

TOWN OF GRANBY CHARTER REVISION COMMISSION AGENDA

MEETING ROOM
GRANBY TOWN HALL

REGULAR MEETING
Wednesday, February 22, 2023
TIME: 6:00 P.M.

1. CALL MEETING TO ORDER
2. PUBLIC INPUT
3. ADOPTION OF MINUTES OF PREVIOUS MEETINGS

BE IT RESOLVED, that the Granby Town Charter Revision Commission hereby approves the Minutes of the Charter Revision Commission meeting of February 9, 2023.

4. OLD BUSINESS
 - A. Discussion Item: Charter Revision Items
5. NEW BUSINESS
 - A. Change in regular meeting Schedule
6. ADJOURNMENT

RECEIVED
TOWN CLERK
GRANBY, CT

2023 FEB 16 P 4:51

Topic: Charter Revision Commission

Join Zoom Meeting

<https://us02web.zoom.us/j/88397558596?pwd=OGh5bHM1YUN1T2dVcVpDc296Vdldz09>

Or call in: +1 (929) 205-6099

Meeting ID: 883 9755 8596

Passcode: 789487

**TOWN OF GRANBY
CHARTER REVISION COMMISSION
REGULAR MEETING**

Minutes

Page 1

February 9, 2023

Members Present: Chairman Edward Ohannessian
Vice-Chairman Anthony McGovern
Commissioner Lynn Guelzow
Commissioner Rebecca Brewer
Commissioner Mark Lockwood
Commissioner Benjamin Perron
Commissioner Anthony Cappelli

Members Absent: Commissioner Francis Brady
Commissioner Terri-Ann Hahn

Others Present: Erica P. Robertson, Town Manager
Scott A. Nolan, Town Clerk

I. CALL MEETING TO ORDER

Chairman Edward Ohannessian called the meeting of the Charter Revision Commission to order at 6:30 p.m. in the Granby Town Hall Meeting Room.

II. ADOPTION OF MINUTES OF PREVIOUS MEETINGS

Commissioner Mark Lockwood made a motion for the adoption of the following resolution:

BE IT RESOLVED, that the Granby Charter Revision Commission hereby approves the minutes of the Charter Revision Public Hearing of February 2, 2023.

The motion was seconded by Commissioner Lynn Guelzow which passed by a unanimous voice vote (7/0/0) **MOTION CARRIES**.

III. OLD BUSINESS

A. Charter Revision Items

Chairman Edward Ohannessian thanked members of the Commission for their comments at the last meeting. Chairman Edward Ohannessian asked Town Clerk, Scott A. Nolan to provide a brief update regarding the outstanding items that the Charter Revision Commission was waiting for. Scott A. Nolan, Town Clerk informed members of the Charter Revision Commission that he had begun reaching out to staff members, the Town Manager, and the Town Attorney to get clarification on their questions and that further information would be forthcoming.

(Continued on Next Page)

TOWN OF GRANBY
CHARTER REVISION COMMISSION
REGULAR MEETING

Minutes

Page 2

February 9, 2023

Commissioner Lynn Guelzow inquired about whether or not the Board of Finance had submitted feedback yet, at which time members had an opportunity to review the feedback and suggested that the Board of Finance Chairman join members at an upcoming meeting to review the suggestions.

Members of the Charter Revision began a discussion on the language in Chapter 4 (The Board of Selectmen). Discussion took place about the First Selectman, Board of Selectmen's General Powers and Duties, Procedure, Public Hearing on Ordinance, Petition for Overrule of Action by the Board of Selectmen, and Coordination. Further discussion took place regarding the use of pronouns (i.e., selectman vs. selectperson) and whether or not language should be added or changed to be more inclusive.

Members of the Charter Revision began a discussion on the language in Chapter 5 (Board of Finance). Discussion took place about the Board of Finance, their general duties, the annual audit, and why the Board of Finance was singled out as being the only Board in the Town Charter to have its own section. Commissioner Mark Lockwood offered to review this section further and do some additional research in regards to the Board of Finance section of the Town Charter and Connecticut General Statutes.

Members of the Charter Revision began a discussion on the language in Chapter 6 (Appointive Officers). Discussion took place about the appointed officers including the Town Manager, a Town Attorney, and a treasurer. Further discussion took place on the terms of office, general powers and duties, minority representation, vacancies, the Town Attorney, the Combined functions and positions, and the Town Treasurer.

Commissioner Benjamin Perron made a motion for the adoption of the following resolution:

BE IT RESOLVED, that the Granby Charter Revision Commission hereby closes the old business portion of the Charter Revision Agenda of February 9, 2023.

The motion was seconded by Commissioner Lynn Guelzow which passed by a unanimous voice vote (7/0/0) **MOTION CARRIES**.

IV. NEW BUSINESS

Commissioner Benjamin Perron inquired about whether or not members of the Board of Finance would be available at an upcoming meeting to review the feedback that the Board of Finance had submitted and requested that we extend an offer to allow members to come in and speak to the group.

There being no more New Business to discuss Commissioner Lynn Guelzow made a motion for the adoption of the following resolution:

(Continued on Next Page)

TOWN OF GRANBY
CHARTER REVISION COMMISSION
REGULAR MEETING

Minutes

Page 3

February 9, 2023

BE IT RESOLVED, that the Granby Charter Revision Commission hereby closes the new business portion of the Charter Revision Agenda of February 9, 2023.

The motion was seconded by Commissioner Benjamin Perron which passed by a unanimous voice vote (7/0/0) **MOTION CARRIES**.

V. PUBLIC INPUT

David Desiderato (88 Simsbury Road) thanked members of the Charter Revision Commission for their hard work and appreciated their discussion on the language surrounding a first selectman vs. selectperson and believes that we should be working on changing language in the Town Charter to reflect more inclusive language.

(Continued on Next Page)

**TOWN OF GRANBY
CHARTER REVISION COMMISSION
REGULAR MEETING**

Minutes

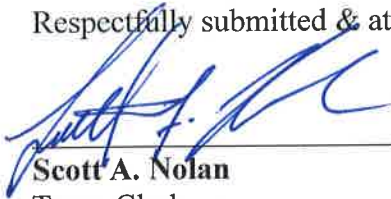
Page 4

February 9, 2023

VI. ADJOURNMENT

There being no more business to come before the meeting, Commissioner Rebecca Brewer made a motion to adjourn the Charter Revision Commission meeting at 8:21 p.m., which was seconded by Commissioner Lynn Guelzow and passed by a unanimous voice vote. (7/0/0)
MOTION CARRIES.

Respectfully submitted & attested,



Scott A. Nolan
Town Clerk

Received for Record February 15, 2023 at 3:41 PM
By SCOTT A. NOLAN, Town Clerk

NOVEMBER 8, 2023
(Wednesday)
MODERATOR

RETURN OF VOTES TO SECRETARY OF THE STATE. Head moderator shall file a preliminary list of the vote totals produced by the tabulator not later than midnight on election day. Thereafter, the head moderator shall file a complete Head Moderator's Return with the Secretary of the State by electronic means not later than forty-eight hours after the close of the polls. The head moderator shall also seal and deliver an original Head Moderator's Return to the Secretary of the State not later than the third day after the primary.

Head moderator shall also deliver to town clerk one copy of duplicate certificate of votes cast for candidates. (§§ 9-314 and 9-440)

NOVEMBER 9, 2023 thru
NOVEMBER 13, 2023
(Thursday - Monday)
MODERATOR, TOWN
CLERK & REGISTRAR

HEAD MODERATOR'S RETURN – REVIEW. Not later than forty-eight hours following each regular election, the registrars of voters shall provide the results of the votes cast to the town clerk. Not later than 9 a.m. on the third day following the election the head moderator, registrars of voters and town clerk for each town divided into voting districts shall meet to identify any error in the returns filed with the Secretary of the State. Once identified, the error must be corrected and an amended head moderator's return shall be filed with the Secretary of the State no later than 1:00 p.m. on November 13, 2023 (Friday is a holiday). (§9-322a)

NOVEMBER 10, 2023
(Friday)
MODERATORS

DISCREPANCY -- RECOUNT. Last day for head moderator to order recount when there is a discrepancy in returns. (Secs. 9-310 and 9-311)

NOVEMBER 14, 2023
(Tuesday)
MUNICIPAL CLERK

MACHINE REPORTS. Reports of machine mechanics and reports of registrars and party watchers provided for in Sections 9-244 and 9-246 from municipal primary to be kept by municipal clerk through this day. (Secs. 9-245 and 9-436)

NOVEMBER 14, 2023
(Tuesday)
MUNICIPAL CLERK

PRIMARY FORMS. Municipal clerk destroys if no contest is pending, and no subpoena has been issued by the State Elections Enforcement Commission, the following forms used at the municipal primary: sealed depository envelopes by district containing inner and outer envelopes from which absentee ballots have been removed, together with the contents of serially-numbered outer envelopes marked "rejected"; all executed absentee ballot applications and direction by registrar forms; the numerical list of serially-numbered absentee envelopes issued; the list of applicants who have been issued more than one absentee ballot under Sec. 9-153c; all unused printed absentee ballots; absentee ballots received after the polls close; and list of absentee ballot applicants who returned their absentee ballots. (Secs. 9-140(e), 9-150a(f), 9-150b(f), (h) and (j), and 9-153c(c))

NOVEMBER 14, 2023
(Tuesday)
REGISTRARS

VOTER HISTORY. Final day for registrars to update voter registration system to indicate whether the eligible voters on the registry list voted in the primary election and, if so, if they voted in person or by absentee ballot.

NOVEMBER 15, 2023
(Wednesday)
MODERATORS

CLOSE VOTE OR DISCREPANCY RECOUNT. Last day to conduct close vote or discrepancy recount. (Secs. 9-310, 9-311, 9-311a, 9-311b, 9-370a)

NOVEMBER 17, 2023
(Friday)
MUNICIPAL CLERK

ABSENTEE BALLOTS REPORT. Last day for municipal clerk to file with Secretary of the State statement accounting for number of absentee ballot forms received from said Secretary for the election. (Secs. 9-139c and 9-232e)

NOVEMBER 17, 2023
(Friday)
MUNICIPAL CLERK

LIST OF ELECTED OFFICIALS. Municipal clerk to file with Secretary of the State by this date a statement of the name, post office address and term of each person elected to office. If an elected town clerk is registrar of vital statistics, ex officio, such return shall so indicate. (Sec. 9-320)

NOVEMBER 21, 2023
(Tuesday)
CANDIDATES AND
ELECTORS

ELECTION CONTEST. Last day for bringing any complaint contesting ruling of moderator or count of votes to superior court. (Sec. 9-328)

NOVEMBER 21, 2023
(Tuesday)
MUNICIPAL CLERK

VOTING MACHINES. Voting machines are to remain locked through this date. (Secs. 9-266 and 9-310)

NOVEMBER 22, 2023
(Wednesday)
MUNICIPAL CLERK

REPORT OF REFERENDUM. Municipal clerk to file with Secretary of the State result of a referendum (a) on charter or charter amendment, or (b) on the question of the acceptance of a special act, or (c) conducted in accordance with the provisions of a special act. (Sec. 9-371)

NOVEMBER 28, 2023
(Tuesday)
MUNICIPAL CLERK

RUN-OFF ELECTION. Run-off election for offices in which tie-vote resulted is to be held three weeks after election. At least three days' notice of such adjourned election must be published by municipal clerk. (Sec. 9-332)

In Conjunction with § 2-5 of the Granby Town Charter (Breaking at Tie)

Sec. 9-322a. Correction of errors in returns. Clerk to file listing of returns. Certification of lists. Exception for 2020 state election. (a)(1) Not later than forty-eight hours following each regular election, the registrars of voters shall provide the results of the votes cast at such election to the town clerk. Not later than nine o'clock a.m. on the third day following each regular election, the head moderator, registrars of voters and town clerk for each town divided into voting districts shall meet to identify any error in the returns. Not later than one o'clock p.m. on the third day following each regular election, the head moderator shall correct any error identified and file an amended return with the Secretary of the State, the town clerk and the registrars of voters.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, for the state election in 2020, (A) the results of the votes cast at the election required under said subdivision to be provided to the town clerk by the registrars of voters shall be so provided not later than ninety-six hours following the election, (B) the meeting to identify any error in the returns required under said subdivision among the head moderator, registrars of voters and town clerk for each town divided into voting districts shall occur not later than nine o'clock a.m. on the fifth day following the election, and (C) any identified error required under said subdivision to be corrected, and any amended return required under said subdivision to be filed with the Secretary of the State, the town clerk and the registrars of voters, by the head moderator shall be so corrected or filed, as applicable, not later than one o'clock p.m. on the fifth day following the election.

(b) Not later than twenty-one days following each regular state election, the town clerk of each town divided into voting districts shall file with the Secretary of the State a consolidated listing, in tabular format, as prescribed by the Secretary of the State, of the official returns of each such voting district for all offices voted on at such election, including the total number of votes cast for each candidate, the total number of names on the registry list, and the total number of names checked as having voted, in each such district. The town clerk of such town shall certify that he or she has examined the lists transmitted under this section to determine whether there are any discrepancies between the total number of votes cast for a candidate at such election in such town, including for any recanvass conducted pursuant to section 9-311 or 9-311a, and the sum of the votes cast for the same candidate in all voting districts in such town. In the case of any such discrepancy, the town clerk shall notify the head moderator and certify that such discrepancy has been rectified. Each listing filed under this section shall be retained by the Secretary of the State not less than ten years after the date of the election for which it was filed.

In Conjunction with § 2-5 of the Granby Town Charter (Breaking at Tie)

Sec. 9-311a. Recanvass on close vote. For purposes of this section, state, district and municipal offices shall be as defined in section 9-372 except that the office of presidential elector shall be deemed a state office. Forthwith after a regular or special election for municipal office, or forthwith upon tabulation of the vote for state and district offices by the Secretary of the State, when at any such election the plurality of an elected candidate for an office over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast for the office but not more than two thousand votes, or (2) less than twenty votes, there shall be a recanvass of the returns of the voting tabulator or voting tabulators and absentee ballots used in such election for such office unless such defeated candidate or defeated candidates, as the case may be, for such office file a written statement waiving this right to such canvass with the municipal clerk in the case of a municipal office, or with the Secretary of the State in the case of a state or district office. In the case of state and district offices, the Secretary of the State upon tabulation of the votes for such offices shall notify the town clerks in the state or district, as the case may be, of the state and district offices which qualify for an automatic recanvass and shall also notify each candidate for any such office. When a recanvass is to be held the municipal clerk shall promptly notify the moderator, as defined in section 9-311, who shall proceed forthwith to cause a recanvass of such returns of the office in question in the same manner as is provided in said section 9-311. In addition to the notice required under section 9-311, the moderator shall before such recanvass is made give notice in writing of the time when, and place where, such recanvass is to be made to each candidate for a municipal office which qualifies for an automatic recanvass under this section. Nothing in this section shall preclude the right to judicial proceedings on behalf of a candidate under any provision of chapter 149. For the purposes of this section, "the total number of votes cast for the office" means in the case of multiple openings for the same office, the total number of electors checked as having voted in the state, district, municipality or political subdivision, as the case may be. When a recanvass of the returns for an office for which there are multiple openings is required by the provisions of this section, the returns for all candidates for all openings for the office shall be recanvassed. No one other than a recanvass official shall take part in the recanvass. If any irregularity in the recanvass procedure is noted by a candidate, he shall be permitted to present evidence of such irregularity in any contest relating to the election.

(1963, P.A. 185, S. 1; 1967, P.A. 885, S. 3; 1971, P.A. 542, S. 1; P.A. 80-281, S. 14, 31; P.A. 84-319, S. 37, 49; P.A. 85-382, S. 2; P.A. 11-20, S. 1.)

History: 1967 act provided for adding "of the office in question" to "cause a recanvass of such returns", also provided for the clerk to notify the secretary of the state upon receipt of application for a recanvass where a state election is involved; 1971 act provided that the definitions contained in Sec. 9-372 would apply for purposes of

In Conjunction with § 2-5 of the Granby Town Charter (Breaking at Tie)

section to state, district and municipal offices but that office of presidential elector is deemed a state office, deleted provision for application for recanvass and provided that a recanvass would take place where votes were within the limits already specified, immediately, in the case of municipal elections or upon the tabulation of the vote for state and district offices by the secretary of the state, unless a written waiver is filed by defeated candidate(s); P.A. 80-281 provided, in the case of multiple openings for the same office, the total number of votes cast means the total number of electors checked as having voted and provided that a recanvass in that case will result in the returns for all candidates being recanvassed; P.A. 84-319 amended section to provide uniformity in procedures for recanvass after primaries and elections; P.A. 85-382 required only recanvass officials to take part in recanvass and permitted candidates to present evidence of irregularities noted in any contest relating to the election; pursuant to P.A. 11-20, “machine” and “machines” were changed editorially by the Revisors to “tabulator” and “tabulators”, effective May 24, 2011.

Invoking provisions of section does not preclude candidate from obtaining judicial review under Sec. 9-328. 155 C. 68. Cited. 231 C. 602.

(Return to Chapter
Table of Contents)

(Return to
List of Chapters)

(Return to
List of Titles)

Sec. 9-311b. Recanvass on tie vote. If the electors fail to elect a candidate for any office by reason of an equality of votes at any election, there shall be a recanvass of the returns for such office unless, prior to the time of such recanvass, all but one of the candidates so receiving an equal number of votes dies, withdraws his name or for any reason becomes disqualified to hold such office.

Location:

ADVERTISING; MUNICIPALITIES;



MUNICIPAL LEGAL NOTICE REQUIREMENTS

By: Terrance Adams, Principal Analyst

ISSUE

List the statutes requiring municipalities to publish legal notices in a newspaper, including the minimum frequency with which they must be published.

SUMMARY

Table 1 below lists 149 statutes that we identified as requiring a municipality to publish a legal notice in a newspaper. It lists the statute's citation, the agency or official responsible for publishing the notice, the notice's purpose, and the minimum frequency with which it must be published.

Many of the statutes do not identify any entity or official as being responsible for publishing the notice (e.g., a statute may say "notice shall be published in a newspaper..." without specifying who must publish the notice). In these cases, we inferred the responsible agency or official from the statute's context when possible. For example, if a statute requires a zoning commission to hold a public hearing, we inferred that the commission must publish notice of the hearing.

Some of the statutes identify the municipality itself as responsible for publishing the notice. Additionally, we listed "municipality" for those cases in which we could not infer which entity was responsible.

With respect to the minimum publication frequency, most of the notice provisions also prescribe specific timing requirements, which we did not list in the table. For example, a municipality's legislative body or board of selectmen must hold a public hearing on the sale, lease, or transfer of real property owned by the municipality. Notice of the hearing must be published at least twice in a newspaper. The notices must be at least three days apart, with the first one published between 10 and 15 days before the hearing and the second one published at least two days before the hearing (CGS § 7-163e(a)).

SEARCH METHODOLOGY

To produce the table, the Legislative Library searched the Connecticut General Statutes and compiled a list of those that reference "municipality," "notice," and "newspaper." OLR analysts then reviewed the list and eliminated statutes that do not set mandatory publication requirements that apply generally across municipalities.

Specifically, we eliminated statutes that make publishing the notice optional, rather than mandatory. For example, the law allows a municipal port authority to publish in a newspaper a copy of a bond resolution that the authority adopts (CGS § 7-329g(g)). Because this provision is permissive, we did not include it in the table.

We also eliminated statutes in which a publication requirement is not unique to municipalities. For example, entities applying for certain permits from the Department of Energy and Environmental Protection must publish a notice relating to the permit application in a newspaper (CGS § 22a-6g(a)). Any municipality applying for these permits would thus be required to publish a notice, but we excluded this statute from the table because the publication requirement applies to all permit applicants, not just municipalities.

Finally, we eliminated statutes that apply only to one or two municipalities. For example, the law requires the Stonington Board of Selectmen to publish in a newspaper a notice of any prohibition the board adopts concerning the taking of escallops from the town's waters (CGS § 26-292). Because this provision applies only to Stonington, we excluded it from the table. Similarly, there may be newspaper publication requirements contained in special acts that apply only to specific municipalities. We excluded special acts from our search because they do not apply generally to all municipalities.

Please note that the table is not necessarily an exhaustive list of municipal legal notice publication requirements. We made every effort to comprehensively search the statutes, but it is possible that there are requirements that our search inadvertently missed.

Table 1: Municipal Legal Notice Publication Requirements

CGS §	Agency or Official	Purpose	Frequency
<u>7-3</u>	Selectmen	Warning of a town meeting	Once
<u>7-3</u>	Mayor, warden, or clerk	Warning of a city or borough meeting	Once
<u>7-9c</u>	Town clerk, upon instruction from legislative body	Warning of municipal referendum including, among other things, the question that will appear on the ballot	Once
<u>7-85</u>	Municipal treasurer	Notice to all persons holding orders drawn by the selectmen on the treasurer to present them for payment	Three weeks, successively

<u>7-131n</u>	Municipality	Notice of public hearing concerning the taking of recreational or open space land by municipality	Twice
<u>7-139</u>	City or borough clerk	Notice of assessment of benefits to defray costs of public improvements; applies only to nonresident property owners	Twice
<u>7-147b(e)</u>	Historic district study committee	Notice of public hearing on establishment of historic district	Twice
<u>7-147b(h)</u>	Town clerk	Notice of balloting to establish a historic district	Twice
<u>7-147e(a)</u>	Historic district commission	Notice of public hearing on application for certificate of appropriateness (i.e., to erect or alter a building or structure within a district)	Once
<u>7-147q(e)</u>	Historic properties study committee	Notice of public hearing on designation of historic property	Twice
<u>7-157(a)</u>	Legislative body	Publication of ordinances enacted by legislative body or at town or district meeting	Once
<u>7-163e(a)</u>	Legislative body or selectmen	Notice of public hearing on sale, lease, or transfer of municipal property	Twice
<u>7-191(d)</u>	Appointing authority of charter and charter revision commissions	Publication of proposed charter or portion of charter or home rule ordinance being amended	Once
<u>7-222(a)</u>	Municipal gas or electric plants	Notice of new municipal gas or electric rates	Once
<u>7-239(a)</u>	Legislative body	Notice of a public hearing on a municipal waterworks system's proposed rates or charges, including a schedule of such rates or charges	Once
<u>7-247a</u>	Municipal water pollution control authority	Notice of a public hearing on the authority's plans to acquire or construct a sewer system	Once
<u>7-250(a)</u>	Municipal water pollution control authority	Notice of a public hearing before the authority sets sewer benefit assessments	Once
<u>7-250(a)</u>	Municipal water pollution control authority	Notice of sewer benefit assessments levy	Once
<u>7-252</u>	Municipal water pollution control authority	Notice of the due date for a sewer benefit assessment	Twice
<u>7-255(a)</u>	Municipal water pollution control authority	Notice of a public hearing on the authority's establishment or revision of use or connection charges	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>7-255(a)</u>	Municipal water pollution control authority	Notice of the authority's established or revised use or connection charges, including information on the due date and appeals timeframe	Once
<u>7-263a(d)</u>	Municipal water pollution control authority	Notice of a public hearing on a bond issuance	Once

<u>7-273f</u>	Municipal transit district	Notice of a transit district's budget, in a report format established by the revenue services commissioner	Once
<u>7-273g(b)</u>	Municipal transit district	Notice of a public hearing on a transit district's proposed bond issuance, including a copy of the proposed resolution	Once
<u>7-273g(b)</u>	Municipal transit district	Notice of a transit district's adopted bond issuance resolution, if more than \$250,000	Once
<u>7-273g(b)</u>	Municipal transit district	Notice of a district-wide referendum on a bond issuance resolution, including a copy of the resolution	Once
<u>7-285</u>	The authority having charge of a police department	Notice of the sale of unclaimed goods by a police department, including a description of any item with an appraised value of \$50 or more	Twice
<u>7-325(a)</u>	Selectmen	Notice of a meeting of the voters residing in a proposed fire, sewer, or other district	Twice
<u>7-325(b)</u>	Fire, sewer, or other district's board of directors	Notice of a meeting of voters residing in the area proposed to be included or excluded in the enlarged or reduced fire, sewer, or other district	Twice
<u>7-327(a)</u>	Fire, sewer, or other district's board of directors	Notice of a fire, sewer, or other district's annual or special meeting	Once
<u>7-339ee</u>	Legislative body or selectmen	Notice of public hearing on proposal to establish a tax increment district	Once
<u>7-339ii(b)</u>	Municipality	Notice of public hearing on benefit assessments to be charged property owners to finance public improvements	Once
<u>7-339ii(e)</u>	Municipality	Notice of benefit assessment due date	Once
<u>7-344</u>	Board of finance	Town budget report	Once
		(Towns with fewer than 5,000 people may waive publication by ordinance and instead make hard copies available)	
<u>7-394</u>	Town clerk	Notice that audit of town's financial statements is on file and available for public inspection	Once
<u>7-482</u>	Legislative body, or governing body of a governmental unit or nonprofit corporation delegated powers by municipality	Summary of resolution to adopt powers granted under the Connecticut City and Town Redevelopment Act and notice of public hearing on the resolution	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>7-485</u>	Legislative body, or governing body of a governmental unit or nonprofit corporation	Copy of resolution to adopt powers granted under the Connecticut City and Town Redevelopment Act and notice of referendum to determine whether to approve the resolution	Once

	delegated powers by municipality		
<u>7-492(a)</u>	Municipality	Copy or summary of a resolution concerning a capital reserve fund and bond issuance under the Connecticut City and Town Development Act	Once
<u>7-601(a)</u>	Neighborhood revitalization planning committee	Notice of adoption of or amendments to committee bylaws	Once
<u>7-601(c)</u>	Neighborhood revitalization planning committee	Notice of public hearing on committee's proposed strategic plan	Twice
<u>8-2i(f)</u>	Zoning commission	Notice of decision on an application for construction in a village district	Once
<u>8-3(d)</u>	Zoning commission	Notice of decision on zoning regulations or boundaries or changes therein	Once
<u>8-3(g)(1)</u>	Zoning commission	Notice of decision on site plan application	Once
<u>8-3c(b)</u>	Zoning commission	Notice of decision on application for special permit or exception	Once
<u>8-7</u>	Zoning board of appeals	Notice of appeals board decision	Once
<u>8-7d(a)</u>	Zoning commission, planning and zoning commission, zoning board of appeals, planning commission, inland wetland commission, or aquifer protection agency	Notice of public hearing on a formal petition, application, request, or appeal to the applicable commission, board, or agency	Twice
<u>8-23(h)(6)</u>	Planning commission	Notice of public hearing on a draft plan of conservation and development	Twice
<u>8-23(i)(3)</u>	Planning commission	Notice of adopted plan of conservation and development	Once
<u>8-26(d)</u>	Planning commission	Notice of decision on application for subdivision or resubdivision	Once
<u>8-26e</u>	Planning commission	Notice of decision on applications for special permits or exceptions	Once
<u>8-28</u>	Planning commission	Notice of any official action or decision by a planning commission	Once
<u>8-29</u>	Planning commission	Notice of the (1) filing of a survey, map, or plan and (2) hearing on the filed document	Once
<u>8-44(a)</u>	Housing authority	Notice of a public hearing on the acquisition of a proposed housing project site	Twice
<u>8-56a</u>	Housing authority	Notice of a public hearing on a public housing project that is subject to certain federal standards, including a description of the project plan	Twice

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
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<u>8-74</u>	Housing authority	Notice of a proposed moderate rental housing project, including a project description	Once
<u>8-115a(c)</u>	Housing authority or municipal developer	Notice of the availability of units in an elderly housing project (needed to obtain the Commissioner of Housing's permission to admit certain non-elderly residents to the project)	Four times
<u>8-127(b)</u>	Redevelopment agency	Notice of a public hearing on a proposed redevelopment plan	Twice
<u>8-127(c)(2)</u>	Redevelopment agency	Notice of the initial approval of a redevelopment plan	Once
<u>8-127a(a)(2)</u>	Redevelopment agency	Notice of a public hearing on a proposed eminent domain action	Once
<u>8-127a(a)(3)(B)</u>	Redevelopment agency	Notice of an approved acquisition by eminent domain	Once
<u>8-129(b)</u>	Redevelopment agency	Notice and copy of the statement of compensation for property taken by eminent domain, if property record owner is nonresident or unknown	Twice
<u>8-134</u>	Redevelopment agency	Notice of a public hearing on authorizing and issuing bonds to carry out or administer a redevelopment plan	Once
<u>8-169d(b)</u>	Municipality	Notice of a public hearing on a community development plan	Twice
<u>8-169e(c)</u>	Legislative body	Notice of a public hearing on property acquisition pursuant to a community development plan	Once
<u>8-169r(b)</u>	Urban homesteading agency	Notice of property abandonment determination and the date of a public hearing, for property owners who cannot be identified or whose address is unknown	Once
<u>8-169s(a)</u>	Urban homesteading agency	Notice of the availability of real property, including the estimated purchase price, applicant's qualifications, and bidding procedures	Twice
<u>8-169v</u>	Urban homesteading agency	Notice of the availability of real property given to the agency by the federal government, including the estimated purchase price, applicant's qualifications, and bidding procedures	Twice
<u>8-189(b)</u>	Development agency	Notice of the initial approval of a development project plan	Once
<u>8-191(a)</u>	Development agency	Notice of public hearing on proposed development plan	Once
<u>8-192(a)</u>	Development agency	Notice of public hearing on proposed bond issuance for municipal development project	Once
<u>8-193(b)(2)</u>	Development agency	Notice of time, place, and subject of public hearing on proposed acquisition of real property by eminent domain	Once
<u>8-193(b)(3)(B)</u>	Municipality	Notice of approved acquisition of property by eminent domain under the municipal development statutes	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>8-293(b)</u>	Urban rehabilitation agency	Notice of property abandonment determination and the date of a public hearing, for property owners who cannot be identified or whose address is unknown	Once
<u>8-294(a)</u>	Urban rehabilitation agency	Notice of the availability of real property, including the estimated purchase price, applicant's qualifications, and bidding procedures	Twice
<u>9-16</u>	Registrars of voters	Notice of voter registration session (not required to be published as a legal advertisement)	Once
<u>9-35</u>	Registrars of voters	Notice of session to update voter registry lists (not required to be published as a legal advertisement)	Once
<u>9-53</u>	Registrars of voters	Notice of time, place, and purpose of an enrollment session (not required to be published as a legal advertisement)	Once
<u>9-168b</u>	Town clerk	Notice of registrar's designation of polling place in adjacent voting district	Once
<u>9-225</u>	Town clerk or assistant town clerk	Notice of time and place of state election (may be filed jointly by two or more towns)	Once
<u>9-226</u>	Town clerk or assistant town clerk	Notice of time and place of municipal election	Once
<u>9-332</u>	Town clerk	Notice of time, place, and purpose of an adjourned election (which occurs when there is a tie vote)	Once
<u>9-390(a)</u>	Political party's town chairman or designee	Notice of time, place, and purpose of caucus to select party-endorsed candidates for municipal office	Once
<u>9-395</u>	Town clerk	Notice of certification and availability of list of party-endorsed candidates for municipal primaries or failure to receive timely certification of such endorsements, including (1) primary date if candidacy is filed and (2) candidacy filing procedure and deadline	Once
<u>9-433</u>	Town clerk (upon notice from the secretary of the state)	Notice of state or district primary	Once
<u>9-435</u>	Town clerk (upon notification from registrar)	Notice of time and place of primary for municipal office of town committee, as well as information on candidates	Once (but must publish notice of any changes in candidates)
<u>9-446(a)</u>	Town or district clerk	Notice of time, place, and purpose of adjourned primary for state, district, and certain municipal offices (which occurs when there is a tie vote)	Once
<u>9-446(b)</u>	Town clerk	Notice of time, place, and purpose of adjourned primary for certain municipal offices (which occurs when there is a tie vote)	Once

<u>10-43(b)</u>	Town clerk	Notice of temporary regional school study committee report and State Board of Education (SBE) statement on advisability of forming a regional school district	Once
<u>10-63m</u>	Town clerk	Notice of SBE approval of regional school reapportionment committee's plan of representation	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>10-287(b)(1) and (2)</u>	Awarding authority for school building project	Public invitation to bid on school building projects receiving state assistance: construction, architecture, and construction management services	Once
<u>10-289e</u>	Selectmen or town council (on own initiative or upon recommendation of board of education)	Notice of public hearing on private academy project proposal (applies only to towns with a private academy as the public high school)	Once
<u>10-289e</u>	Selectmen or town council (on own initiative or upon recommendation of board of education)	Notice of referendum question on private academy project proposal (applies only to towns with a private academy as the public high school)	Once
<u>10-321q (c)</u>	Municipal preservation board	Notice of municipal preservation board hearing on state board's recommended designation of a property for the National Register of Historic Places	Once
<u>11-36</u>	Town clerk	Notice of proposed tax to create or operate library to be voted on during next municipal election	Once
<u>12-40</u>	Assessor	Notice to bring in declaration of taxable personal property	Once, if not physically posted
<u>12-65d(b)</u>	Legislative body	Notice of public hearing on rehabilitation area designation and criteria for property to qualify for deferral of increased assessments	Twice
<u>12-65d(c)</u>	Legislative body	Notice of adoption of resolution on rehabilitation area designation and criteria	Once
<u>12-110</u>	Board of assessment appeals	Notice of board session on motor vehicle assessments	Once
<u>12-145</u>	Tax collector	Notice of when taxes are due and payable	Three times
<u>12-157(a)</u>	Tax collector	Notice of tax sale	Three times
<u>12-157(a)</u>	Tax collector	Notice of tax sale when the address of an owner or someone else with an interest in the property is unknown	Twice
<u>12-157(f)</u>	Tax collector	Notice of tax sale and opportunity to redeem property	Once
<u>12-186</u>	Tax collector (after notice from clerk)	Notice of petition of foreclosure of tax liens	Once
<u>12-574a</u>	Town clerk	Notice of license application related to racing or jai alai	Once

<u>13a-39</u>	Selectmen	Notice of map and hearing about lost or uncertain highway boundaries	Two days
<u>13a-39</u>	Selectmen	Notice of decision on lost or uncertain highway boundaries	Two days
<u>13a-128</u>	Municipal or private corporation providing water supply	Notice of application to discontinue or alter a highway	Once
<u>13b-56</u>	Harbor improvement agency	Notice of public hearing on harbor improvement plan	Twice
<u>14-67t</u>	Town clerk	Ordinance creating restricted district generally prohibiting motor vehicle recyclers	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>14-150a</u>	Local board or officer designated by legislative body	Notice of abandoned, inoperable, or unregistered motor vehicles that are unmoved for 30 days, if the municipality opts to provide for their removal	Once
<u>15-9(d)</u>	State or local police department	Notice of sale of vessel at public auction	Three times
<u>15-11a(f)</u>	Harbor master or authorized representative of a municipality	Notice of sale of derelict vessel at public auction	Twice
<u>15-94(a)</u>	Legislative body	Notice of public hearing related to changes in airport zoning regulations	Once
<u>15-138</u>	Municipality	Notice of new boating ordinances not included in the Department of Energy and Environmental Protection's annual publication of boating ordinances	Once
<u>19a-243(b)</u>	District department of health	Notice of public hearing on proposed district borrowing	Once
<u>19a-243(c)</u>	District department of health	Notice of public hearing on proposed district budget	Once
<u>19a-307</u>	Town or mutual nonstock cemetery association	Information pertaining to the sale of abandoned or unused cemetery lots when the lot holder or other beneficiary is unknown	Three times
<u>19a-308a</u>	Municipality	Notice of intention to acquire an abandoned cemetery when the municipality is unable to locate the owner	For a period of three consecutive weeks
<u>19a-320</u>	Selectmen of any town, mayor and council or board of alderman of any city, and warden and burgesses of any borough	Notice of public hearing for erection and operation of crematories	Twice
<u>22-332(a),</u> <u>22-333</u>	Animal control officer	Description of an impounded dog or other domestic animal, with no known owner, in the lost-and-found column of the newspaper (advertising cost recouped when dog or other animal redeemed)	Once

<u>22-332d(a), 22-333</u>	Animal control officer	Description of an impounded cat, with no known owner or keeper, in the lost-and-found column of the newspaper (advertising cost recouped when cat redeemed)	Once
<u>22a-42a(d)</u>	Inland wetlands agency	Notice of agency decision regarding inland wetland permit for regulated activities	Once (applicant may publish notice if agency does not publish it within 15 days of decision)
<u>22a-66a(h)</u>	Municipality	Notice of an upcoming pesticide application in a publicly accessible lake or pond that the municipality owns	Once
<u>22a-109(f)</u>	Zoning commission	Notice of approval or denial of a coastal site plan	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>22a-220a(b)</u>	Legislative body	Notice of designation of a solid waste disposal area	Once
<u>22a-354p(b)</u>	Municipal aquifer protection agency	Notice of public hearing on agency aquifer protection regulations	Twice
<u>22a-354p(d)</u>	Municipal aquifer protection agency	Notice of agency decision regarding permit for regulated activities	Once
<u>22a-509(d)</u>	Municipality	Notice of public hearing on an agreement between a municipality and a regional water pollution control authority for the authority to take over a water pollution control facility or wastewater system	Once
<u>25-90</u>	Municipal flood and erosion control board	Notice of assessment due dates, including information on the properties subject to the assessment	Twice
<u>25-102dd(c)</u>	Legislative body	Notice of a public hearing on a municipality's withdrawal from the Connecticut River Assembly	Once
<u>25-204(d)</u>	Municipal river committee	Notice of public hearing on the river committee's inventory, statement of objectives, and map	Once
<u>25-204(d)</u>	Municipal river committee	Notice of adoption of inventory, statement of objectives, and map	Once
<u>25-204(f)</u>	Municipal river committee	Notice of a public hearing on the river committee's river corridor protection plan	Once
<u>25-204(f)</u>	Municipal river committee	Notice of availability of (1) responses to comments on the plan and (2) the revised plan	Once
<u>25-205(g)</u>	Legislative body	Notice of a public hearing on a municipality's withdrawal from a river committee	Once
<u>25-232(c)</u>	Legislative body	Notice of a public hearing on a municipality's withdrawal from a river commission	Once
<u>25-234(d)</u>	Municipal river commission	Notice of a public hearing on the river commission's inventory, statement of objectives, and map	Once
<u>25-234(d)</u>	Municipal river commission	Notice of adoption of inventory, statement of objectives, and map	Once

<u>25-234(f)</u>	Municipal river commission	Notice of a public hearing on the river commission's river corridor management plan	Once
<u>25-234(f)</u>	Municipal river commission	Notice of availability of (1) responses to comments on the plan and (2) the revised plan	Once
<u>26-240(a)</u>	Selectmen or shellfish commission	Notice of a public hearing on the designation of an area for planting or cultivating oysters, clams, or mussels (shellfishery), including one publication of the designation application	Twice
<u>32-224(c)(1)</u>	Implementing agency for municipal development project	Notice of a hearing on a municipal development project plan	Once
<u>32-224(d)</u>	Implementing agency for municipal development project	Notice of the initial approval of the municipal development project plan	Once

Table 1 (continued)

CGS §	Agency or Official	Purpose	Frequency
<u>32-224(i)(2)</u>	Implementing agency for municipal development project	Notice of a public hearing on the proposed acquisition of real property by condemnation	Once
<u>32-224(i)(3)(B)</u>	Implementing agency for municipal development project	Notice that the acquisition of real property by condemnation was approved	Once
<u>32-227</u>	Legislative body	Notice of a public hearing on an upcoming legislative body vote for a bond authorization	Once
<u>47a-56b</u>	Authority appointed by legislative body to abate nuisances	Service on a mortgagee or lienor of an order to show cause why a receiver of rents, issues, and profits should not be appointed (in cases where the mortgagee or lienor cannot be served personally)	Once
<u>50-11</u>	Police department	Notice of lost goods	Twice
<u>50-14</u>	Police commissioners	Notification of public auction of lost goods	Twice

TA:bs



TOWN OF GRANBY
Incorporated 1786

15 NORTH GRANBY ROAD
GRANBY, CONNECTICUT 06035-2125

February 1, 2022

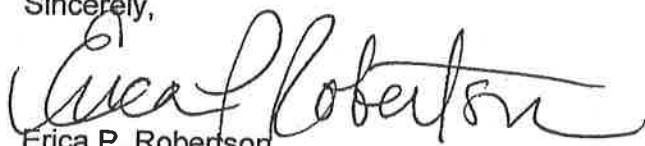
Attorney Richard P. Roberts
Halloran & Sage LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06103

Dear Rich:

It is my pleasure to inform you that, at their meeting on January 3, 2022, the Board of Selectmen voted to reappoint you as Town Attorney. This appointment is made in accordance with provisions of Section 6-1 of the Granby Town Charter. By Charter, your term will continue until January 8, 2024.

Congratulations on your reappointment and I look forward to continuing our work together.

Sincerely,


Erica P. Robertson
Town Manager

pc: Board of Selectmen
Karen Hazen, Town Clerk

**TOWN OF GRANBY
BOARD OF SELECTMEN
MINUTES
January 3, 2022**

PRESENT: Mark Fiorentino, Sally King, Fred Moffa, Mark Neumann, Kelly Rome, Erica Robertson, Town Manager

ABSENT: John Bell, Student Liaison

The regular meeting of the Board of Selectmen was called to order by First Selectman Mark Fiorentino at 7:00 p.m.

I. PLEDGE OF ALLEGIANCE

II. PUBLIC SESSION

Glenn Ballard, 289 Granville Road, thanked the Board for continuing to make the meetings available via Zoom. Mr. Ballard expressed his dissatisfaction with the current budget process and the lack of better-defined goals for the Town.

III. PRESENTATIONS

Kristine Vincent, Director of Parks & Recreation presented an overview of the needs assessment survey administered by the Board of Parks & Recreation in the Fall of 2021. The survey was distributed electronically using Google Docs, email, social media, and the website. The information was also published in the Granby Drummer and distributed by board members. The purpose of the survey was to solicit input from program participants and park users to better understand the community's needs, wants and satisfaction with current facilities and services offered.

Parks & Recreation Board member Anthony McGovern presented the highlights of the survey results. About 650 responses were received and overall residents and program participants are very satisfied with the services offered by the Parks & Recreation department. A majority of respondents agree funding should be from user fees and some tax dollars, maintaining parks should be a high priority for the Town and that parks are well-maintained. The top three improvement opportunities identified were: an ice-skating area, a splashpad/water spray park and ADA accessible walking paths. Top program expansion opportunities included: more special events including concerts and festivals, more fitness classes and more general interest classes. Survey results indicated a very high level of satisfaction with Parks & Recreation staff and volunteers.

The Board of Selectmen congratulated K. Vincent and the Board of Parks & Recreation on the excellent results and their ability to provide a tremendous amount of service for a small town. First Selectman Fiorentino fully supports the consideration of using ARPA funds for the larger projects and requested K. Vincent and the Board of Parks & Recreation present a

prioritized, detailed plan to the Board of Selectmen. Town Manager Robertson reiterated that this is a continuous conversation, and she can act as a liaison between the Boards.

IV. MINUTES

A. Approval of Meeting Minutes

ON A MOTION by M. Neumann, seconded by S. King, the Board voted unanimously (5-0-0) to approve the minutes of December 20, 2021, as presented.

V. APPOINTMENTS

ON A MOTION by S. King, seconded by S. Rome, the Board voted unanimously (5-0-0) to appoint Richard P. Roberts of Halloran & Sage as Town Attorney for a two-year term ending January 8, 2024.

ON A MOTION by S. King, seconded by F. Moffa, the Board voted unanimously (5-0-0) to re-appoint John E. Adams as Town Treasurer for a two-year term ending January 8, 2024.

ON A MOTION by M. Neumann, seconded by K. Rome, the Board voted unanimously (5-0-0) to re-appoint the following Republicans whose terms are expiring as of 1/10/22:

- Jennifer Jalbert (Commission on Aging)
- Walter Mission (Commission on Aging)
- Martin Schwager (Development Commission)
- David Tolli (Inland Wetland and Watercourses Commission)
- Nicholas Dethlefsen (Inland Wetland and Watercourses Commission)
- Jennifer Bilodeau (Parks & Recreation Board)
- Kevin Hobson (Parks & Recreation Board)
- Sheryl Litchfield (Parks & Recreation Board)

Selectman King will present the Democrats for re-appointment at the next meeting.

VI. OLD BUSINESS

A. Consideration of Plus-One Budget 2022-2023

ON A MOTION by M. Neumann, seconded by F. Moffa, the Board voted unanimously (5-0-0) to forward the Town Manager's Plus-One in its current form to the Board of Finance.

First Selectman Fiorentino supports sending the budget with a 5.29% increase to the Board of Finance for discussion. The Town Manager has identified the priorities and it is a fair representation of the current needs. Further work will be done at the budget workshops and there are many steps to go until the budget is finalized.

VII. BUSINESS

A. Consideration of Call for Three Board Meeting

ON A MOTION by K. Rome, seconded by S. King, the Board voted unanimously (5-0-0) to approve holding the Three Board Meeting on Tuesday, January 18, 2022, at 7:00 p.m. in the Senior Center Community Room.

B. Consideration of Additional Appropriation from Parks and Recreation Fund to Complete the Small Playground Project at Salmon Brook Park

The Parks and Recreation Department is requesting additional funding from the Recreation Fund in the amount of \$1,300 for the purchase of a self-closing gate and installation of two benches inside the new small playground at Salmon Brook Park. These two items were not included in the initial design.

ON A MOTION by S. King, seconded by K. Rome, the Board voted unanimously (5-0-0) to authorize an additional appropriation of \$1,300 from the Recreation Fund balance to fund the additional cost to the Salmon Brook Small Playground Project and forwards this request to the Board of Finance to approve.

VIII. TOWN MANAGER REPORT

Town Manager Robertson presented the framework for developing a set of strategic goals to the Board including the objectives for establishing the goals and the individual deliverables and deadlines. The process is expected to take about eight months but may be adjusted due to other priorities. The goals should be finalized before the beginning of the FY24 budget process.

M. Fiorentino added that it is important to get as much information as possible from stakeholders and the public to create a framework that will be sustainable. The First Selectman and Town Manager will meet with each of the Town boards and commissions to assist in formulating short, specific and measurable goals which will then be synthesized up to develop the overall Town goals.

The Board came to a consensus to authorize M. Fiorentino and E. Robertson to start the work to develop a set of strategic goals for the Town and to add the update as a standing item on the agenda.

IX. FIRST SELECTMAN REPORT (Mark Fiorentino)

M. Fiorentino reminded everyone to work together, be patient and respectful dealing with the increase of COVID-19 cases. The Town will be distributing about 600 test kits to the public and residents should check the website for details. Due to the limited supply, only those that are symptomatic or have been exposed to COVID-19 should get a kit. Free N-95 masks will also be available to Granby residents.

The Intra-Board Advisory Committee (IBAC) will be reconvened primarily to discuss the plan for ARPA funds.

X. SELECTMAN REPORTS

(Sally S. King, Frederick A. Moffa, Mark C. Neumann, Kelly O. Rome and John Bell, Student Liaison)

K. Rome toured the homes on the Parks & Recreation holiday lights contest and felt it was very well done.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

ON A MOTION by S. King, seconded by M. Neumann, the Board voted unanimously (5-0-0) to adjourn the meeting at 8:12 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Erica P. Robertson". The signature is written in a cursive, flowing style.

Erica P. Robertson
Town Manager

In conjunction with Section 4-5 (Public Hearing on Ordinances) of the Granby Town Charter

Sec. 7-157. Publication. Referendum. Publication of summary. (a) Ordinances may be enacted by the legislative body of any town, city, borough or fire district. Any such ordinance so enacted, except when enacted at a town or district meeting, shall become effective thirty days after publication thereof in some newspaper having a circulation in the municipality in which it was enacted, provided, upon a petition of not less than fifteen per cent of the electors of such municipality filed with the town or borough clerk, as the case may be, within thirty days after the publication of such ordinance, asking that the same be submitted to the voters of such municipality at its next regular or special meeting, it shall be so submitted and in such event shall not become effective unless a majority of the voters voting at such meeting vote in favor thereof. Any ordinance enacted at a town or district meeting shall become effective fifteen days after publication thereof in some newspaper having a circulation in such town or in such district, as the case may be. Cities and other municipalities whose charters provide for the manner in which they may enact ordinances may enact ordinances in such manner.

(b) Whenever any town, city, borough or fire district is required to publish any proposed ordinance or ordinance in accordance with subsection (a) of this section, the legislative body of such town, city, borough or fire district may provide that a summary of such proposed ordinance or ordinance shall be published in lieu of such proposed ordinance or ordinance, provided that, in any case in which such a summary is published, the clerk of such town, city, borough or fire district shall make a copy of such proposed ordinance or ordinance available for public inspection and shall, upon request, mail a copy of such or proposed ordinance or ordinance to any person requesting a copy at no charge to such person. Any summary so published shall bear a disclaimer as follows: "This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of (here insert the name of the town, city, borough or fire district) for any purpose." The provisions of this subsection shall not apply to any proposed ordinance or ordinance which makes or requires an appropriation.

(c) No ordinance enacted prior to June 1, 1992, shall be invalid for failure of a municipality to comply with the provisions of this section and each municipality shall be held harmless from any liability or causes of action which might arise from such failure. If a person affected by an ordinance shows prejudice because of the failure of the municipality to comply with such provision, no penalties may be imposed against such person pursuant to the ordinance. Any ordinance enacted prior to June 1, 1992, for which the provisions of this section were not complied with shall be deemed to be effective thirty days after such enactment.

In conjunction with Section 4-5 (Public Hearing on Ordinances) of the Granby Town Charter

Sec. 28-1. Definitions. As used in this chapter:

(1) "Attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

(2) "Major disaster" means any catastrophe including, but not limited to, any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought, or, regardless of cause, any fire, flood, explosion, or man-made disaster in any part of this state that, (A) in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121 et seq., as amended from time to time, to supplement the efforts and available resources of this state, local governments within the state, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by such catastrophe, or (B) in the determination of the Governor, requires the declaration of a civil preparedness emergency pursuant to section 28-9.

(3) "Emergency" means any occasion or instance for which, in the determination of the Governor or the President, state or federal assistance is needed to supplement state or local efforts and capabilities to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster or catastrophe in any part of this state.

(4) "Civil preparedness" means all those activities and measures designed or undertaken (A) to minimize or control the effects upon the civilian population of major disaster or emergency, (B) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (C) to deal with the immediate emergency conditions which would be created by any such attack, major disaster or emergency, and (D) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack, major disaster or emergency. Such term shall include, but shall not be limited to, (i) measures to be taken in preparation for anticipated attack, major disaster or emergency, including the establishment of appropriate organizations, operational plans and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction and preparation of shelters, shelter areas and control centers; and, when appropriate, the nonmilitary evacuation of

In conjunction with Section 4-5 (Public Hearing on Ordinances) of the Granby Town Charter

the civilian population, pets and service animals; (ii) measures to be taken during attack, major disaster or emergency, including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communication; and (iii) measures to be taken following attack, major disaster or emergency, including activities for firefighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities.

(5) "Civil preparedness forces" means any organized personnel engaged in carrying out civil preparedness functions in accordance with the provisions of this chapter or any regulation or order adopted pursuant to this chapter. All the police and fire forces of the state or any political subdivision of the state, or any part of any political subdivision, including all the auxiliaries of these forces and emergency medical service personnel licensed or certified pursuant to section 19a-179, shall be construed to be a part of the civil preparedness forces. The Connecticut Disaster Medical Assistance Team and the Medical Reserve Corps, under the auspices of the Department of Public Health, the Connecticut Urban Search and Rescue Team, under the auspices of the Department of Emergency Services and Public Protection, and the Connecticut behavioral health regional crisis response teams, under the auspices of the Department of Mental Health and Addiction Services and the Department of Children and Families, and their members, shall be construed to be a part of the civil preparedness forces while engaging in authorized civil preparedness duty or while assisting or engaging in authorized training for the purpose of eligibility for immunity from liability as provided in section 28-13 and for death, disability and injury benefits as provided in section 28-14. Any member of the civil preparedness forces who is called upon either by civil preparedness personnel or state or municipal police personnel to assist in any emergency shall be deemed to be engaging in civil preparedness duty while assisting in such emergency or while engaging in training under the auspices of the Department of Emergency Services and Public Protection, the Divisions of State Police and Emergency Management and Homeland Security within the Department of Emergency Services and Public Protection or a municipal police department, for the purpose of eligibility for death, disability and injury benefits as provided in section 28-14.

(6) "Mobile support unit" means an organization of civil preparedness forces created in accordance with the provisions of this chapter to be dispatched by the Governor or Commissioner of Emergency Services and Public Protection to supplement civil preparedness forces in a stricken or threatened area.

In conjunction with Section 4-5 (Public Hearing on Ordinances) of the Granby Town Charter

(7) "Civil preparedness emergency" or "disaster emergency" means an emergency declared by the Governor under the provisions of this chapter in the event of serious disaster or of enemy attack, sabotage or other hostile action within the state or a neighboring state, or in the event of the imminence of such an event.

(8) "Local civil preparedness emergency" or "disaster emergency" means an emergency declared by the chief executive officer of any town or city in the event of serious disaster affecting such town or city.

(9) "Governor" means the Governor or anyone legally administering the office of Governor.

(10) "Commissioner" means the Commissioner of Emergency Services and Public Protection.

(11) "Department" means the Department of Emergency Services and Public Protection.

(12) "Political subdivision" means any city, town, municipality, borough or other unit of local government.

Sec. 28-8a. Municipal chief executive officers' powers during emergency. Benefits for certain persons assisting during emergency. Procedure for payment. (a) The chief executive officer of the municipality in which a major disaster or emergency occurs, or his designee, may take such action as he deems necessary to mitigate the major disaster or emergency and to secure and preserve any documents and evidence pertinent to and necessary for a future investigation.

(b) Any person who is not a member of a civil preparedness force and who is requested by the chief executive officer of a municipality or his designee to render aid in any major disaster, emergency, disaster emergency or attack shall register, as soon as practicable, with the local chief executive authority of the municipality requesting such aid, or his designee. Any such person for whom workers' compensation benefits are not otherwise provided shall be compensated for death, disability or injury resulting from the rendering of such aid pursuant to the provisions of chapter 568, except that (1) such person shall be construed to be an employee of the municipality where the aid was rendered and (2) the person's average weekly wage, as said term is used in chapter 568, shall be ascertained pursuant to the provisions of subdivision (2) of subsection (a) of section 28-14. All claims under this subsection shall be determined according to the procedures specified in chapter 568.



TOWN OF GRANBY

MEMO

DATE: February 22, 2023

TO: Members of the Charter Commission
FROM: Terri-Ann Hahn
CC: Scott Nolan, Town Clerk
RE: **CHARTER REVISION**

"These are the General Statutes related to Zoning Board of Appeals- the number of members and alternates and the ones related to alternates for the Zoning/ Planning and Zoning Commission.

You will note that the ZBA is required to have alternates but the Zoning/PZC may have alternates. It is my recollection that the charter had separate wording due to this condition. The ZBA always had alternates but the Zoning/PZC alternates was a more recent addition/acknowledgement within the Charter.

On the Board of Assessment Appeals - Chapter 203- Section 12-110. The Board of Assessment Appeals. This is the general duties. I did not find the membership breakout but I am sure it is in the statutes somewhere!"

Terri-Ann Hahn

CHAPTER 124*

ZONING

*Constitutionality of zoning; restoration of nonconforming use. 110 C. 92. No impairment of vested rights by adoption of regulations after contract made to purchase land and work commenced. Id., 141. Cited. 112 C. 240, 245; 113 C. 50; 116 C. 555; 118 C. 7; 123 C. 480; 124 C. 54. History of zoning laws in state. 133 C. 250. Cited. 139 C. 119; 143 C. 152, 280. No municipality is obliged to establish a planning commission, and statutory authority granted to towns, cities and boroughs under this chapter for establishment of zoning commission is not conditioned on simultaneous exercise of powers granted under chapter 126. 144 C. 117. Cited. 145 C. 435, 625; 147 C. 65; 148 C. 492. Entire history of zoning legislation indicates clear intention on part of General Assembly, subject to certain underlying principles, to leave solution of zoning questions to local authority; courts must not substitute their discretion for wide and liberal discretion enjoyed by zoning agencies; court can grant relief on appeal only where local authority has acted arbitrarily or illegally and has thus abused discretion vested in it. 150 C. 79. Cited. Id., 131; 154 C. 203; Id., 463. Chapter is a general zoning enabling act and has no effect in city of Hartford whose legislative body has not acted to adopt it, except as to such provisions as Secs. 8-8 through 8-10 which the legislature intended should apply to all municipalities. 155 C. 360. Provisions of Sec. 8-7 held not to apply to municipality until it has adopted chapter as provided in Sec. 8-1. Id., 422. City of Norwalk has been acting under general statutes in zoning matters since 1929; therefore provisions of chapter apply to appeal from its board. Id., 550. Cited. 157 C. 308, 552. Whether or not a municipality adopts chapter, appeals from its final zoning authority are governed by Sec. 8-10. 159 C. 1. Cited. Id., 598. Amendments to zoning regulations are essentially legislative actions and courts will not disturb them unless amendment violates chapter or is "patently arbitrary". 164 C. 210. Zoning in Norwich is controlled by special act, hence its charter and not this chapter controls the reference to referendum of a zoning ordinance. 167 C. 579. Cited. 171 C. 480. Fact that town and zoning enforcement officer, defendants in the action, were not named in the two previous actions does not preclude application of doctrine of res judicata; since they represent the rights of the municipality, the agents of the same municipal corporation are in privity with each other and with the municipality. 181 C. 556. Cited. 189 C. 261; 208 C. 267; 211 C. 690; 213 C. 604; 221 C. 374; 227 C. 71.

Cited. 2 CA 595; 22 CA 407; 35 CA 317.

Where building permit has been properly obtained, it may not arbitrarily be revoked, particularly where, on faith of it, owner has incurred material expense and substantial liabilities. 23 CS 461. Cited. 25 CS 278; 28 CS 286.

Table of Contents

Sec. 8-1. Zoning commissions.

Sec. 8-1a. "Municipality" to include district.

Sec. 8-1b. Alternate members of zoning commission or combined planning and zoning commission.

Sec. 8-1c. Fees for municipal land use applications.

Sec. 8-1d. Hours for holding land use public hearings.

Secs. 8-1e to 8-1y. Reserved

Sec. 8-1z. Exclusion of conservation easement from open space percentage allocation required for land use application.

Sec. 8-1aa. Ridgeline protection: Definitions.

Sec. 8-1bb. Temporary health care structures. Municipal permit required. Municipal opt-out.

Sec. 8-2. Regulations.

Sec. 8-2a. Copies of zoning and subdivision regulations to be available.

Sec. 8-2b. Use of maps of Soil Conservation Service as standard.

Sec. 8-2c. Payment of a fee in lieu of parking requirements.

Sec. 8-2d. Planned unit developments under former chapter 124a continue to be valid.

Sec. 8-2e. Municipal agreements regarding development rights.

Sec. 8-2f. Joint applications necessary for transfer of development rights.

Sec. 8-2g. Special exemption from density limits for construction of affordable housing.

Sec. 8-2h. Zoning applications filed prior to change in zoning regulations not required to comply with change. Applications for building permit or certificate of occupancy filed prior to adoption of zoning regulations not required to comply with regulations.

Sec. 8-2i. Inclusionary zoning.

Sec. 8-2j. Village districts. Compatibility objectives with other uses in immediate neighborhood. Applications. Village district consultant.

Sec. 8-2k. Zoning regulations re construction near lakes.

Sec. 8-2l. Zoning regulations re structures or uses located in floodplain.

Sec. 8-2m. Floating and overlay zones and flexible zoning districts.

Sec. 8-2n. Zoning regulations re crematories.

Sec. 8-3. Establishment and changing of zoning regulations and districts. Enforcement of regulations. Certification of building permits and certificates of occupancy. Site plans. District for water-dependent uses.

Sec. 8-3a. Findings of consistency of proposed regulations or boundaries with the plan of development. Referral of proposed regulations or boundaries to planning commission.

Sec. 8-3b. Notice to regional council of governments of proposed zone or zone use change.

Sec. 8-3c. Special permits, exceptions and exemptions. Hearings. Filing requirements.

Sec. 8-3d. Variances, special permits, special exceptions and special exemptions to be recorded.

Sec. 8-3e. Regulation of community residences for persons with intellectual disability, child-care residential facilities, community residences for persons receiving mental health or addiction services and hospice facilities.

Sec. 8-3f. Establishment of community residences for persons with intellectual disability and child-care residential facilities.

Sec. 8-3g. Regulation of community residences for mentally ill adults and UCONN 2000 projects.

Sec. 8-3h. Notice to adjoining municipalities.

Sec. 8-3i. Notice to water company re projects within aquifer protection area or watershed of water company.

Sec. 8-3j. Regulation of family child care homes.

Sec. 8-4. Zoning commission may be designated as planning and zoning commission.

Sec. 8-4a. Zoning or planning commission may be designated as planning and zoning commission.

Sec. 8-4b. Change from combined commission to separate commissions.

Sec. 8-5. Zoning board of appeals. Alternate members.

Sec. 8-5a. Designation of alternate members to act.

Sec. 8-5b. Ordinance may provide for appointment of alternate members.

Sec. 8-6. Powers and duties of board of appeals.

Sec. 8-6a. Appeal to be heard before variance when both joined.

Sec. 8-7. Appeals to board. Hearings. Effective date of exceptions or variances; filing requirements.

Sec. 8-7a. Evidence at hearings and meetings to deliberate formal petitions, applications, requests or appeals to be taken by stenographer or recorded.

Sec. 8-7b. Notice to contiguous municipalities of variance applications.

Sec. 8-7c. Disclosure of beneficiaries of real property held in trust.

Sec. 8-7d. Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry.

Sec. 8-7e. Notice to adjoining municipalities of applications or requests.

Sec. 8-8. Appeal from board to court. Mediation. Review by Appellate Court.

Sec. 8-8a. Process for mediation.

Sec. 8-9. Appeals from zoning commissions and planning and zoning commissions. Review by Appellate Court.

Sec. 8-10. Appeals procedure to apply to all municipalities.

Sec. 8-11. Disqualification of members of zoning authorities.

Sec. 8-11a. Disqualification of board member as enforcement officer.

Sec. 8-12. Procedure when regulations are violated.

Sec. 8-12a. Establishment of municipal penalties for violations of regulations.

Sec. 8-13. Controlling requirement in case of variation.

Sec. 8-13a. Nonconforming buildings, structures and land uses.

Sec. 8-1. Zoning commissions. (a) Any municipality may, by vote of its legislative body, adopt the provisions of this chapter and exercise through a zoning commission the powers granted hereunder. On and after July 1, 1974,

in each municipality, except as otherwise provided by special act or charter provision adopted under chapter 99, the zoning commission shall consist of not less than five nor more than nine members, with minority representation as determined under section 9-167a, who shall be electors of such municipality. The number of such members and the method of selection and removal for cause and terms of office shall be determined by ordinance, provided no such ordinance shall designate the legislative body of such municipality to act as such zoning commission, except that (1) in towns having a population of less than five thousand, the selectmen may be empowered by such ordinance to act as such zoning commission, (2) a legislative body which is acting as a zoning commission prior to July 1, 1974, pursuant to an ordinance, may continue to act as such zoning commission if such municipality has initiated a charter revision pursuant to section 7-188, prior to July 1, 1974, which revision proposes to designate such legislative body as the zoning commission, and such charter revision is approved as provided in section 7-191, and (3) a legislative body which is acting as a zoning commission prior to June 17, 1987, pursuant to a special act may continue to act as such zoning commission. The manner for filling vacancies arising from any cause shall be provided by vote of the legislative body.

(b) The zoning commission of any town shall have jurisdiction over that part of the town outside of any city or borough contained therein except that the legislative body of any city or borough may, by ordinance, designate the zoning commission of the town in which such city or borough is situated as the zoning commission of such city or borough.

(1949 Rev., S. 836; 1951, S. 156b; 1953, S. 373d; 1957, P.A. 13, S. 41; 1959, P.A. 614, S. 1; P.A. 73-256; P.A. 74-232, S. 1, 2; P.A. 75-629, S. 1; P.A. 87-278, S. 3, 5.)

History: 1959 act authorized ordinances determining method of removal for cause and authorized legislative body to determine manner of filling vacancies; P.A. 73-256 established membership of zoning commission as "not less than five nor more than nine members with minority representation as determined under section 9-167a", effective July 1, 1974, unless otherwise provided and prohibited legislative body from acting as zoning commission reversing previous provision allowing such double duty; P.A. 74-232 set forth special conditions under which legislative body may act as zoning commission; P.A. 75-629 divided section into subsections and set forth conditions under which town commission serves as commission for city or borough within its limits; P.A. 87-278 added Subdiv. (3) of Subsec. (a) concerning legislative bodies acting as a zoning commission pursuant to a special act.

See Secs. 1-1 and 9-1 for applicable definitions.

See Sec. 9-209 re certification of terms of office and number of members of planning and zoning boards or commissions.

See Sec. 22a-354n re delineation of aquifer protection areas on maps.

Extent of zoning authority of city. 110 C. 101, 102. Establishment of commission is act of town, not legislature; optional with town to adopt and to terminate zoning system. 118 C. 6. Cited. 131 C. 299; 132 C. 216; 133 C. 234. Reference to special act explained. Id., 251. Town meeting may not amend or repeal regulations duly made by commission. Id., 596. Cited. 138 C. 500; 141 C. 349; 143 C. 448. Once a municipality has established a zoning commission, it cannot regulate its actions, except as expressly provided in its municipal charter. 148 C. 33. Cited. Id., 299; 149 C. 411. Municipality's legislative body must pass on act in which the intent to utilize the zoning provisions of the enabling act is expressed. 152 C. 237. Where legislative body of city of Hartford never took action to adopt chapter, provisions do not apply to city except where the legislature makes sections applicable to all municipalities. 155 C. 360. Until chapter is adopted by legislative body of municipality in manner provided, Sec. 8-7 does not apply to hearings before its zoning board of appeals. Id., 422. Cited. 157 C. 308, 552. The mere fact that one not a member of a zoning commission served as moderator of a commission meeting does not invalidate the meeting in absence of a showing the meeting was conducted illegally. 166 C. 207. Cited. 167 C. 579; 170 C. 61; 189 C. 261; 208 C. 267; 214 C. 400; 216 C. 112; 220 C. 584.

Cited. 21 CA 351.

Cited. 5 CS 195. Members of zoning board are not agents or employees of a town; they constitute a legal entity. 12 CS 192. Cited. 13 CS 59; 14 CS 246. Limitation put on town's authority to avoid duplication with political subdivision. Id., 258. Compared with former statute. 15 CS 413. Cited. 18 CS 45; 19 CS 446. Municipality must adhere minutely to enabling act when adopting zoning ordinance; failure of board of burgesses to formally adopt enabling act held to invalidate subsequent zoning ordinance. 21 CS 78. Omission of zoning powers from enumeration of specific powers granted to towns under Home Rule Act compels conclusion that legislature did not intend that any action under said act should alter the declared law under this statute. 25 CS 378. Zoning regulations adopted prior to new charter which contains no zoning regulation powers, prevail over charter and zoning commission could appoint its own agent as zoning enforcement officer of the town. 28 CS 278. Cited. Id., 419.

Subsec. (a):

Once municipality adopts provisions of chapter and establishes a zoning commission which then commences its functions in accordance with chapter, commission is not subject to interference by municipality's legislative body; municipality's legislative body may not substitute its judgment for that of commission in a matter involving use of municipality's land. 49 CS 183.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-1a. "Municipality" to include district. "Municipality" as used in this chapter shall include a district establishing a zoning commission under section 7-326. Wherever the words "town" and "selectmen" appear in this chapter, they shall be deemed to include "district" and "officers of such district", respectively.

(1959, P.A. 577, S. 1.)

Cited. 212 C. 375; 216 C. 112.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-1b. Alternate members of zoning commission or combined planning and zoning commission. Any town, city or borough, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment or election of alternate members to its zoning commission or combined planning and zoning commission. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth in the general statutes or any special act relating to such municipality for such commission and its members. Such alternate members shall be electors and shall not be members of the zoning board of appeals or planning commission. Such ordinance shall provide for the manner of designating alternates to act.

(1963, P.A. 249; February, 1965, P.A. 280; 1971, P.A. 763, S. 1; P.A. 84-154, S. 1, 3; P.A. 85-284, S. 1, 5.)

History: 1965 act provided option of electing alternate members; 1971 act deleted provision concerning alternate members of planning commissions, forbade members of planning commission to serve as alternate members of zoning commission and deleted provisions concerning selection of alternate by member he is to substitute for, giving chairman sole power to make selection; P.A. 84-154 provided for mandatory appointment or election of alternates, effective January 1, 1986; P.A. 85-284 repealed provisions of P.A. 84-154 and provided that local ordinances shall provide for the manner of designating alternates to act.

See Sec. 8-19a re alternate members of planning commission.

Cited. 168 C. 20.

such designation and do anything necessary to conform to the provisions of this chapter or chapter 126; provided no such reversal, unless otherwise stated, shall be construed to affect the continuity of planning or zoning in such town.

(February, 1965, P.A. 566; 1971, P.A. 763, S. 3.)

History: 1971 act included cities and boroughs under provisions of section.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-5. Zoning board of appeals. Alternate members. (a) In each municipality having a zoning commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as "the panel of alternates", shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members. The regular members and alternate members of such zoning board of appeals shall be electors and shall not be members of the zoning commission, any provision of any special act to the contrary notwithstanding. Such board and such panel of alternates shall, unless otherwise provided by special act, be elected or appointed in such manner and for such terms as is determined for each by ordinance adopted by the municipality. Any vacancy in such board, including any vacancy in the panel of alternates, unless otherwise provided by ordinance or special act, shall be filled for the unexpired portion of the term, by the board of selectmen of towns or the chief executive officer of cities and boroughs. Such board by vote of its regular members only shall elect a chairman from among its members, unless otherwise provided by special act, and all meetings of such board shall be held at the call of the chairman and at such other times as the board determines and shall be open to the public. Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record.

(b) The zoning board of appeals of any town shall have jurisdiction over that part of the town outside of any city or borough contained therein except that the legislative body of any city or borough may, by ordinance, designate the zoning board of appeals of the town in which such city or borough is situated as the zoning board of appeals of such city or borough.

(1949 Rev., S. 841; 1951, S. 158b; 1953, S. 376d; 1959, P.A. 146, S. 1; 1961, P.A. 271; 1963, P.A. 137; 1971, P.A. 763, S. 4; P.A. 75-629, S. 2; P.A. 89-175, S. 1, 7.)

History: 1959 act required alternate members; 1961 act added panel of alternates in provision for method of selection and determination of terms; 1963 act added "any provision of any special act to the contrary notwithstanding" to the provision governing membership of zoning board of appeals; 1971 act made no changes; P.A. 75-629 added Subsec. (b) concerning jurisdiction of zoning board of appeals; P.A. 89-175 amended Subsec. (a) to eliminate provisions re appointment of board members and alternates in cities and boroughs and to provide that board members and alternates may be elected or appointed in any municipality.

See Sec. 9-1 for applicable definitions.

See Sec. 9-209 re certification of terms of office and number of members of planning and zoning boards or commissions.

Cited. 123 C. 264. Board of appeals acts in a quasi-judicial capacity as distinguished from zoning commission. 145 C. 592. Cited. 148 C. 33; 165 C. 185; 219 C. 352.

Cited. 33 CA 281. Local zoning regulation, which mirrors statute, confers only specific narrowly defined powers on the chairman and in this case chairman was not authorized to act on behalf of board as to any substantive matter such as termination of disposition of an appeal. 69 CA 230.

Compared with number 305 of special acts of 1931. 10 CS 194.

Subsec. (a):

Unseated alternate zoning board member is precluded from participating in board deliberations following the close of a public hearing. 127 CA 669.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-5a. Designation of alternate members to act. If a regular member of a zoning board of appeals is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the chairman of the board shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(1959, P.A. 146, S. 2; 1971, P.A. 763, S. 5.)

History: 1971 act made no changes.

Fact that minutes failed to show how or by whom alternates who participated in hearing were designated did not invalidate board's action. 150 C. 539. Cited. 219 C. 352.

Cited. 33 CA 281. Unseated alternate zoning board member's participation in public hearing was not in contravention of plain language of section. 127 CA 669.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-5b. Ordinance may provide for appointment of alternate members. Any town, city or borough, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment of three alternate members to its zoning board of appeals as is set forth in section 8-5.

(1961, P.A. 253.)

Cited. 219 C. 352.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-6. Powers and duties of board of appeals. (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter; (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and (3) to determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual

hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application.

(b) Any variance granted by a zoning board of appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

(1949 Rev., S. 842; P.A. 77-509, S. 5; P.A. 88-338, S. 4, 5; P.A. 93-385, S. 1.)

History: P.A. 77-509 added provisions concerning variances; P.A. 88-338 added reference to special exemptions under Sec. 8-2g; P.A. 93-385 designated existing provisions as Subsec. (a) and added Subsec. (b) providing that zoning variances shall run with the land.

Action in executive session by four members of board not invalid because full membership did not participate. 125 C. 720. Board of appeals not unreasonable in denying variance for parking lot in residential zone. 126 C. 228. Provision re variance in regulation was in harmony with section. 129 C. 288. "Hardship" construed. 111 C. 616; 114 C. 15; 120 C. 454; 124 C. 525; 125 C. 715; 126 C. 228; 129 C. 280; Id., 285; 130 C. 164; 132 C. 542. Injunctive relief on ground of unconstitutionality of action of zoning authorities cannot be sought until party has been granted or denied a variance by zoning board of appeals. 142 C. 415. Board has power to grant variance under section when its own regulation was limited. 143 C. 132. Zoning board of appeals shall not grant variance unless it can reasonably find that strict application would entail exceptional difficulty or undue hardship on an individual property owner. Id., 542. Similar provision in Bridgeport zoning regulations construed. 144 C. 641. Difference between variance and exception; accessory use defined. 146 C. 70. Financial loss or hardship is not sufficient reason for granting variance. Id., 547. Conditions permitting an exception must be found in zoning regulations themselves. Id., 665. Variance denied since hardship was of plaintiffs' own making. Id., 737. In order to warrant a variance, hardship must be shown to differ in kind from hardship imposed on properties in general by regulations. 147 C. 358. Cited. 148 C. 33. Board can grant variance for reasons stated in section; mere financial gain to applicant is not sufficient. Id., 443. Zoning board of appeals should not be permitted to revoke former action unless there has been a change in conditions or new considerations materially affecting merits of subject matter have intervened; that applies even though former action was taken without prejudice; where plaintiff purchased property under conditions and restrictions now complained of, ground of "hardship" without support in evidence; also, motive for seeking variance was greater financial return, and any claimed unsuitability of land for residence purposes did not attach any more particularly to plaintiff's land than to zoning district in general. 149 C. 698. Mere financial loss does not constitute hardship warranting granting of variance; but if loss is so great as to amount to confiscation of applicant's property, variance might be justified; hardship warrants granting of variance only if it is different in kind from hardship imposed by regulations on property in general; it must be peculiarly oppressive to applicant's property. 150 C. 391. Zoning board of appeals acting under section must conduct public hearing on every application submitted to it and give timely and adequate notice in accordance with Sec. 8-7. Id., 532. Aggrieved party cannot bypass board by bringing action in Superior Court seeking review of zoning enforcement officer's action. 151 C. 27. Board cannot reverse its decision unless aggrieved party can show a change of conditions or circumstances. Id., 34. For granting of variance, hardship imposed must differ in kind from hardship imposed on properties generally by the regulations; if hardship affects all property in general area, the matter can only be acted on legislatively, not administratively. Id., 49. Special exception not allowed where requirements of regulations not met. Id., 144. Variance allowed where owner built on lot with 100 foot frontage, even where area restricted to 120 foot frontage and owner had prior opportunity to buy lot at its original 120 foot frontage. Id., 165. As variance would not materially impair effectiveness of zoning regulations as a whole, court upheld granting of said variance. Id., 166. When claimed hardship arises because of actions of applicant, board is without power to grant variance. Id., 681. Mere statement that application of zoning restriction to named premises constitutes a hardship not sufficient reason for variance. 153 C. 314, 316. Failure to give posted notice as required by Stratford zoning regulations made action by town zoning board

granting zoning changes illegal. 154 C. 420. One who has contracted to purchase property has standing to apply for a special exception or variance governing its use. Id., 426. Refusal of zoning board to grant variance was not abuse of its discretion where applicant had bought undersized lot in district zoned to require 3-acre lots for building. Id., 380. Board had function of deciding whether plaintiff's process of assembling small arms ammunition was manufacture of explosives prohibited by zoning regulation in his area and was not bound by definition of explosives in Sec. 29-83. Id., 558. Cited. 155 C. 175, 180. That property previously equipped and leased as restaurant could not now be leased again as restaurant unless variance was granted to permit restoration of its lapsed liquor permit held not such a hardship as justified board of appeals granting a variance. 156 C. 426. Cited. Id., 588. Appeal to Court of Common Pleas without prior proceeding under section upheld where relief sought was equitable in nature for injunction against town officials. 157 C. 548. Cited. 162 C. 44. Considerations of board in granting variances. 163 C. 179. Cited. Id., 237; Id., 453. Notice which incorrectly referred to an appeal hearing as a hearing on a variance request held sufficient. 164 C. 325. Cited. 165 C. 185. Section does not allow a board of appeals when granting a variance to make a new ordinance for a particular property; the statute only allows the board to vary the application of the existing ordinance in enumerated instances. 168 C. 194. Cited. 173 C. 420. Statutory standard of "exceptional difficulty or unusual hardship" interpreted. 174 C. 323. Cited. 178 C. 364; 179 C. 250. Zoning board of appeals lacked authority to grant variance for trailer park since city's zoning regulations prohibited the enlargement of a nonconforming use. 180 C. 193. Cited. 186 C. 32. Section does not preclude review of actions of a commission by zoning board of appeals; relationship with Secs. 8-9 and 8-10 discussed. 186 C. 106. Cited. 213 C. 604; 217 C. 588; 219 C. 352; 221 C. 374; 225 C. 432; Id., 691; 226 C. 80; 233 C. 198; 235 C. 850; 241 C. 180. In reviewing a zoning board's decision, reviewing court is bound by the substantial evidence rule; the question is not whether trial court would have reached the same conclusion but whether the record before the board supports the decision reached; if trial court finds there is substantial evidence to support board's findings, it cannot substitute its judgment for that of the board; person who seeks a variance must show that because of some unusual characteristic of a person's property, literal enforcement of zoning regulations would result in unusual hardship to such person; the hardship must arise directly out of the application of the regulations to circumstances or conditions beyond such person's control; where extreme hardship has not been established, the reduction of a nonconforming use to a less offensive prohibited use may constitute independent ground for granting a variance; conversion of property use from current nonconforming use as a foundry to prohibited use as automobile repair shop would be less offensive to surrounding residents; decision of board granting variance was proper because it reduced preexisting nonconforming use of property to a less offensive prohibited use. 281 C. 553.

Cited. 4 CA 271. Action pending under section cannot be used under prior pending action rule to bar action subsequently brought under Sec. 8-12. 9 CA 534. Cited. 15 CA 729; 18 CA 195; Id., 312; 22 CA 255; 24 CA 49; 27 CA 297; 29 CA 402; 31 CA 380; 42 CA 272; judgment reversed, see 241 C. 180; 43 CA 545; 45 CA 702. The threshold issue is whether an order, requirement or decision by zoning enforcement officer was made, thus triggering the statutory framework for appeal. 58 CA 74. Cited. 87 CA 143. The power to vary the ordinance to accommodate practical difficulties and do substantial justice lies exclusively with the board of appeals. 146 CA 406.

Compared with number 305 of special acts of 1931. 10 CS 194. Board is without power to authorize an exception or variance without some basis of fact. 18 CS 48. Possible inconvenience to public and economic disadvantage to owner held not sufficient justification for granting of variance on ground of practical difficulty or unnecessary hardship. 21 CS 102. Where board passed on issue which was not presented to it in any manner cognizable under the act or the regulations, it acted gratuitously and the application was not within its jurisdiction and should have been denied. 25 CS 279. Rule that board cannot reverse a former decision unless there has been a change in conditions did not apply where former decision was invalid because of improper notice. 26 CS 255. Circumstances under which board's decisions should be overruled discussed. Id., 256. Zoning board of appeals acted in arbitrary and illegal manner in granting variance to defendant where there was no evidence the limitation as to the amount of outdoor storage area was so unbearable a reduction as to be confiscatory or arbitrary. 28 CS 278. Cited. 30 CS 157; 32 CS 223; Id., 625. Zoning board of appeals did not act arbitrarily in denying a variance to use a portion of a residence as a real estate office since a real estate broker is not a "professional person" within purview of zoning regulations. 36 CS 217. Cited. 38 CS 651; 41 CS 218.

Subsec. (a):

Subdiv. (3): Power to vary regulations must be sparingly exercised; financial detriment to a single owner not sufficient reason. 139 C. 116. Cited. 152 C. 661; 155 C. 42; 165 C. 389, 393. Subdiv. (3): Circumstances in which zoning board of appeals may grant a variance are in substance the same as those specified in section 11.6.3 of the zoning regulations of New Haven. Id., 749. Cited. 179 C. 650. Subdiv. (1): Legislative intent that issue of what constitutes nonconforming use should be handled in the first instance by local administrative officials. 180 C. 575. Cited. 181 C. 556; 205 C. 703; 206 C. 362; 218 C. 438; 225 C. 575; 228 C. 785; 234 C. 498. Zoning commission's denial of application for special exception was an enforcement action and therefore administrative in nature and board of appeals has authority to hear appeals re such enforcement actions. 280 C. 274. Zoning board of appeals had jurisdiction to hear and determine administrative appeal concerning whether certificate of zoning compliance conformed with a stipulated judgment; use of "any" before "order" was intended to convey broad jurisdiction over all orders, requirements and decisions of the zoning enforcement officer, without limitation. 296 C. 434. Municipal zoning enforcement officer's action or inaction with respect to homeowner's letter did not give rise to an independent "decision" that could be appealed to zoning board of appeals. 311 C. 356. Board improperly granted application for variance when evidence established that the property would have economic value if the variance were denied and denial would cause no unusual hardship; 25 CA 631 and its progeny, holding that even in the absence of showing of economic hardship, variance may be granted if literal enforcement of regulation causes exceptional difficulty or hardship because of some unusual characteristic of the property, overruled. 320 C. 9.

Cited. 4 CA 205; Id., 500; 12 CA 90; 15 CA 387; 17 CA 17; judgment reversed, see 212 C. 570; 20 CA 302; 21 CA 594; 23 CA 441; 25 CA 375; 26 CA 187; 31 CA 270; 34 CA 552; 43 CA 443; Id., 545. Subdiv. (3): Voluntary assumption of hardship does not constitute grounds for a variance. 50 CA 308. Planning and zoning commission was engaged in act of "enforcement" when it granted applicant's site plan application. 58 CA 399. Plaintiff's claimed financial loss is not valid basis for granting variance from zoning regulations because plaintiff's loss does not rise to an unusual hardship under section. 62 CA 528. Subdiv. (3): Claimed hardship for variance is legal where 20-foot setback requirement on 50-foot lot would limit defendant to constructing 10-foot-wide building in commercial zone, perpetuating property's present nonconforming use as single-family residence in a commercial zone, and where variance is in keeping with town's comprehensive plan. 66 CA 565. Issuance of certificate of zoning compliance by zoning enforcement officer is decision by such officer, and appeal from such decision is expressly permitted by statute. 106 CA 1. Because there was no record of an application to the zoning enforcement officer for a certificate of zoning compliance claiming that parcel at issue was a preexisting, nonconforming lot, and hence no denial of such application and appeal therefrom to the board, the issue of preexisting, nonconforming use was not properly before court; a parcel that was not approved as a buildable lot is not one of the conditions that a variance may be validly used to resolve. 117 CA 569. Errors of architect or contractor that resulted in roof exceeding maximum height requirement are attributable to homeowners because the voluntary acts of architect or contractor were on behalf of the homeowners whom the variance would benefit; hardship was self-created and zoning board of appeals was without authority to grant waiver sought; "de minimis" deviation is not recognized in Connecticut. 126 CA 400. Subdiv. (3): Appeal from denial of petition for a variance was not improperly dismissed where plaintiff's inability to build 4 homes on the property constituted a mere disappointment in use and not an unusual hardship. 149 CA 115.

Subdiv. (3): Where zoning board granted plaintiffs variance from which a successful appeal was taken, fact that plaintiffs had begun construction did not constitute a hardship under section since such construction was begun before expiration of appeal period; no hardship existed by reason of the size, shape and topography of plaintiffs' lot where all properties in the area were similar in size, shape and grade and regulations affected all similar properties in the same manner. 26 CS 255. Subdiv. (3): Financial disappointment insufficient to support granting of variance absent showing strict application of zoning regulations would destroy economic utility of property; property owners purchasing, with knowledge, express or implied, of zoning regulations, cannot be deemed to prevent valid case of exceptional difficulty or unusual hardship since they were aware, in law or in fact, of zoning restrictions prior to taking title to premises. 29 CS 4. Subdiv. (3): It is improper for zoning board of appeals to grant a variance solely on the basis that variance would improve the neighborhood without another finding of hardship. 51 CS 190.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-6a. Appeal to be heard before variance when both joined. Whenever an application to a zoning board of appeals for the grant of a variance is joined with an appeal from any order, requirement or decision made by the official charged with the enforcement of this chapter, or any bylaw, ordinance or regulation adopted under the provisions of this chapter, the board shall first decide the issues presented by such appeal.

(P.A. 75-86, S. 1.)

Cited. 219 C. 352; 225 C. 691; 226 C. 80.

Cited. 20 CA 302; 34 CA 552.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-7. Appeals to board. Hearings. Effective date of exceptions or variances; filing requirements. The concurring vote of four members of the zoning board of appeals shall be necessary to reverse any order, requirement or decision of the official charged with the enforcement of the zoning regulations or to decide in favor of the applicant any matter upon which it is required to pass under any bylaw, ordinance, rule or regulation or to vary the application of the zoning bylaw, ordinance, rule or regulation. An appeal may be taken to the zoning board of appeals by any person aggrieved or by any officer, department, board or bureau of any municipality aggrieved and shall be taken within such time as is prescribed by a rule adopted by said board, or, if no such rule is adopted by the board, within thirty days, by filing with the zoning commission or the officer from whom the appeal has been taken and with said board a notice of appeal specifying the grounds thereof. Such appeal period shall commence for an aggrieved person at the earliest of the following: (1) Upon receipt of the order, requirement or decision from which such person may appeal, (2) upon the publication of a notice in accordance with subsection (f) of section 8-3, or (3) upon actual or constructive notice of such order, requirement or decision. The officer from whom the appeal has been taken shall forthwith transmit to said board all the papers constituting the record upon which the action appealed from was taken. An appeal shall not stay any such order, requirement or decision which prohibits further construction or expansion of a use in violation of such zoning regulations except to such extent that the board grants a stay thereof. An appeal from any other order, requirement or decision shall stay all proceedings in the action appealed from unless the zoning commission or the officer from whom the appeal has been taken certifies to the zoning board of appeals after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order which may be granted by a court of record on application, on notice to the zoning commission or the officer from whom the appeal has been taken and on due cause shown. The board shall hold a public hearing on such appeal in accordance with the provisions of section 8-7d. Such board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from and shall make such order, requirement or decision as in its opinion should be made in the premises and shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of this section. Whenever a zoning board of appeals grants or denies any special exception or variance in the zoning regulations applicable to any property or sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the zoning bylaw, ordinance or regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based. Notice of the decision of the board shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to any person who appeals to the board, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. In any case in which such notice is not published within such fifteen-day period, the person who requested or applied for such special exception or variance or took such appeal may provide for the publication of such notice within ten days thereafter. Such exception or variance shall become effective upon the filing of a copy thereof (A) in the office

of the town, city or borough clerk, as the case may be, but, in the case of a district, in the offices of both the district clerk and the town clerk of the town in which such district is located, and (B) in the land records of the town in which the affected premises are located, in accordance with the provisions of section 8-3d.

(1949 Rev., S. 843; 1951, 1953, S. 378d; 1959, P.A. 458; 577, S. 5; 614, S. 4; 1963, P.A. 55, S. 1; February, 1965, P.A. 622, S. 2; 1967, P.A. 884, S. 1; 1971, P.A. 862, S. 4; P.A. 75-86, S. 2; P.A. 77-450, S. 3; 77-509, S. 6; P.A. 84-122; P.A. 87-215, S. 4, 7; P.A. 89-356, S. 13; P.A. 03-144, S. 2; 03-177, S. 4.)

History: 1959 acts changed "appellant" to "applicant" in first sentence, provided for filing of exception, variance or reversal in case of a district, added requirement of newspaper publication of notice of hearing and added requirement appeal be decided within 60 days; 1963 act added requirement board record reasons for denial of exception or variance and for sustaining of order or decision; 1965 act required notice of board's decision on appeal to be mailed to appellant and to be published in a newspaper, eliminated requirement for publishing notice of the filing of the variance, exception or reversal and deleted statement that appeals from decisions of board may be made in the manner set forth in Sec. 8-8 within 15 days of their effective date; 1967 act stated in more detail the notification of decision required to be given the appellant and changed deadline for notification from within 3 days of decision to within 10 days of decision; 1971 act required that appeal be heard within 65 days of notice rather than within "a reasonable time", required that decision be rendered within 65, rather than 60, days of hearing and required publication of decision and notification of appellant within 15 rather than 10 days; P.A. 75-86 required recording of regulation varied or to which exception made and basis for reaching decision; P.A. 77-450 deleted provision requiring that decision be reached within 65 days of hearing and replaced 65-day limit between notice and hearing with reference to time period under Sec. 8-7d; P.A. 77-509 added provision concerning stay of order on appeal where prohibition of construction, expansion, etc. involved and provided that decisions become effective not at time fixed by board but by filing in clerk's office and in land records; P.A. 84-122 required that appeals be taken within 30 days if no set period for taking appeals is adopted by the board; P.A. 87-215 authorized board to provide by regulation for additional notice by mail to adjacent landowners; P.A. 89-356 added provision authorizing the person who requested or applied for a special exception or variance or took an appeal to provide for the publication of the notice of the decision of the board when such notice is not published in a timely manner; P.A. 03-144 added provisions re time for commencement of appeal; P.A. 03-177 replaced provisions re notice of time and place for public hearing and optional notice by mail to adjacent landowners with provision requiring that the public hearing be held in accordance with Sec. 8-7d, effective October 1, 2003, and applicable to applications filed on or after that date.

Cited. 140 C. 527; 142 C. 88; Id., 92; 148 C. 33; Id., 603. Since there was no applicable limitation of time for taking appeal, and since there was failure to show prejudice by any delay in taking appeal and thus doctrine of laches could not be invoked, it could not be said that appeal was barred by lapse of time. 150 C. 113. Cited. Id., 413. Provisions requiring hearing to be held by zoning board of appeals on "any appeal" are not limited to appeals in technical sense; they apply to every application invoking powers conferred on board by Sec. 8-6; recitation that applicant sought permission to change nonconforming use of his premises as a mink ranch to a "lesser" nonconforming use was insufficient notice to inform those who might be affected by change. Id., 532. Prior to 1965 amendment: Time for taking appeal from zoning board controlled by this section rather than Sec. 8-8. 151 C. 646. Cited. Id., 694; 153 C. 315; Id., 623; 154 C. 32; 155 C. 178. Although condition requiring petitioner to deed part of property for street widening was illegal and of no effect, remainder of board's decision granting exception for construction of gasoline station was separable and therefore valid. Id., 350. Provisions not applicable to any municipality which has not adopted general enabling act as provided in Sec. 8-1; hence notice of hearing in conformance with Hartford zoning ordinance was proper notice of hearings before zoning board of appeals of city of Hartford. Id., 360. Section not applicable to hearing before municipal zoning board of appeal prior to adoption of chapter by municipality. Id., 422. Provision that board "shall decide" appeals within 60 days after hearing relates to procedure and is directory, not mandatory. Id., 550. Zoning regulations required board to find "that the existing public streets" are adequate to handle additional traffic where an exception is granted and board could not grant exception conditional on determination of adequacy by town traffic commission. 157 C. 420. Board of appeals in hearing plaintiff's appeal from action of zoning commission was administrative body acting in a quasi-judicial capacity; plaintiff was given a fair hearing, witnesses not required to testify so that she might cross-examine them. 158 C. 158. Notice of hearing sufficient if it sufficiently apprises those interested of

action proposed to enable them to prepare for hearing. *Id.*, 202. Compliance with publication requirement by the board is presumed. *Id.*, 331. Cited. *Id.*, 336; 162 C. 74; 163 C. 379; 165 C. 185. Court, upon concluding that action taken by administrative agency was illegal, arbitrary or in abuse of its discretion, should go no further than to sustain appeal; direction of what action should be taken would be usurpation of administrative function. *Id.*, 749. Cited. 173 C. 420; 174 C. 351; *Id.*, 488; 195 C. 276; 211 C. 78; 212 C. 628; 213 C. 604; 218 C. 65; 219 C. 352. Without subject matter jurisdiction, board's action was a nullity; judgment of Appellate Court in 25 CA 611 reversed. 223 C. 171. Cited. 225 C. 432; *Id.*, 575; 226 C. 80; *Id.*, 913. Judgment of Appellate Court in 30 CA 395 reversed. 230 C. 452. Exhaustion of administrative remedies doctrine not applicable to plaintiffs; judgment of Appellate Court in 42 CA 272 reversed. 241 C. 180. Appeal may be taken to a zoning board of appeals by any aggrieved party during a period established by a rule of that board or, if no such rule is established, within 30 days of notice of the action from which appeal is sought. 261 C. 263. When a landowner receives written notice from a zoning compliance officer that the landowner's existing use of his property is in violation of applicable zoning ordinances or regulations, that interpretation constitutes a decision from which the landowner can appeal to the local zoning board of appeals; however, when such written notice concerns a proposed future use, such notice is not a decision from which the landowner can appeal. 306 C. 173. Municipal zoning enforcement officer's action or inaction with respect to homeowner's letter did not give rise to an independent "decision" that could be appealed to zoning board of appeals. 311 C. 356.

Cited. 2 CA 384; *Id.*, 506; 4 CA 205; *Id.*, 633. Statutory and classical aggrievement discussed. 7 CA 632. Cited. *Id.*, 684; 16 CA 604; judgment reversed, see 212 C. 628; 17 CA 17; judgment reversed, see 212 C. 570; 20 CA 561; 23 CA 232; 25 CA 611; judgment reversed, see 223 C. 171; 26 CA 187; 28 CA 256; judgment affirmed in part and modified in part, see 226 C. 80; 30 CA 395; judgment reversed, see 230 C. 452; *Id.*, 797. Valid vote can occur only when agency members are present and convened together at a public meeting. 33 CA 281. Cited. 34 CA 552; 40 CA 692; 41 CA 89; 42 CA 272; judgment reversed, see 241 C. 180; 43 CA 512; *Id.*, 563. Land use hardship standard is the proper standard of review applicable to an application to modify a variance by removing attached conditions, and four votes are required to approve such application. 54 CA 135. The threshold issue is whether an order, requirement or decision by zoning enforcement officer was made, thus triggering the statutory framework for appeal. 58 CA 74. Zoning board required to hold a hearing on plaintiff's zoning application. 69 CA 230. The determination of whether a letter issued by a zoning enforcement officer amounts to a decision appealable under statute depends on the facts and circumstances of each case, and in this case, the letter was a preliminary advisory opinion and not a decision subject to appeal. 114 CA 13. Where four board members were present and available to vote on plaintiff's application, that one member abstained, resulting in denial of the application, did not render vote invalid under section. 138 CA 481.

Board of zoning appeals members who will make decision must be present at public hearing. 19 CS 307. Cited. 23 CS 7. Appeal stays all proceedings in action appealed from including criminal proceedings provided for in Sec. 8-12. *Id.*, 125. Cited. 25 CS 276. History discussed. 26 CS 88. Plaintiffs' claim that logic dictates that legislature did not intend that there should be an inconsistent procedure relative to appeals from decisions of zoning boards of appeal and zoning boards and that therefore the running of the appeal period in the case of a zoning regulation should be contingent on the statutory publication is without merit. *Id.*, 90. Cited. *Id.*, 169. Rule that board cannot reverse a former decision unless there has been a change in condition did not apply where former decision was invalid because of improper notice. *Id.*, 255. Circumstances under which board's decisions should be overruled discussed. *Id.*, 256. Where zoning was controlled by special act with different requirements as to notice of hearing, special act prevails. *Id.*, 262. Equitable relief outside the framework of appeal procedure set up by statute might be granted in the presence of allegations of fraudulent connivance or collusion on the part of local zoning board of appeals; plaintiffs have been granted equitable relief when the zoning authority lacked jurisdiction to take the action which plaintiff was challenging; equitable relief by way of an injunction will not be granted if the court finds that the legal remedy afforded by statute has not been exhausted. *Id.*, 334, 335. Cited. 32 CS 223; *Id.*, 625; 35 CS 246; 38 CS 492; 39 CS 426; *Id.*, 523; 41 CS 398; 43 CS 373.

Sec. 8-7a. Evidence at hearings and meetings to deliberate formal petitions, applications, requests or appeals to be taken by stenographer or recorded. The zoning commission, planning commission, planning and zoning commission and zoning board of appeals shall call in a competent stenographer to take the evidence, or shall cause the evidence to be recorded by a sound-recording device, in each hearing before such commission or board in which the right of appeal lies to the Superior Court and at each meeting in which such commission or board of appeals deliberates any formal petition, application, request or appeal.

(1959, P.A. 460, S. 1; P.A. 76-436, S. 290, 681; P.A. 90-286, S. 6, 9; P.A. 05-287, S. 46.)

History: P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 90-286 made requirements of section applicable to planning commissions and planning and zoning commissions; P.A. 05-287 added provision requiring evidence to be taken by stenographer or recorded at each meeting in which commission or board of appeals deliberates any formal petition, application, request or appeal, effective January 1, 2006.

Cited. 148 C. 600. History discussed; reversal of decision in 23 CS 6; failure of board of appeals to comply with mandate of section renders action voidable at option of an aggrieved person. 150 C. 411. Cited. 153 C. 713; 154 C. 393; 155 C. 268; 162 C. 44; 219 C. 352; Id., 511; 226 C. 80.

Cited. 6 CA 110; 43 CA 563. Zoning board required to hold a hearing on plaintiff's zoning application. 69 CA 230.

Where, due to mechanical failure of recording machine, no transcript is available, court may permit introduction of additional evidence to determine what considerations were presumptively in minds of board members. 23 CS 6; judgment reversed, see 150 C. 411.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-7b. Notice to contiguous municipalities of variance applications. Section 8-7b is repealed, effective October 1, 2003.

(February, 1965, P.A. 54; P.A. 83-247; P.A. 03-177, S. 14.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-7c. Disclosure of beneficiaries of real property held in trust. Any person who makes an application to a planning commission, zoning commission or zoning board of appeals pertaining to real property, the record title to which is held by a trustee of an undisclosed trust, shall file with said application a sworn statement disclosing the name of the equitable owner of such real property or the beneficiary of the trust.

(1971, P.A. 782.)

Cited. 219 C. 352.

Zoning board required to hold a hearing on plaintiff's zoning application. 69 CA 230.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-7d. Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry. (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 or an aquifer protection agency

Sec. 12-110. Sessions of board of assessment appeals. (a) The board of assessment appeals in each town shall meet at least once in the month of September, annually, provided any meeting in the month of September shall be for the sole purpose of hearing appeals related to the assessment of motor vehicles, and shall give notice of the time and place of such meetings by posting it at least ten days before the first meeting in the office of the town clerk, and publishing it in some newspaper published therein or, if no newspaper is published in such town, in a newspaper having a general circulation in such town. Such meetings shall be held on business days, which may be Saturdays, the last not later than the last business day in the month of September, on or before which date such board shall complete the duties imposed upon it.

(b) The board of assessment appeals in each town shall meet in the month of March to hear appeals related to the assessment of property. Any such meeting shall be held on business days, which may be Saturdays, the last not later than the last business day in the month of March, on or before which date such board shall complete the duties imposed upon it.

(1949 Rev., S. 1793; 1949, 1951, S. 1070d; 1957, P.A. 263, S. 1; P.A. 79-412, S. 1, 3; P.A. 84-146, S. 7; P.A. 95-283, S. 49, 68.)

History: P.A. 79-412 added requirement that September meeting be held to hear appeals concerning motor vehicle assessments, effective June 12, 1979, and applicable to assessment list in any town for 1979 and any assessment list thereafter; P.A. 84-146 included a reference to posting of notice on a place other than a signpost; P.A. 95-283 replaced board of tax review with board of assessment appeals effective July 6, 1995, deleted requirement for meeting in February and the requirement for posting notice of meetings on public signposts and added Subsec. (b) re required meeting during the month of March, effective July 6, 1995.

See Sec. 12-117 re time extension for completion of duties of board of tax review.

Failure to announce decision or return abstract till after time limited held not a failure to complete duties. 75 C. 597. Provisions of this and following sections re boards of tax review are mandatory and conditions precedent to valid assessment. 122 C. 403. Cited. 130 C. 702; 136 C. 32; 165 C. 546; 195 C. 48.

Cited. 13 CA 584.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-111. Appeals to board of assessment appeals. (a) Any person, including any lessee of real property whose lease has been recorded as provided in section 47-19 and who is bound under the terms of a lease to pay real property taxes and any person to whom title to such property has been transferred since the assessment date, claiming to be aggrieved by the doings of the assessors of such town may appeal therefrom to the board of assessment appeals. Such appeal shall be filed, in writing, on or before February twentieth. The written appeal shall include, but is not limited to, the property owner's name, name and position of the signer, description of the property which is the subject of the appeal, name and mailing address of the party to be sent all correspondence by the board of assessment appeals, reason for the appeal, appellant's estimate of value, signature of property owner, or duly authorized agent of the property owner, and date of signature. The board shall notify each aggrieved taxpayer who filed a written appeal in the proper form and in a timely manner, no later than March first immediately following the assessment date, of the date, time and place of the appeal hearing. Such notice shall be sent no later than seven calendar days preceding the hearing date except that the board may elect not to conduct an appeal hearing for any commercial, industrial, utility or apartment property with an assessed value greater than one million dollars. The board shall, not later than March first, notify the appellant that the board has elected not to conduct an appeal hearing. An appellant whose appeal will not be heard by the board may appeal directly to the Superior Court pursuant to section 12-117a. The board shall determine all appeals for which the board conducts an appeal hearing and send written notification of the final determination of such appeals to each such person within one week after such determination has been made. Such written notification shall include information describing the property owner's right to appeal the determination of such board. Such board may equalize and adjust the grand list of such town and may increase or decrease the assessment of any

taxable property or interest therein and may add an assessment for property omitted by the assessors which should be added thereto; and may add to the grand list the name of any person omitted by the assessors and owning taxable property in such town, placing therein all property liable to taxation which it has reason to believe is owned by such person, at the percentage of its actual valuation, as determined by the assessors in accordance with the provisions of sections 12-64 and 12-71, from the best information that it can obtain, and if such property should have been included in the declaration, as required by section 12-42 or 12-43, it shall add thereto twenty-five per cent of such assessment; but, before proceeding to increase the assessment of any person or to add to the grand list the name of any person so omitted, it shall mail to such person, postage paid, at least one week before making such increase or addition, a written or printed notice addressed to such person at the town in which such person resides, to appear before such board and show cause why such increase or addition should not be made. When the board increases or decreases the gross assessment of any taxable real property or interest therein, the amount of such gross assessment shall be fixed until the assessment year in which the municipality next implements a revaluation of all real property pursuant to section 12-62, unless the assessor increases or decreases the gross assessment of the property to (1) comply with an order of a court of jurisdiction, (2) reflect an addition for new construction, (3) reflect a reduction for damage or demolition, or (4) correct a factual error by issuance of a certificate of correction. Notwithstanding the provisions of this subsection, if, prior to the next revaluation, the assessor increases or decreases a gross assessment established by the board for any other reason, the assessor shall submit a written explanation to the board setting forth the reason for such increase or decrease. The assessor shall also append the written explanation to the property card for the real estate parcel whose gross assessment was increased or decreased.

(b) If an extension is granted to any assessor or board of assessors pursuant to section 12-117, the date by which a taxpayer shall be required to submit a written request for appeal to the board of assessment appeals shall be extended to March twentieth and said board shall conduct hearings regarding such requests during the month of April. The board shall send notification to the taxpayer of the time and date of an appeal hearing at least seven calendar days preceding the hearing date, but no later than the first day of April. If the board elects not to hear an appeal for commercial, industrial, utility or apartment property described in subsection (a) of this section, the board shall notify the taxpayer of such decision no later than the first day of April.

(1949 Rev., S. 1794; 1957, P.A. 673, S. 9; 1963, P.A. 458; February, 1965, P.A. 65, S. 1; 1967, P.A. 50; P.A. 87-245, S. 6, 10; P.A. 95-283, S. 50, 68; P.A. 96-171, S. 11, 16; P.A. 00-120, S. 6, 13; P.A. 01-195, S. 119, 181; P.A. 03-269, S. 3; P.A. 09-196, S. 1.)

History: 1963 act added requirement of written report of decisions on appeals within one week of determination; 1965 act included appeals by lessees who, according to terms of lease, are responsible for payment of property taxes; 1967 act included appeals by persons receiving title since assessment date; P.A. 87-245 increased penalty from 10% to 25%, effective June 1, 1987, and applicable to assessment years of municipalities commencing on or after October 1, 1987; P.A. 95-283 changed name of board of tax review to board of assessment appeals, required appeals to be filed on or before February twentieth, in writing, added requirements for the written appeal and notification requirements, effective July 6, 1995; P.A. 96-171 required the board to "send written notification of" the final determination of all appeals, rather than "report in writing" such determination, and required the notice to include information describing the property owner's right to appeal the determination of the board, effective May 31, 1996; P.A. 00-120 substituted grand list for assessment list and made technical changes, effective May 26, 2000, and applicable to assessment years commencing October 1, 2000; P.A. 01-195 made technical changes for the purposes of gender neutrality, effective July 11, 2001; P.A. 03-269 designated existing provisions as Subsec. (a) and added new Subsec. (b) re effect on appeals of extensions of time granted to assessors, effective July 1, 2003; P.A. 09-196 amended Subsec. (a) by increasing the assessed value of property for which the board may elect not to conduct an appeal hearing from \$500,000 to \$1,000,000, by providing that appellant whose appeal will not be heard by the board may appeal directly to the Superior Court and by adding language re increasing or decreasing the gross assessment of any taxable real property or interest therein.

Requisites of valid notice of intended additions. 14 C. 72; 15 C. 447. Omissions and mistakes in assessments can only be taken advantage of by those in whose lists they occur. 15 C. 447, see also 65 C. 456. May add note,

without interest, secured by mortgage. 39 C. 176. Addition without indicating property held legal. 44 C. 477. Nonresident whose personal property is wrongly assessed waives no rights by neglect to apply to board. 47 C. 477, see also 87 C. 234. Board only and not inhabitants in town meeting can review work of assessors. 48 C. 145. Appearance before board waives defect of notice. 75 C. 597; 85 C. 6. Does not supplant remedy of mandamus to compel assessors to properly list property not listed by taxpayer. 104 C. 549. Acquiescence of board in erroneous action of assessors as to listing of property is not a good defense to an action of mandamus to compel assessors to make proper list. 108 C. 258. Cited. 117 C. 393; 123 C. 547; 130 C. 702; 131 C. 275. Remedy for overvaluation of property is appeal to board of tax review. 146 C. 165. Persons aggrieved by denial of application for classification of land as farm land may appeal to board of tax review for reclassification. 156 C. 107. Cited. 158 C. 148; 165 C. 546; 169 C. 454; 179 C. 712; 184 C. 326; 193 C. 342; 196 C. 487; 200 C. 697; 224 C. 110; 226 C. 407; 227 C. 826; 228 C. 23; 240 C. 192; Id., 469; 241 C. 749. Bar to action must at any time use as its initial reference point the assessment date and not the date of decennial reevaluation. 242 C. 363. Cited. Id., 727. Subsequent title holder has no greater rights to challenge prior assessment than were possessed by its immediate assignor or by any prior assignee from the owner of a property at the time of assessment. 249 C. 1.

Cited. 8 CA 209; 21 CA 275; 26 CA 545; 29 CA 97; 42 CA 318; 44 CA 517. Defendant's counterclaim re stipulated agreement with city was improper as defendant should have raised its issues in a statutory action under section. 140 CA 663.

Improper to test amount of assessment in an action to collect unpaid taxes. 4 CS 391. Grounds of appeal from board of relief reviewed. 6 CS 505. Discussed. 32 CS 139. Cited. 39 CS 142; 43 CS 297.

Subsec. (a):

Prior notice required is a mandatory condition precedent to board's decision to increase property tax assessment; if legal notice is not provided, board's decision is illegal within meaning of Sec. 12-119. 109 CA 287. Amendment to Subsec. in P.A. 09-196 re fixed gross assessment amount within revaluation period was clarification of original statutory intent and has retroactive effect. 140 CA 290.

(Return to Chapter (Return to (Return to
Table of Contents) List of Chapters) List of Titles)

Sec. 12-112. Limit of time for appeals. No appeal from the doings of the assessors in any town shall be heard or entertained by the board of assessment appeals unless referred to it at one of its meetings during the month of September in the case of an appeal related to motor vehicle assessment or unless written appeal is made on or before February twentieth in accordance with the provisions of section 12-111.

(1949 Rev., S. 1795; 1953, S. 1072d; 1957, P.A. 263, S. 2; P.A. 79-412, S. 2, 3; P.A. 90-230, S. 18, 101; P.A. 95-283, S. 51, 68.)

History: P.A. 79-412 included reference to September meeting for motor vehicle assessment appeals, effective June 12, 1979, and applicable to assessment list in any town for 1979 and any assessment list thereafter; P.A. 90-230 made a technical correction; P.A. 95-283 changed name of board of tax review to board of assessment appeals, deleted the requirement for February meeting and added provision re written appeal by February twentieth in accordance with Sec. 12-111, effective July 6, 1995.

Appearance by attorney, with request that board adjourn to house of ill taxpayer, considered. 90 C. 159. Negligent failure of taxpayer to use accessible means to learn of mistake precludes action to recover taxes paid. 117 C. 394. Cited. 130 C. 702; 158 C. 138; 195 C. 587. Subsequent title holder has no greater rights to challenge prior assessment than were possessed by its immediate assignor or by any prior assignee from the owner of a property at the time of assessment. 249 C. 1.

Cited. 13 CA 584; 29 CA 97.

Provides for speedy determination. 4 CS 391. Cited. 6 CS 505.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-113. When board of assessment appeals may reduce assessment. The board of assessment appeals may reduce the assessment of any person as reflected on the grand list by reducing the valuation, number, quantity or amount of any item of estate therein, or by deleting any item which ought not to be retained in it, provided any such reduction or deletion shall be recorded in the minutes of the meeting of said board. The board of assessment appeals shall not reduce the valuation or assessment of property on the grand list belonging to any person who does not appear at a hearing before the board of assessment appeals, either in person or by such person's attorney or agent, and offer or consent to be sworn before it and answer all questions touching such person's taxable property situated in the town.

(1949 Rev., S. 1796; 1959, P.A. 436; February, 1965, P.A. 18; P.A. 79-17, S. 1, 3; P.A. 95-283, S. 52, 68; P.A. 99-189, S. 13, 20; P.A. 00-120, S. 7, 13.)

History: 1959 act eliminated distinction between residents and nonresidents as to appearing before board; 1965 act added reference to "consent" to be sworn; P.A. 79-17 substituted deletion of item for erasure and specified how reductions and deletions to be marked on list, effective April 3, 1979, and applicable to assessment list in any town for 1979 and any assessment list thereafter; P.A. 95-283 changed name of board of tax review to board of assessment appeals, effective July 6, 1995; P.A. 99-189 made technical changes and clarified when the board of assessment appeals can reduce the assessment of a taxpayer, effective June 23, 1999, and applicable to assessment years of municipalities commencing on or after October 1, 1999; P.A. 00-120 eliminated provision specifying how a reduction or deletion is to be made and specified that a reduction or deletion is to be recorded in the minutes, effective May 26, 2000, and applicable to assessment years commencing October 1, 2000.

Adding property to list of one taxpayer not invalidated by fact that it is erased from list of another who did not appear. 75 C. 597. Appeal from refusal of board to take off ten per cent added by assessors upheld though appellant did not appear. 77 C. 108. Purpose of statute; board may adjourn to house of taxpayer who is ill; deputing one member to examine taxpayer. 90 C. 154. Actual appearance in person before board is contemplated. 103 C. 156. Cited. 146 C. 165; 158 C. 146; 240 C. 192.

Cited. 29 CA 97.

Failure of appellant from board of relief to appear and be sworn before board not sufficient to prevent hearing on appeal; may affect relief by court. 2 CS 142.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-114. Adjustment of assessment by board of assessment appeals. The board of assessment appeals may adjust the assessment of personal property belonging to any person, or the valuation, number, quantity or amount of any item of property reflected therein, even if such person has refused or unnecessarily neglected to give in such person's declaration to the assessors as prescribed by law. No such adjustment shall be made until the board receives the information necessary to substantiate such adjustment in accordance with subsection (c) of section 12-53. Any assessment adjusted by such board under the provisions of this section shall be subject to the penalties provided in section 12-41.

(1949 Rev., S. 1798; P.A. 79-17, S. 2, 3; P.A. 95-283, S. 53, 68; P.A. 99-189, S. 14, 20; P.A. 00-120, S. 8, 13; P.A. 01-195, S. 120, 181.)

History: P.A. 79-17 substituted "delete" for "erase", effective April 3, 1979, and applicable to assessment list in any town for 1979 and any assessment list thereafter; P.A. 95-283 replaced board of tax review with board of assessment appeals, effective July 6, 1995; P.A. 99-189 made technical changes re "declaration", allowed board

of assessment appeals to adjust the assessment if taxpayer did not file a declaration, required information to substantiate adjustment in accordance with Sec. 12-53(b) and subjected adjusted assessment to penalties provided in Sec. 12-41, effective June 23, 1999, and applicable to assessment years of municipalities commencing on or after October 1, 1999; P.A. 00-120 replaced reference to Sec. 12-53(b) with reference to Sec. 12-53(c), effective May 26, 2000, and applicable to assessment years commencing October 1, 2000; P.A. 01-195 made a technical change, effective July 11, 2001.

Cited. 76 C. 671. Is mandatory as to a board of tax review. 103 C. 154. Cited. 212 C. 639.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-115. Addition to grand list by board of assessment appeals. The board of assessment appeals in any town or city may, within three months from the date prescribed by law for the completion of its duties, as set forth in section 12-111, add to the grand list of a town any taxable property which has been omitted by the assessor or board of assessors or the board of assessment appeals, which shall reflect for each owner of such property, an assessment at seventy per cent of the present true and actual value of such owner's taxable property from the best information that it can obtain, and if the owner failed to file the declaration as prescribed by law, shall add thereto twenty-five per cent of such assessment. Such board of assessment appeals shall mail to such owner at the last-known address of the owner, postage paid, within one week after the completion of such supplemental additions to the grand list, a written or printed notice to appear before such board at a stated time and place and show cause why such property should not be added to such grand list. Any person aggrieved by the action of such board may, within two months from the time of such action, have the same right of appeal to the Superior Court as provided by section 12-117a. The authority designated by section 12-130 shall make and sign a rate bill for such supplemental additions to the grand list and a warrant with respect to such additions which shall be forwarded by the tax collector to such person, and such collector shall have the same powers for the collection of the tax based on such supplemental additions to such list as for the collection of other taxes.

(1949 Rev., S. 1799; 1957, P.A. 673, S. 10; P.A. 76-436, S. 305, 681; P.A. 86-102, S. 1, 2; P.A. 87-245, S. 7, 10; P.A. 95-283, S. 54, 68; P.A. 99-189, S. 15, 20.)

History: P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 86-102 added provision that a supplemental list of taxable property omitted from the list of the owner thereof, and prepared for such owner by the board of tax review, shall be determined at 70% of present true and actual value and 10% of such value shall be added only if the owner failed to file such list; P.A. 87-245 increased penalty from 10% to 25%, effective June 1, 1987, and applicable to assessment years of municipalities commencing on or after October 1, 1987; P.A. 95-283 replaced board of tax review with board of assessment appeals and made technical changes, effective July 6, 1995; P.A. 99-189 made technical changes re "declaration" and provided that tax collector forward rate bill for supplemental additions, effective June 23, 1999, and applicable to assessment years of municipalities commencing on or after October 1, 1999.

Performance of duty may be compelled by mandamus. 103 C. 614. Board is not agent of town under section; its duties are administrative. 107 C. 700. Assessors cannot defend mandamus on ground board subsequently held property left out of list not taxable. 108 C. 259. Where mandamus brought to compel board to add omitted property, it is defense that board had in exercise of honest discretion held property not taxable. 111 C. 427. Cited. 165 C. 546; 220 C. 335.

Cited. 29 CA 97.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-116. Assessment and taxation under special acts. Wherever under the provisions of any special act relating to the assessment and taxation of real and personal property, such assessment and taxation is based on

the actual valuation of such property, such assessment and taxation shall be based on such uniform percentage of such actual valuation as the assessors of the municipality determine.

(1957, P.A. 673, S. 11.)

(Return to Chapter (Return to (Return to
Table of Contents) List of Chapters) List of Titles)

Sec. 12-117. Extension of time for completion of duties of assessors and board of assessment appeals. (a) The period prescribed by law for the completion of the duties of any assessor, board of assessors or board of assessment appeals may, for due cause shown, be extended by the chief executive officer of the town for a period not exceeding one month, and in the case of the board of assessment appeals in any town in the assessment year in which a revaluation, pursuant to section 12-62, is required to be effective, such period shall be extended by said chief executive officer for a period not exceeding two months. Not later than two weeks after granting an extension as provided under this subsection, the chief executive officer shall send written notice of the extension to the Secretary of the Office of Policy and Management.

(b) If, in the assessment year in which a revaluation is required to be effective, the Secretary of the Office of Policy and Management determines, on the basis of information provided, in writing, by the board of assessment appeals and the chief executive officer, that the number of appeals pending before such board is such as to preclude fair and equitable consideration of such appeals within the extended period of time provided under subsection (a) of this section, the secretary may authorize a postponement of the implementation of said revaluation until the assessment day next ensuing. If the secretary authorizes such postponement, the town shall not be subject to the penalty provisions of subsection (d) of section 12-62. Upon receipt of the secretary's notice of authorization, the assessor shall revise the real property grand list for the assessment year with respect to which such postponement is applicable, to reflect assessments for such property effective in the assessment year immediately preceding. The real property grand list from which such appeals are taken shall then become the real property grand list for the assessment day next ensuing, subject only to transfers of ownership, additions for new construction, reductions for demolitions and such adjustments as are authorized by the board of assessment appeals, unless the assessor revalues all real property for said assessment day in accordance with section 12-62. The secretary shall not grant an authorization to a town, pursuant to this subsection, in consecutive years.

(c) During any assessment year in which the provisions of subsection (b) of this section become applicable, the assessor or board of assessors shall, not later than thirty days after the date on which the Secretary of the Office of Policy and Management authorizes the postponement of revaluation, complete the grand list as required by subsection (b) of this section. An increase notice shall be prepared in the manner prescribed by section 12-55, and mailed, not later than the tenth day after the completion of said grand list, to each owner whose property valuation on said grand list increased above the valuation of such property in the last-preceding assessment year. Notwithstanding the provisions of section 12-112, any owner may appeal such increase to the board of assessment appeals not later than thirty days after the date of such notice. If the assessor or board of assessors fails to comply with the notice requirements in this subsection, any such increase shall not take effect until the next succeeding assessment date.

(1951, S. 1071d; 1967, P.A. 711; P.A. 77-309; 77-614, S. 139, 610; P.A. 79-610, S. 3, 47; P.A. 88-337, S. 4, 5; P.A. 95-283, S. 55, 68; P.A. 96-1, S. 2, 5; 96-171, S. 12, 16; P.A. 97-280, S. 5, 8; P.A. 98-242, S. 1, 9; P.A. 00-120, S. 9, 13; P.A. 01-195, S. 121, 181; P.A. 03-269, S. 4; P.A. 06-148, S. 3.)

History: 1967 act authorized use of prior list for assessments if appeals too numerous for equitable consideration except for transfers of ownership, additions for new construction and reductions for demolitions; P.A. 77-309 allowed two-month extension for board of tax review in year following revaluation; P.A. 77-614 substituted commissioner of revenue services for tax commissioner, effective January 1, 1979; P.A. 79-610 substituted secretary of the office of policy and management for commissioner of revenue services, effective July 1, 1980; P.A. 88-337 provided that a town need not revert to the list from which appeals were taken if, in the intervening time period, it has completed a revaluation; P.A. 95-283 divided section into Subsecs. (a) and (b), changed name

of board of tax review to board of assessment appeals, added provision to Subsec. (a) re time period for appeal and transmission of abstract if extension is granted, and added new Subsec. (c) re notice provisions for increase of valuation and appeal requirements, effective July 6, 1995; P.A. 96-1 amended Subsec. (a) by allowing taxpayers a time extension for filing appeals if assessor's deadline has been extended, effective March 6, 1996, and applicable to assessment years of municipalities commencing on or after October 1, 1995; P.A. 96-171 amended Subsec. (c) to replace provision requiring the notice to be delivered within the time prescribed in Sec. 12-55 with provision requiring the notice to be sent not earlier than the date on which said Secretary grants his authorization and not later than the tenth day following the date on which the assessor completes the list and to add provision that if the increase notice is sent later than the prescribed time period the increase becomes effective on the next succeeding grand list, effective May 31, 1996; P.A. 97-280 added Subsec. (a)(2) re extension if town fails to adopt its budget within statutory time, limit effective June 27, 1997; P.A. 98-242 changed requirement that the Office of Policy and Management approve requests for extensions under Subsec. (a)(1) or (2) to approval by the chief executive officer of the municipality, with written notice to Secretary of the Office of Policy and Management, effective June 8, 1998; P.A. 00-120 amended Subsec. (a) to replace reference to abstract of the assessment list with reference to report of the grand list, and amended Subsecs. (b) and (c) to specify references to grand list, effective May 26, 2000, and applicable to assessment years commencing October 1, 2000; P.A. 01-195 made technical changes for the purposes of gender neutrality in Subsec. (c), effective July 11, 2001; P.A. 03-269 amended Subsec. (a) to delete provisions re extension of date to submit request for appeal, notice of time and date of hearing, notice of decision not to hear appeal and extension of time for completion of duties of assessors or board of assessment appeals in town which fails to adopt budget in time prescribed, and made technical changes in Subsecs. (a) and (b), effective July 1, 2003; P.A. 06-148 amended Subsec. (a) to clarify when extension is available and require chief executive officer to grant such extension, and replaced former Subsecs. (b) and (c) with new Subsecs. (b) and (c) re postponement by Office of Policy and Management of implementation of revaluation and town actions upon grant of such postponement, effective June 6, 2006, and applicable to assessment years commencing on or after October 1, 2006.

The finding of due cause must be largely within the discretion of the trial judge and uncontrolled unless the circumstances show an abuse of discretion. 165 C. 546. Cited. 179 C. 712; 184 C. 326; 195 C. 48.

Trial court did not improperly fail to consider doctrine of assemblage in determining number of usable acres and fair market value of plaintiff's property. 93 CA 120.

Cited. 33 CS 175.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-117a. Appeals from boards of tax review or boards of assessment appeals. Any person, including any lessee of real property whose lease has been recorded as provided in section 47-19 and who is bound under the terms of his lease to pay real property taxes, claiming to be aggrieved by the action of the board of tax review or the board of assessment appeals, as the case may be, in any town or city may, within two months from the date of the mailing of notice of such action, make application, in the nature of an appeal therefrom, with respect to the assessment list for the assessment year commencing October 1, 1989, October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, or October 1, 1995, and with respect to the assessment list for assessment years thereafter, to the superior court for the judicial district in which such town or city is situated, which shall be accompanied by a citation to such town or city to appear before said court. Such citation shall be signed by the same authority and such appeal shall be returnable at the same time and served and returned in the same manner as is required in case of a summons in a civil action. The authority issuing the citation shall take from the applicant a bond or recognizance to such town or city, with surety, to prosecute the application to effect and to comply with and conform to the orders and decrees of the court in the premises. Any such application shall be a preferred case, to be heard, unless good cause appears to the contrary, at the first session, by the court or by a committee appointed by the court. The pendency of such application shall not suspend an action by such town or city to collect not more than seventy-five per cent of the tax so assessed or not more than ninety per cent of such tax with respect to any real property for which the assessed value is five

hundred thousand dollars or more, and upon which such appeal is taken. If, during the pendency of such appeal, a new assessment year begins, the applicant may amend his application as to any matter therein, including an appeal for such new year, which is affected by the inception of such new year and such applicant need not appear before the board of tax review or board of assessment appeals, as the case may be, to make such amendment effective. The court shall have power to grant such relief as to justice and equity appertains, upon such terms and in such manner and form as appear equitable, and, if the application appears to have been made without probable cause, may tax double or triple costs, as the case appears to demand; and, upon all such applications, costs may be taxed at the discretion of the court. If the assessment made by the board of tax review or board of assessment appeals, as the case may be, is reduced by said court, the applicant shall be reimbursed by the town or city for any overpayment of taxes, together with interest and any costs awarded by the court, or, at the applicant's option, shall be granted a tax credit for such overpayment, interest and any costs awarded by the court. Upon motion, said court shall, in event of such overpayment, enter judgment in favor of such applicant and against such city or town for the whole amount of such overpayment, less any lien recording fees incurred under sections 7-34a and 12-176, together with interest and any costs awarded by the court. The amount to which the assessment is so reduced shall be the assessed value of such property on the grand lists for succeeding years until the tax assessor finds that the value of the applicant's property has increased or decreased.

(P.A. 88-230, S. 1, 12; P.A. 89-231, S. 4, 5; P.A. 90-98, S. 1, 2; 90-266, S. 4, 6; P.A. 91-221, S. 4, 5; P.A. 92-254, S. 4, 6; P.A. 93-95, S. 4, 5; 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; 95-283, S. 17, 68; P.A. 96-1, S. 3-5; 96-261, S. 1, 3, 4; P.A. 13-276, S. 5.)

History: P.A. 90-266 extended applicability to assessment list for year commencing October 1, 1990, effective June 8, 1990, and applicable to appeals from boards of tax review for assessment years commencing October 1, 1989, and October 1, 1990; P.A. 91-221 extended applicability to assessment list for year commencing October 1, 1991, effective June 10, 1991, and applicable to appeals from boards of tax review for assessment years commencing October 1, 1989, October 1, 1990, and October 1, 1991; P.A. 92-254 extended applicability to assessment list for year commencing October 1, 1992, effective June 3, 1992, and applicable to appeals from boards of tax review for assessment years commencing October 1, 1989, October 1, 1990, October 1, 1991, and October 1, 1992; P.A. 93-95 extended applicability to assessment list for year commencing October 1, 1993, or October 1, 1994, effective June 2, 1993, and applicable to appeals from the board of tax review in any municipality for the assessment years commencing on October first in 1989, 1990, 1991, 1992, 1993 and 1994; P.A. 95-283 changed location of appeal from the judicial district in which the town or city is located to the judicial district of Hartford-New Britain and changed the name of the board of tax review to the board of assessment appeals, effective October 1, 1996 (Revisor's note: P.A. 88-230, 90-98, 93-142 and 95-220 authorized substitution of "judicial district of Hartford" for "judicial district of Hartford-New Britain", effective September 1, 1998). P.A. 96-1 repealed changes made by public act 95-283 and revised wording of previously existing law, effective March 6, 1996, and applicable to assessment years of municipalities commencing on or after October 1, 1995; P.A. 96-261 also repealed changes made by P.A. 95-283 and made technical change in previously existing law, effective June 10, 1996; P.A. 13-276 added provision re subtraction of lien recording fees from amount of judgment for overpayment of taxes.

Cited. 226 C. 407; 227 C. 826; 228 C. 23; 229 C. 618; 231 C. 731. To the extent that conditional approvals deprive taxpayers of immediate economic returns from their investment, such conditional approvals raise issues only of valuation, which properly may be addressed only by appeals under section. 232 C. 335. Cited. Id., 392; 236 C. 710; 240 C. 192; Id., 469; Id., 475; 241 C. 382; Id., 749. Bar to action must at any time use as its initial reference point the assessment date and not the date of the decennial revaluation. 242 C. 363. Judgment of Appellate Court in 41 CA 421 reversed. Id., 550. Cited. Id., 727. Subsequent title holder has no greater rights to challenge prior assessment than were possessed by its immediate assignor or by any prior assignee from the owner of a property at the time of assessment. 249 C. 1. Allegations of certain violations of public policy, such as a person's entering into an invalid contract or unauthorized practice of law, do not bar the person from a property tax appeal. 253 C. 255. Trial court rejected plaintiff's appeal of assessment for lack of credible evidence to establish aggrievement, and not because the going concern income capitalization approach to valuation is not permitted or recognized. 308 C. 87. Issue of city's wrongdoing is a proper consideration in property tax appeal pursuant to section; evidence of wrongdoing is not irrelevant as a matter of law as to the issue of an award of

interest. 320 C. 332. Plaintiff property owner and taxpayer aggrieved by decision of the board of assessment appeals, but who was not a party to the proceedings before the board, has standing under section to bring an appeal to the trial court. Id., 535. Service of the appeal, rather than the filing of the application in court, must be completed within the two month limitation period. 324 C. 528, 544.

Cited. 31 CA 115; Id., 793; judgment reversed, see 229 C. 618; 35 CA 269; 38 CA 158; Id., 165; 40 CA 64; 41 CA 249; Id., 421; 42 CA 318; 43 CA 169; 44 CA 494; Id., 517; 46 CA 338, Assessor's method that treated plaintiff's properties as individual lots rather than one merged lot resulted in unfair treatment and a wrongful assessment, and therefore, plaintiff was aggrieved. 61 CA 834. Sec. 22a-45 does not limit property owner's remedy pursuant to this section. 80 CA 630. Plaintiff may not limit parameters of the court's valuation determination by challenging only one portion of the assessment because court determinations under section are de novo and court must arrive at its own conclusions by weighing all the evidence regardless of any alleged judicial admission as to scope of review; defendant town is not required to file a special defense under section; plaintiff who attempted to limit court's review to only one portion of an assessment was not deprived of due process when entire assessment was reviewed because Connecticut law has consistently held that trial court exercises de novo review. 84 CA 473. Statute allows taxpayer to challenge an illegal assessment outside prior statutorily mandated revaluation period and such appeal does not constitute impermissible request for interim revaluation. 85 CA 480. Section creates cause of action for taxpayer aggrieved by excessive and wrongful valuation of property, but there is no private right of action for taxpayer against municipal officials in individual capacities for alleged wrongdoing in tax assessment of property not owned or leased by or directly connected to taxpayer. 119 CA 453. Property owner must serve town with complaint and citation within 2 months of board's notice. 158 CA 565, 576; judgments affirmed, see 324 C. 528, 544.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-118. Appeals from Connecticut Appeals Board for Property Valuation. Section 12-118 is repealed, effective July 6, 1995.

(1949 Rev., S. 1800; February, 1965, P.A. 65, S. 2; 299; 1967, P.A. 5; 1969, P.A. 318, S. 1; P.A. 74-183, S. 189, 291; P.A. 76-436, S. 165, 681; P.A. 78-280, S. 1, 127; P.A. 79-597, S. 1, 2; P.A. 87-404, S. 9, 11; P.A. 95-283, S. 67, 68.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-118a. Validation of pending appeals. Section 12-118a is repealed, effective October 1, 2002.

(1969, P.A. 318, S. 2; S.A. 02-12, S. 1.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 12-119. Remedy when property wrongfully assessed. When it is claimed that a tax has been laid on property not taxable in the town or city in whose tax list such property was set, or that a tax laid on property was computed on an assessment which, under all the circumstances, was manifestly excessive and could not have been arrived at except by disregarding the provisions of the statutes for determining the valuation of such property, the owner thereof or any lessee thereof whose lease has been recorded as provided in section 47-19 and who is bound under the terms of his lease to pay real property taxes, prior to the payment of such tax, may, in addition to the other remedies provided by law, make application for relief to the superior court for the judicial district in which such town or city is situated. Such application may be made within one year from the date as of which the property was last evaluated for purposes of taxation and shall be served and returned in the same manner as is required in the case of a summons in a civil action, and the pendency of such application shall not suspend action upon the tax against the applicant. In all such actions, the Superior Court shall have power to

grant such relief upon such terms and in such manner and form as to justice and equity appertains, and costs may be taxed at the discretion of the court. If such assessment is reduced by said court, the applicant shall be reimbursed by the town or city for any overpayment of taxes in accordance with the judgment of said court.

(1949 Rev., S. 1801; February, 1965, P.A. 65, S. 3; P.A. 76-436, S. 306, 681; P.A. 78-280, S. 1, 127; P.A. 81-472, S. 126, 159.)

History: 1965 act allowed applications for relief by lessees who, according to terms of lease, are responsible for property tax payments; P.A. 76-436 substituted superior court for court of common pleas and included reference to judicial districts, effective July 1, 1978; P.A. 78-280 deleted reference to counties; P.A. 81-472 made technical changes.

Codifies common law rule; applies to unpaid taxes existing at time of passage even though time to appeal from doings of board had expired. 101 C. 390, 392. Methods of valuation. 122 C. 230. In action against him to collect tax, taxpayer cannot contest valuation; must seek relief under this section or Sec. 12-111 et seq. 123 C. 548. "Laid" means "imposed". 124 C. 407. Section is for relief against illegal tax; procedure differs from appeal to board of tax review which is designed to act directly on valuations on grand list. 128 C. 649. What constitutes "manifestly excessive"; cannot enjoin assessors from raising assessment in future. Id., 674. Mere fact of overvaluation is not ground for relief under section; it is intended to take place of remedy in equity for illegal overvaluation and precludes resort to equity generally. 130 C. 703. Under section, function of court not limited to determining whether assessors acted illegally, arbitrarily or in abuse of discretion; statute designed to meet situations where there was misfeasance or nonfeasance, or assessment was arbitrary or so excessive or discriminatory as to show disregard for duty. 131 C. 273. Cited. 133 C. 22. "Owner" does not mean only owner on assessment date; possibility that he might become unduly enriched does not preclude right to test validity of assessment. Id., 238. State has no power to tax property of national banks under Sec. 12-59. 135 C. 191. Cited. 142 C. 634; 145 C. 375. Remedy given by section is not alternative to appeal from board of tax review and then from it to court under Sec. 12-118. 146 C. 165. Cited. 147 C. 287. Burden of proof on question whether property acquires tax situs within certain town is on plaintiff. Id., 308. Cited. 165 C. 211. The 1-year limitation on application to the Court of Common Pleas is procedural and may be waived by the town's failing to plead it. 167 C. 509. Cited. 168 C. 514. Judgment of assessor, not his employee, is focus of section; section does not remedy dispute over credibility of conflicting expert testimony. 169 C. 663. Cited. 170 C. 67; Id., 477. Whether or not the taxpayer was required to claim his exemption before the assessor under Sec. 12-89 would have no evidential significance in the proceeding under this statute; burden of proving the exemption is on the taxpayer. 192 C. 434. Cited. 193 C. 342; 195 C. 587; 196 C. 487; 199 C. 294; 200 C. 697; 212 C. 639. Focus of statute is whether the assessment is "illegal". 220 C. 335. Decision of court requires that a declaratory judgment action predicated on the substantive rights of section be brought within 1 year of the date of assessment. 224 C. 110. Cited. 226 C. 407; 228 C. 23; Id., 375; Id., 476; 232 C. 335; 234 C. 169; 240 C. 422; Id., 475; 241 C. 749. Plaintiff's substantive claims were properly raised under section; court abandoned *Cioffoletti* rule requiring attacks on legislation to be brought as declaratory judgment actions. 245 C. 551. Subsequent title holder has no greater rights to challenge prior assessment than were possessed by its immediate assignor or by any prior assignee from the owner of a property at the time of assessment. 249 C. 1. Trial court's finding that floating docks and finger piers were fixtures and thus taxable property affirmed; determination re fixtures is a finding of fact and will not be overturned unless clearly erroneous. 253 C. 371. Section does not apply to a claim for reimbursement of property taxes paid by a charitable organization pursuant to Sec. 12-81b and Sec. 18-20 of the Danbury Code. Id., 531. Statute does not authorize a challenge to imposition of a conveyance tax; rather, statute clearly relates to taxes "laid on property". 260 C. 406. Claims that an assessor has misclassified property and, consequently, overvalued it, comprise a category of appeals frequently pursued under section; trial court's determination that assessor had illegally removed property's open space classification necessarily incorporated implicit finding that resultant assessment was manifestly excessive. 289 C. 723. Plaintiff failed to establish that town assessor's reliance on hypothetical condition in reaching valuation was illegal, and therefore cannot prevail on its claim of misfeasance or malfeasance of assessor's duty resulting in overvaluation of property. 308 C. 87.

Cited. 6 CA 330; 7 CA 496; 15 CA 513; Id., 752; 21 CA 275; 26 CA 545; 35 CA 269; 40 CA 64; 43 CA 169; 44 CA 494; Id., 517. Statute applies to owners of easements including flowage rights. 53 CA 142. Declaratory