

# Planning Commission



## Land Use Academy Fact Sheets

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### Legal Basis of Authority

Chapter 126, Section 8-19 of the Connecticut General Statutes (CGS) provides that any municipality may by ordinance create a planning commission.

### Membership

Commissions must consist of five members who are:

1. Electors, and
2. Hold no Salaried Municipal Office.

The Chief Executive Officer, Town Engineer or Commissioner of Public Works shall be Ex-Officio members, without voting privileges

### Terms of Office

Terms of office and method of selection shall be fixed by ordinance, however terms of office shall be so arranged that no more than three (3) members' terms shall expire in any one year.

### Election of Officers, Keeping Records

Commissions must:

1. Elect a chairperson and secretary from its members,
2. Adopt rules for the transaction of business,
3. Keep a public record of its activities and, 4. File an annual report with the local legislative body.

### Alternates, Staff and Consultants

The ordinance establishing the Planning Commission may provide for the appointment or election of alternate members to the Planning Commission. When seated, alternate members shall have all the powers and duties of regular members. Alternates may attend all meetings and executive sessions of such commissions. Any alternate member who serves or served on the zoning commission or the zoning board of appeals in such municipality shall recuse himself or herself from participation in any appeal before the zoning board of appeals of a decision of the planning commission if such alternate member participated in such decision. The ordinance shall also provide for the manner of designating alternates to act.

### Voting

A vote of a majority of a legal quorum of the commission is required for action, unless otherwise stated in the statutes. For example, a local subdivision regulation may provide that a waiver of the subdivision regulations requires a 3/4 vote of all members and contracts and expenditures require a majority vote of the whole membership. A tie vote means an application is denied.

### Powers and Duties

Once established, a Planning Commission has the following powers and duties:

1. *Plan of Conservation and Development:* The commission must prepare, adopt or amend a plan for the municipality, showing the commission's recommendation for the most desirable use of land for residential, recreational, commercial, industrial, conservation and other purposes and for the most desirable density of population in the various parts of the municipality. The plan shall be reviewed at least every ten years and amended as the commission deems necessary. [8-23]
2. *Municipal Improvements:* No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipal property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project; or (4) locate or extend public utilities for water, sewerage, light, power, transit and other purposes, until the proposal to take these actions has been referred to the commission for a report.

Failure of the commission to report within 35 days after the date of submission of the proposal is deemed an approval of the proposal. If the commission disapproves the proposal it must report its reasons to the legislative body. The report is advisory and can be overridden by a majority of a town meeting or, where the legislative body is not the town meeting, by a 2/3 vote of that legislative body, such as a town council, board of aldermen, etc. [8-24]

The review and approval of proposed municipal improvements does not apply to the maintenance or repair of existing property, public ways or buildings.

*\*Bracketed numbers reference sections of the Connecticut General Statutes, visit [cga.ct.gov/2023/pub/title8.htm](http://cga.ct.gov/2023/pub/title8.htm)*



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## *Roles and Responsibilities of Local Land Use Officials*

# Planning Commission

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#### Powers and Duties con't.

3. *Subdivision Regulation:* The Commission must establish, change or repeal regulations for the subdivision and resubdivision of land. [8-26]
4. *Approve Subdivisions:* To hear, consider and decide upon applications for approval of subdivision or resubdivision of land. [8-26]
5. *Waive Certain Subdivision Regulations:* The commission, upon a 3/4 vote of all members, may waive certain requirements of the subdivision regulations where special conditions exist, but only in accordance with standards and criteria set forth in the subdivision regulations and only if the waiver will not adversely affect adjacent property or public health or safety. [8-26]
6. *Exceptions to Zoning:* To hear, consider and decide upon applications for Special Permits or Special Exceptions to the extent required by the zoning regulations of the municipality. [8-2, 8-26e]
7. *Advise on Zoning:* If the Planning Commission is separate from the Zoning Commission, the Commission must review and report on any proposed zoning regulations or boundaries or any changes to such regulations or boundaries.
8. *Open Space proposals:* The Commission may approve all applications for Open Space Grants prior to submission to the commissioner of environmental protection. [7-131e(c)]
9. *Oversee Infrastructure changes:* The Commission may prepare and file surveys, maps or plans of proposed highways, streets or sidewalks or the relocation, grade, widening or improvement of existing highways, streets or sidewalks or of any proposed building or veranda lines with the town clerk and to assess the benefits and damages to any person owning land in such survey, map or plan. [8-29]

#### Combined Planning and Zoning Commissions

Since 1959 municipalities have been allowed to establish combined planning and zoning commissions. Under Section 8-4a of the CGS, any municipality may establish a single commission to carry out both planning and zoning. The Planning and Zoning commission may consist of 5, 6, 7, 8, 9 or 10 members, not counting non-voting members. On commissions with 5 or 6 members, the terms of no more than 3 members may expire in any year, on 7 or 8 member boards no more than 4, and on 9 and 10 member boards, no more than 5 may expire in any year.

Upon the establishment of a combined commission, all regulations adopted by the separate planning and zoning commissions that were in effect prior to the establishment of the new combined board shall continue in full force until revised or repealed by the new board.

Vacancies shall be filled as provided in the ordinance establishing the combined commission.

The failure of the Planning Commission to report prior to or at a public hearing on the proposed changes shall be taken as approval of the proposal. The report shall contain the findings of the Planning Commission on the consistency of the proposed regulation with the municipality's Plan of Conservation and Development. A proposal disapproved by the Planning Commission may still be adopted by the Zoning Commission by a vote of not less than 2/3 of all Zoning Commission members.

## CHECK OUT THESE ONLINE TOOLS AND RESOURCES

- *Online Academy* - provides online resources for those who want a quick refresher or are unable to attend a training. Visit [clear.uconn.edu/lua/online](http://clear.uconn.edu/lua/online)
- *Community Resource Inventory Online* - provides organized maps, tutorials and case examples that assist you in developing a basic inventory of your towns natural and cultural resources.
- *Connecticut's Changing Landscape* - provides data about

how CT 's landscape has changed since 1985. Local Land Use officials can use this resource to evaluate the environmental, social and economic impacts of development that guide their decision making.

For more information

Call: 860-345-5210

Email: [clear@uconn.edu](mailto:clear@uconn.edu)

Disclaimer: The materials contained in this fact sheet are a general, lay summary of the roles and responsibilities of local land use commissioners. They should not be relied on as a valid legal opinion or position. As such, these materials should not be used in place of consulting an attorney about the roles and responsibilities of a local land use commissioner.



The Land Use Academy is a program of the Center for Land Use Education and Research (CLEAR). Land, Sea and Space Grant collaborating.