In  
 130 making its decision the commission shall [consider] give due  
 131 consideration to the report of the inland wetlands agency and if the  
 132 commission establishes terms and conditions for approval that are not  
 133 consistent with the final decision of the inland wetlands agency, the  
 134 commission shall state on the record the reason for such terms and  
 135 conditions. In making a decision on an application, the commission  
 136 shall consider information submitted by the applicant under  
 137 subsection (b) of section 8-25 of the 2008 supplement to the general  
 138 statutes concerning passive solar energy techniques. The provisions of  
 139 this section shall apply to any municipality which exercises planning  
 140 power pursuant to any special act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-3(g)
Sec. 2	<i>from passage</i>	8-26

**ENV**      *Joint Favorable*

**PD**        *Joint Favorable*