

Municipal Land Use Procedures Modified by Executive Order 7I

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Issue

Provide an overview of the changes to municipal land use procedures under [Executive Order \(EO\) 7I](#).

Summary

On March 21, 2020, Governor Lamont issued Executive Order [7I](#). Among other things, section 19 of the order temporarily modifies the procedural requirements for municipal land use applications and appeals that are likely to be delayed or impeded due to COVID-19-related municipal office closures.

In consideration of the closures and to minimize in-person interactions, [EO 7I](#) (1) extends certain deadlines, (2) changes public and personal notice requirements, (3) allows petitions to municipal agencies and legislative bodies to be signed electronically and sent by email, (4) allows certain appeals to be initiated electronically, and (5) authorizes municipalities to waive requirements that applicants submit hard copies of their applications. It requires that municipalities, in performing their modified duties, comply with the open meeting access requirements of [EO 7B](#), issued on March 14, 2020.

The modifications are effective for the duration of the public health and civil preparedness emergency, unless the governor terminates or modifies them sooner. And, under the order, within a reasonable time of offices reopening, (1) the municipality must add to its permanent records printed or electronic confirmations of all modifications, extensions, and decisions and (2) entities

must file or record with the municipal clerks any documents they would have otherwise had to file or record.

Covered Laws

The order modifies municipal land use procedures in nine statutory chapters (“Covered Laws”), including those pertaining to:

1. **zoning**, including special permit and variance applications, zoning board of appeals hearings and decisions, and appeals to the Superior Court ([CGS §§ 8-1 et seq.](#));
2. **municipal planning commissions**, including adoption of conservation and development plans ([CGS §§ 8-18 et seq.](#));
3. **general municipal powers** ([CGS §§ 7-148 et seq.](#));
4. **municipal sewer systems**, including sewer benefit assessment appeals ([CGS §§ 7-245 et seq.](#));
5. **historic districts and properties**, including certification of appropriateness determinations ([CGS §§ 7-147a et seq.](#));
6. **inland wetlands and watercourses**, including applications to conduct regulated activities in wetlands ([CGS §§ 22a-28 et seq.](#));
7. **water resources** ([CGS §§ 22a-336 et seq.](#));
8. **coastal management** ([CGS §§ 22a-90 et seq.](#)); and
9. **crematories** ([CGS §§ 19a-320 et seq.](#)).

“Covered Laws” also include laws pertaining to the Freedom of Information Act ([CGS §§ 1-200 et seq.](#)); motor vehicles ([CGS §§ 14-1 et seq.](#)); and certain municipal approvals for motor vehicle dealers and repairers ([CGS § 14-55](#), pending the outcome of an ongoing court case). The EO additionally supersedes any conflicting special acts, municipal charters, ordinances, resolutions, and regulations.

Deadlines for Public Hearings, Decisions, Reports & Demolition Delays

The EO provides a 90-day extension of certain deadlines in the Covered Laws if they fall during the declared state of emergency. It applies to deadlines to (1) start or complete a public hearing, (2) render a decision, and (3) submit municipal reports to state or quasi-public agencies. It also

extends by 90 days any historic property demolition delay period scheduled to start or expire during the declared state of emergency ([EO 7I](#), § 19(a) and (b)).

The hearing, decision, or report may only be extended by a total of 90 days (i.e., each deadline in the process is not eligible for an additional 90-day extension), and the days may be split between the respective applicant, municipality, or agency for each deadline period. The 90 days are in addition to any extensions already permitted by law. For example, by law, zoning commissions must generally hold a hearing on an application within 65 days of receiving it, finish the hearing within 35 days, and then render a decision within 65 days. Existing law allows applicants to consent to an extension of any or all of these deadlines, but the total extensions cannot exceed 65 days ([CGS § 8-7d](#)). Thus, the EO enables zoning application deadlines to be extended up to 155 days in total.

Notices

Newspaper Publications and Filings with Town Clerks

The EO allows notices to be posted on a municipality's or an agency's website in lieu of:

1. notices a municipality or agency must ordinarily publish in a newspaper;
2. notices that must ordinarily be filed in the town clerk's office; and
3. physical signs related to zoning; inland wetlands; planning; or historic district petitions, applications, or proposals.

The EO provides that the deadlines for posting these notices remain unchanged; and it requires the website notices to remain posted until the action, meeting, proceeding, or appeal is complete ([EO 7I](#), § 19(c)-(e)).

Personal Notices

Certain municipal procedures require direct or personal notice to affected parties by mail (e.g., notices of proposed zone changes to abutting landowners). The EO allows these notices to be sent by email, rather than by regular mail, if the recipient's email address is known or reasonably available. If the email address is not known or available, the party providing the notice may alternatively (1) post a physical sign that meets size, content, and durational requirements in a prominent location on the property that is the subject of the action or (2) send the notice by regular mail to an address the town provides ([EO 7I](#), § 19(f)).

Petitions

Under the order, petitions to agencies or legislative bodies may be signed electronically (i.e., by pdf, email, or other imaging technology) and sent by email. All deadlines regarding the petitions remain unchanged ([EO 7I](#), § 19(g)).

Initiating Appeals

The EO requires municipalities to post an email address at which they will accept electronic services of process. And, it allows aggrieved parties to initiate appeals of land use decisions to Superior Court, as the Covered Laws allow, by email sent by a proper officer (e.g., a state marshal or constable) to that email address ([EO 7I](#), § 19(h)). For land use appeals, the statutes generally require notice to be served on the town clerk within 15 days of the decision being rendered ([CGS § 8-8](#) and [CGS § 52-57\(b\)\(5\)](#)). The EO retains this time period for initiating appeals.

Similarly, the EO allows appeals of zoning enforcement officer decisions or inland wetland agencies to be initiated by regular mail or email to the appropriate board or officer ([EO 7I](#), § 19(i)). It retains the statutory deadlines for initiating these appeals (generally 30 days for zoning enforcement appeals and 15 days for inland wetlands appeals) ([CGS §§ 8-7 & 22a-43](#)).

Applications

The EO authorizes the head of any municipal agency accepting or administering an application to waive requirements that applicants submit paper copies or duplicates of their applications ([EO 7I](#), § 19(j)).

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