



General Assembly

**Amendment**

January Session, 2009

LCO No. 6821

**\*HB0658906821SR0\***

Offered by:  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: House Bill No. 6589

File No. 882

Cal. No. 594

**"AN ACT CONCERNING LAND USE APPEALS."**

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1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 47-42d of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) For purposes of this section, "state or local land use agency"  
6 includes, but is not limited to, a municipal planning commission,  
7 municipal zoning commission, combined municipal planning and  
8 zoning commission, a municipal zoning board of appeals, municipal  
9 inland wetlands and watercourses agency, a municipal historic district  
10 commission and any state agency that issues permits for the  
11 construction or improvement of real property.

12 (b) No person shall file a permit application with a state or local  
13 land use agency or a local building official or director of health, other  
14 than for interior work in an existing building or for exterior work that  
15 does not expand or alter the footprint of an existing building, relating

16 to property that is subject to a conservation restriction or a  
17 preservation restriction unless the applicant provides proof that the  
18 applicant has provided written notice of such application, by certified  
19 mail, return receipt requested, to the party holding such restriction not  
20 later than sixty days prior to the filing of the permit application. In lieu  
21 of such notice, the applicant may submit a letter from the holder of  
22 such restriction or from the holder's authorized agent, verifying that  
23 the application is in compliance with the terms of the restriction. If the  
24 applicant has provided written notice pursuant to this subsection, the  
25 holder of the restriction may provide proof to the state or local land  
26 use agency or local building official or director of health that granting  
27 of the permit application will violate the terms of the restriction and  
28 such agency, official or director shall not grant the permit. The  
29 applicant shall not be required to provide the notice required under  
30 this subsection if such applicant demonstrates to the satisfaction of the  
31 issuing authority that the activity for which a permit is required will  
32 not take place on the portion of the real property that is subject to the  
33 conservation restriction.

34 (c) If the applicant fails to comply with the provisions of subsection  
35 (b) of this section, the party holding the conservation or preservation  
36 restriction may, not later than fifteen days after receipt of actual notice  
37 of permit approval, file an appeal with the state or local land use  
38 agency or local building official or director of health, subject to any  
39 rules of such agency, official or director relating to appeals. The  
40 agency, official or director shall reverse the permit approval upon a  
41 finding that the requested land use violates the terms of such  
42 restriction."