

ENDNOTES FOR APPENDIX B

WHAT'S LEGALLY REQUIRED – EIGHTH EDITION

- (1) Conservation commissions are not required to adopt regulations or act on applications and are not covered by this chart. River commission procedures are more complex and are dealt with solely in the text.
- (2) [Reserved].
- (3) The "date of receipt" is deemed to be the earlier of (i) the date of the next regularly scheduled meeting of the commission after the day the application is submitted; or (ii) 35 days after the application is submitted.
- (4) Published notice means a legal advertisement in a newspaper having a general circulation in the affected municipality.
- (5) The first notice must be published 10-15 days before hearing. The second notice must be published at least two days after the first notice and not less than two days before the hearing. The day of publication and the day of the hearing are not included in the count.
- (6) Written notices may be required in some instances to an adjacent municipality, a water company, or a harbor management commission (see Part V, Chapter 14, Sections A.1, A.4, A.5, B.1.b, B.2 and B.3.c of text).
- (7) When required, written notices to adjacent municipalities and water companies must be provided within seven days after actual receipt of the application. When required, written notices to harbor management commissions must be provided at least 35 days before any public hearing or, if there will not be a public hearing, at least 35 days before any decision is made.
- (8) The applicant may consent to extensions of up to 65 days for all actions between the official date of receipt of the application and the date of the decision.
- (9) A special extension of time may apply to any decision on an application to a planning, zoning or combined planning and zoning commission for zoning site plan approval, a special permit or special exception, or subdivision approval if an application for an inland wetlands or watercourse permit is pending for the same project. See text for further explanation.
- (10) Planning commissions are not required by statute to accept requests for changes in the subdivision regulations from the public. If they choose to do so, however, the timing requirements will apply.
- (11) If the commission, board or agency fails to publish the required notice of the decision within 15 days, the applicant or petitioner may publish a notice of the decision within the following ten days.
- (12) The courts do not always carefully distinguish between the different functions of commissions, particularly a combined planning and zoning commission. Therefore, the author recommends that notice of any decision by a zoning, planning, or combined planning and zoning commission be published within fifteen days after the decision is made, even if the relevant statute does not specify that a notice be published or that a notice must be published within any particular time period. Likewise, a notice of the decision should be mailed to any applicant within 15 days after the decision.
- (13) CGS §§ 8-7d and 22a-354p contain conflicting language about the proper procedures for considering a petition to amend the aquifer protection boundaries or regulations. The provisions of § 22a-354p contain unusual publication deadlines. They also require a hearing to be commenced within 90 days of receipt of a petition and for a decision to be made with 60 days after a hearing, but they do not specify a time to complete the hearing, nor do they allow extensions of time. The author believes, but cannot be certain, that the courts would hold the provisions of § 22a-354p to be controlling. Where possible, the author's recommendations in the chart use the provisions that would best comply with both statutes. However, since the publication deadlines in the two statutes cannot both be satisfied (at least, without requiring the publication of four separate notices), he uses the deadlines in CGS § 22a-354p. The author hopes that the legislature will fix this conflict at some point.
- (14) The first notice must be published 15-25 days before hearing. The second notice must be published at least two days after the first notice and not less than two days before the hearing. The day of publication and the day of the hearing are not included in the count. CGS § 22a-354p suggests that the hearing notice and regulations

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could be filed with a city or borough clerk (as opposed to a town clerk) at least 10 days (as opposed to 35 days) before a hearing but the author recommends using the 35-day rule for any municipal clerk.

(15) If the airport zoning regulations are incorporated in a municipality's general zoning ordinance or regulations, the same procedures as for zoning commissions would apply.