Connecticut General Statutes Annotated
Title 8. Zoning, Planning, Housing and Economic and Community Development (Refs & Annos)
Chapter 126. Municipal Planning Commissions (Refs & Annos)

C.G.S.A. § 8-26

§ 8-26. Approval of subdivision and resubdivision plans. Waiver of certain regulation requirements. Fees. Hearing. Notice. Applications involving an inland wetland or watercourse

Effective: May 7, 2008
Currentness

(a) All plans for subdivisions and resubdivisions, including subdivisions and resubdivisions in existence but which were not submitted to the commission for required approval, whether or not shown on an existing map or plan or whether or not conveyances have been made of any of the property included in such subdivisions or resubdivisions, shall be submitted to the commission with an application in the form to be prescribed by it. The commission shall have the authority to determine whether the existing division of any land constitutes a subdivision or resubdivision under the provisions of this chapter, provided nothing in this section shall be deemed to authorize the commission to approve any such subdivision or resubdivision which conflicts with applicable zoning regulations. Such regulations may contain provisions whereby the commission may waive certain requirements under the regulations by a three-quarters vote of all the members of the commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the regulations shall specify the conditions under which a waiver may be considered and shall provide that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The commission shall state upon its records the reasons for which a waiver is granted in each case.

(b) The commission may establish a schedule of fees and charge such fees. The amount of the fees shall be sufficient to cover the costs of processing subdivision applications, including, but not limited to, the cost of registered or certified mailings and the publication of notices, and the costs of inspecting subdivision improvements. Any schedule of fees established under this section shall be superseded by fees established by ordinance under section 8-1c.

(c) The commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be acted upon by the commission without a public hearing. Such public hearing shall be held in accordance with the provisions of section 8-7d.

(d) The commission shall approve, modify and approve, or disapprove any subdivision or resubdivision application or maps and plans submitted therewith, including existing subdivisions or resubdivisions made in violation of this section, within the period of time permitted under section 8-26d. Notice of the decision of the commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to any person applying to the commission under this section, 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 made such application may provide for the publication of such notice within ten days thereafter. Such notice shall be a simple statement that such application was approved, modified and approved or disapproved, together with the date of such action. The failure of the commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the commission on demand. The grounds for its action shall be stated in the records of the commission. No planning commission shall be required to consider an application for approval of a subdivision plan while another application for

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subdivision of the same or substantially the same parcel is pending before the commission. For the purposes of this subsection, an application is not "pending before the commission" if the commission has rendered a decision with respect to such application and such decision has been appealed to the Superior Court.

(e) If an application involves land regulated as an inland wetland or watercourse under the provisions of chapter 440,[1] the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or resubdivision. The commission shall, within the period of time established in section 8-7d, accept the filing of and shall process, pursuant to section 8-7d, any subdivision or resubdivision involving land regulated as an inland wetland or watercourse under chapter 440. The commission shall not render a decision until the inland wetlands agency has submitted a report with its final decision to the commission. In making its decision the commission shall give due consideration to the report of the inland wetlands agency and if the commission establishes terms and conditions for approval that are not consistent with the final decision of the inland wetlands agency, the commission shall state on the record the reason for such terms and conditions. In making a decision on an application, the commission shall consider information submitted by the applicant under subsection (b) of section 8-25 concerning passive solar energy techniques. The provisions of this section shall apply to any municipality which exercises planning power pursuant to any special act.

Credits

(1949 Rev., § 859; 1959, P.A. 679, § 6; 1963, P.A. 55, § 2; 1963, P.A. 273, § 1; 1965, Feb.Sp.Sess., P.A. 622, § 5; 1967, P.A. 884, § 2; 1971, P.A. 862, § 9, eff. Oct. 1, 1971; 1973, P.A. 73-550; 1975, P.A. 75-40; 1977, P.A. 77-450, § 5; 1977, P.A. 77-545, § 3; 1978, P.A. 78-243, § 1, eff. July 1, 1978; 1986, P.A. 86-236, § 3, eff. May 30, 1986; 1987, P.A. 87-215, § 5, eff. July 1, 1987; 1987, P.A. 87-533, § 9, eff. July 1, 1987; 1989, P.A. 89-356, § 14; 1992, P.A. 92-191; 1992, P.A. 92-218; 1993, P.A. 93-124, § 1; 1994, May 25 Sp.Sess., P.A. 94-1, § 10, eff. July 1, 1994; 2003, P.A. 03-177, § 7; 2007, P.A. 07-102, § 2; 2008, P.A. 08-38, § 2, eff. May 7, 2008.)

Notes of Decisions (136)

Footnotes

1 C.G.S.A. § 22a-28 et seq.

C. G. S. A. § 8-26, CT ST § 8-26

The statutes and Constitution are current with all enactments of the 2025 Regular Session and the 2025 November Special Session.

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