

## Chapter 13 – Determining Whether a Public Hearing Should Be Held

This chapter deals solely with the question of whether an agency is permitted or required to hold a public hearing. Scheduling requirements for public hearings are discussed in Chapter 14.

### A. Statutory Public Hearing Requirements

#### 1. Zoning Commissions

A public hearing is required on any proposal or petition for adoption or amendment of the zoning regulations or map. Such hearings must be held by a majority of the members of the commission or by a subcommittee having at least five members. [CGS § 8-3(a)]

A public hearing is also required on any application for a special exception, special permit, or special exemption; on any new construction, substantial reconstruction, or rehabilitation of property in a village district; and on any crematory. [CGS §§ 8-2j, 8-3c, 19a-320(b)]

Public hearings on most coastal site plans are optional, but the commission must hold a hearing on a coastal site plan for a shoreline flood and erosion control structure upon the request of the Commissioner of Energy and Environmental Protection.

A public hearing is not required for other applications to the zoning commission, including applications for site plan approval and applications under CGS § 14-321 for approval of a gasoline station. A hearing is not required on an application to certify a sediment and erosion control plan.<sup>86</sup> If a zoning commission chooses to hold an optional public hearing on a site plan application, it will not get the benefit of the additional decision-making time the statutes provide when a public hearing is actually required.

#### 2. Zoning Boards of Appeal

A public hearing must be held on any application that comes before a zoning board of appeals, except those in which it is acting as a special agency of the State under CGS Title 14 in deciding whether to issue a certificate of approval for the location of a motor vehicle dealer's or repairer's business, motor vehicle recycler's facility or a gasoline station.

CGS § 8-7 expressly requires a public hearing on any "appeal" from a zoning enforcement order or decision. Although the statute does not explicitly state that a hearing must be held on other types of zoning applications, such as those for a variance, special permit, or special exception, the Connecticut Supreme Court has held that a public hearing is required on such applications.<sup>87</sup>

86 *500 North Avenue, LLC v. Stratford Zoning Commission*, 67 Conn. L. Rptr. 720 (Super. Ct. 2018).

87 *Lunt v. Zoning Board of Appeals*, 150 Conn. 532, 537-538 (1963).