



TOWN OF RIDGEFIELD
Planning and Zoning Department

To: Carson C. Fincham, Chairman
Cc: Kelly Ryan, ZBA Administrator
Patricia Sullivan, Counsel
William Hennessey, Esq.
Peter Olson, Esq.

From: Richard S. Baldelli, Director, Planning and Zoning, ZEO

Re: ZBA Appeal 21-019, Revocation Appeal Zoning Permit Z-21-316, 63 Prospect Street

Date: August 13, 2021

Chairman Fincham:

I believe that we, the Board, the appellant, the neighbor and myself, are navigating uncharted and somewhat confusing territory with the issues before us, and therefore we are stuck with pioneering our way through this matter with a smattering of Executive Orders and less than well written statutes to guide us.

To provide my perspective, I offer the following for consideration by the Board:

On May 15, 2007, a Site Plan Approval (File #2007-038-SPA) was issued for the premises at 63-67 Prospect Street.

With statutory extensions, pursuant to CGS 8-3(m), the Site Plan Approval expiration date was May 15, 2021.

PA 20-7-18 would have extended the approval indefinitely, *if* Building Permits had been issued and construction was started by May 15, 2021.

During COVID, Emergency Order 7JJ, section 3 tolled certain covered permits.

Emergency Order 11 extended that tolling to May 20, 2021.

Emergency Order 12B extended the tolling through to June 30, 2021.

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As is highlighted in Executive Order 7I. 19.a. submitted to the Board as Exhibit 3a on July 14, 2021, wherein Covered Laws are described as: **Certain Municipal Procedural Requirements and Time Limitations Regarding Notice, Public Hearings, Decisions, and Appeals.**

The Executive Order goes on to state that what is extended is the time periods **for the rendering of a decision**, using as an example – a statute that allows up to a total of 65-days of extension (such as site plan decisions) may be further extended by no more than additional 90-days, for a total of 155 extension days.

As I stated in my earlier submission to the Board, to read the Executive Order as is pro-offered by the appellant, such a reading would result in the bizarre scenario wherein every past Planning and Zoning Commission decision throughout the State, with a statutory time-frame for rendering a decision, would be granted a new, non-appeal-able revival. As there is no reference, limitations, or descriptions in the Executive Orders regarding reviving such decisions, it is my understanding that the Covered Law **Decision** extension was just that, an extension to the statutory time-frame for the Commission to render a decision on a pending application.

While it is my position that the Executive Orders tolling did not extend the 8-3(m) statutory expiration date of this Site Plan Approval, nor did they extend the expiration date of PA-20-7-18, even if the argument is successful that the Executive Orders tolled the expiration of the Site Plan Approval through June 30, 2021, it then would have subsequently expired on July 1, 2021.

....

Even if someone were to claim that Public Act 21-163, section 1, applied to this Site Plan Approval, that section which amends CGS 8-3, states:

(m) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that **has not expired prior to May 9, 2011 the effective date of this section**, except an approval made under subsection (j) of this section, shall expire not less than ~~nine~~ **fourteen** years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than ~~fourteen~~ **nineteen** years from the date the site plan was approved.

First, the effective date of this section was July 12, 2021, when the Governor signed the bill. Even if the Executive Orders are applied to this Site Plan Approval, the Site Plan Approval expired on July 1, 2021, during the gap between the Executive Orders expiring and the effective date of the bill.

Second, in any event (post the March 22, 2016, 5-year extension), the Commission has not granted any application for an extension prior to the Site Plan Approval expiration.

Third, to clarify when PA 21-163 went into effect, I have included, a copy of a webpage from the Connecticut State Library Connecticut Statutes & Acts (Legislative Effective Dates) which states:

Court Cases – Effective Dates

The courts have construed “effective upon passage” to mean the date of completion of the last action necessary to fulfill the requirements set forth in Article IV, Sec. 15 of the Constitution of the State of Connecticut, this last action is the Governor’s signature.

If the Board is of the opinion that the Executive Orders provides an extension of time to the Site Plan Approval's expiration date, the Executive Orders expiration date of June 30, 2021, makes the Site Plan Approval's expiration date July 1, 2021.

The actions and/or inactions that have taken place during the past 14-years results in the Site Plan Approval expiring on either, May 15, 2021 (my position), or July 1, 2021 (the Executive Orders expiration, if so determined by the Board). As neither expiration date, May 15, 2021, or July 1, 2021, brings the Site Plan Approval expiration date to the PA 21-163 effective date of July 12, 2021; PA 21-163 is not applicable in this instance.

Additionally, I ask that you take note of CGS 8-7, which states in part:

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.

As the appellant did not seek a *stay* from the Board of the permit revocation, which permit revocation prohibited further construction, there is no CGS 8-7 *stay* protection in this appeal.

Accordingly, the appellant is not afforded any Executive Order or CGS extensions of the Site Plan Approval's expiration date of May 15, 2021. In the alternative, if the Board determines that the Executive Orders did toll the approval, the expiration date is June 30, 2021. Because the Approval expired prior to July 12th, the appellant cannot receive any benefit from PA-21-163.

....

In response to the appellants' argument that the April 20, 2021, appeal of the zoning permit prohibited them from proceeding with the project, I emphasize to the Board that the zoning permit was issued on April 9, 2021. There was nothing outside of the appellants control that I am aware of that prohibited the appellant from receiving a Building Permit on April 10, 2021, and starting construction. Had the appellant taken this action, and started construction, per PA 20-7-18, the Site Plan Approval could have been extended indefinitely.

To demonstrate to the Board that the applicant had the power to have a Building Permit in their possession on April 10, 2021, I present the following information from the Town's Online Permit System (aka Viewpermit):

First - on March 30, 2021, the appellant submitted a building permit application to perform construction described as: "Additions and Renovation to existing residence to add an additional apartment in the rear".

As stated in the Viewpermit program, on April 1, 2021, the only information requested of the applicant by Jason Celestino, Building Official, was to ask the applicant for information regarding the details for the 1 Hour separation wall between units (*Viewpermit screenshot 1*).

Second - on April 5, 2021, the applicant submitted the required wall separation information to the Building Official (*Viewpermit screenshot 2*).

Third - on April 6, 2021, the Building Official greenlighted the application (*Viewpermit screenshot 3*).

On April 9, 2021, the Zoning Permit was issued.

There appears to have been more than sufficient time between the April 9th issuance of the Zoning Permit and the neighbors April 20th appeal of the Zoning Permit to procure the Building Permit, and start construction on the footings and/or foundation of the 20 foot by 30 footprint of the building addition.

Additionally, until the May 17, 2021, revocation of the Zoning Permit, if the Building Department and WPCA application fees had been paid, regardless of the neighbors April 20th appeal of the Zoning Permit, Viewpermit would have automatically issued the Building Permit.

At any time prior to the May 15, 2021, expiration of the Site Plan Approval, if the appellant had any concerns, such as an appeal from a neighbor, or not enough time to construct the footings/foundation, the appellant could have approached the court for an order to extend the Site Plan Approval.

Without having a protective court order in place, it is my understanding that the Site Plan Approval expired on May 15, 2021, and that in the performance of my duties as Zoning Enforcement Officer, the May 17, 2021, Zoning Permit revocation was the proper action to be taken.

Conversely, if the Board determines that the Site Plan Approval was tolled by the Executive Orders, with the June 30th expiration of the Executive Orders, it is my conclusion that the Site Plan Approval expired on June 30, 2021. With the June 30, 2021, Site Plan Approval expiration, the Zoning Permit became void as of July 1, 2021.

....

Exhibit 1 **May 15, 2007 Site Plan Approval** Planning and Zoning Commission approval authorizing the construction of 21-units on 63-67 Prospect Street.

Exhibit 2 **March 22, 2016 5-year Extension Approval** Planning and Zoning Commission Legal Notice recorded with the office of the Town Clerk extending the approval to May 15, 2021.

Exhibit 3 **CGS 8-3(m)** statute that allows a Site Plan Approval to remain valid for 14-years.

Exhibit 4 **PA 20-7-18** Public act that states that this Site Plan Approval does not expire if building permits are issued and construction has started.

Exhibit 5 **Executive Order 7JJ** tolls certain covered permits.

Exhibit 6 **Executive Order 11** extended the tolling of covered permits to May 20, 2021.

Exhibit 7 **Executive Order 12B** extended tolling of certain covered permits to June 30, 2021.

Exhibit 8 **PA 21-163** statute that extends Site Plan Approvals that have not expired before July 12, 2021, to be valid for no more than 19-years.

Exhibit 9 **Connecticut State Library webpage** which clarifies Legislative effective dates.

Exhibit 10 **CGS 8-7** statute that requires an appellant to seek a *stay* from the Board to counteract a decision that stops construction.

Exhibit 11 **Viewpermit Screenshot 1** shows the April 1, 2021, request from the Building Official to the applicant seeking additional information.

Exhibit 12 **Viewpermit Screenshot 2** shows that on April 5, 2021, the applicant submitted the information requested by the Building Official

Exhibit 13 **Viewpermit Screenshot 3** shows that on April 6, 2021, the Building Official approved the April 5, 2021, submitted plans, and greenlighted the permit application.

Exhibit 14 **April 9, 2021 Zoning Permit** zoning approval that, pursuant to the Site Plan Approval, authorizes the construction of 1 of the 21 dwelling units.

Based on the above comments and exhibits, I respectfully request that the Board dismiss the appeal.



Richard S. Baldelli
Director, Planning and Zoning, ZEO



TOWN OF RIDGEFIELD

Planning & Zoning Commission

June 4, 2007

Mr. John Pierandri
The Giardini Limited Partnership
c/o Pierandri Realty, LLC and James Giardini
63 Prospect Street
Ridgefield, CT 06877

**Re: Application for Site Plan Approval
21 Units of Housing and Landscaping Plan at 63-67 Prospect St.
pursuant to Sec. 407.0 (R-5 Zone) of the Zoning Regulations
File #2007-038-SPA**

Dear Mr. Pierandri:

This is to inform you that the Planning and Zoning Commission, at its meeting held on May 15, 2007, voted to approve the site plan entitled, "Site Plan/Landscaping Plan, Garden Apartments, Pierandri Realty LLC and The Giardini Limited Partnership, 63-67 Prospect Street, Ridgefield, CT," last revised 5/7/07, prepared by John Kenyon Kinnear, Jr., A.I.A. This is a plan that shows 17 dwelling units in 4 new residential multi-family structures, and 4 additional units within an existing residential dwelling (with a new wing/addition) on the site, for a total of 21 dwelling units. The plan also includes provision for 32 parking spaces (4 are interior, garage spaces). The Commission reviewed the plan under the zoning regulations in effect prior to May 1, 2007, and approved the plan with the following condition:

1. The Commission will require additional review and may revise the landscaping plan on the east and west boundaries of the site following actual surveying of the property lines.
 - a. Existing large trees and shrubs on the east and west boundaries of the site, contiguous to the neighboring properties, may be required to be saved.
 - b. The Commission may require appropriate plantings based on height and size, after considering the nature and height of existing landscaping on the adjacent properties.

In addition to the Commission's consideration of the landscaping plan noted above, the following will be required as a result of review of the plans by the Director of Planning, the Fire Marshal, and the Highway Department:

2. A detailed engineering plan showing contours, drainage structures, and site utilities shall be presented for review to the Director of Planning and the Town Engineer prior to the issuance of any zoning permit for construction.
3. The Plan shall show erosion controls and shall outline construction phasing and the method for erosion control for the duration of the project construction.
 - a. Prior to the issuance of any zoning permit or the commencement of any construction activity, all erosion and sedimentation control structures shall be installed in accordance with approved plans and specifications under the terms and conditions of this permit, with strict adherence to the *2002 Guidelines for Soil Erosion and Sediment Control*, DEP Bulletin 34.

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4. As noted in the memorandum dated April 30, 2007 from Fire Marshal David Lathrop (copy attached), no vehicles shall be allowed to park on the west side of the driveway unless areas are specifically marked to permit parking.
5. All building plans must meet applicable building and fire code requirements for multi-family dwellings.
6. The driveway shall be marked for one-way traffic circulation as shown on the plans, entering off Prospect Street and exiting at Sunset Lane.
 - a. In order to prevent the use of the driveway for through-traffic, and further to prevent vehicles from entering off Sunset Lane, a one-way gate shall be installed at the Sunset Lane exit (similar in function to the gate at the adjoining Wisteria Gardens complex).
7. Each building on the site shall require a separate Development Permit Application including the submission of two copies of a stamped and sealed class A-2 survey showing the location of the proposed structure.
 - a. An A-2 as-built survey for each of the structures is required prior to the issuance of the Zoning Certificate of Compliance for each of the buildings.
 - b. Prior to the issuance of the final Zoning Certificate of Compliance for the last dwelling unit (building) to be constructed or renovated on the site, an A-2 as-built survey shall be submitted showing the location of all site utilities, parking and vehicular areas, and buildings on the site.
8. The applicant is required to obtain permits and to comply with all applicable requirements of the Water Pollution Control Authority, the public water supply company, and the Ridgefield Department of Health.
9. In accordance with Connecticut General Statutes Sec. 8-3(i), approval of the Site Plan expires on 5/15/2012.

If you have any questions, please contact me.

Very truly yours,



Betty Brosius, MPA, AICP
Director of Planning

cc: John K. Kinnear, A.I.A.
Richard Baldelli, Zoning Enforcement Officer
William Reynolds, Building Official
Diana Van Ness, WPCA Administrator
David Lathrop, Fire Marshal
Edward Briggs, Director of Health
Peter Hill, Director of Public Services
Charles Fisher, P.E., Town Engineer
Subject File

Pz 03.22.2016
Ridgefield Press

APR 28 2016
at 2:20PM
Cathleen Burtolo Asst
to be published: March 31, 2016

LEGAL NOTICE

Notice is hereby given that the Planning and Zoning Commission of the Town of Ridgefield, at its meeting of March 22, 2016, took the following actions:

- Item I: APPROVED with conditions. #2016-009-REV (SP)-REV(VDC): (1) Revision to Special Permit for the modification of previously approved plans, replacing a single structure with a building of reduced size and a storage shed, and modifications to street lighting plan and roof alterations; and (2) Revision to the Village District Application at 29 Prospect Street in the CBD zone. Owner/Applicant: 29 Prospect Street, LLC. Authorized Agent: Philip Doyle.
- Item II: APPROVED with conditions. #2007-038-SPA: APPROVED: Request for 5-year extension of Site Plan Approval granted on 5/15/07 for a 21-unit multi-family development, approved under the now-repealed Multifamily Residence R-5 Zone (15 unit/acre) for property located at 63-67 Prospect Street, currently zoned MFDD, extended to 5/15/21 pursuant to Public Act 11-5 and Connecticut General Statutes Section 8-3(m). Owner/Applicant: The Giardini Limited Partnership and Pierandi Realty, LLC.
- Item III: APPROVED with conditions. #2016-027-VDC: Village District application for two (2) front facing awnings and one (1) rear facing awning at 398 Main Street in the CBD zone. Owner: Masonic Temple Association % William R. Deickler. Applicant: Coldwell Banker Association. Authorized Agent: Virgil Williams.

PLANNING AND ZONING COMMISSION
Town of Ridgefield

By: Rebecca Mucchetti, Chairman
Dated: March 31, 2016



TOWN OF RIDGEFIELD

Planning and Zoning Department

CGS 8-3

(m) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, except an approval made under subsection (j) of this section, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than fourteen years from the date the site plan was approved.

House Bill No. 7009

Sec. 15. (*Effective from passage*) Notwithstanding the provisions of subsection (b) of section 10-76g of the general statutes concerning the deadlines for filing an application for a grant for the excess costs of special education under said subsection, for the fiscal year ending June 30, 2021, the State Board of Education shall make payment for the excess costs incurred by the local board of education for the town of Milford for students omitted from the March, 2020, filing during the fiscal year ending June 30, 2020.

Sec. 16. Subsection (o) of section 2 of public act 05-289, as amended by section 2 of public act 12-144 and section 9 of public act 15-184, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(o) At the option of the city of Bridgeport by vote of the city council of the city of Bridgeport, the district shall be merged into the city of Bridgeport if no bonds are issued by the district [not later than fifteen years after] on or before July 1, [2005] 2025, or after the bonds authorized by this section are no longer outstanding and any property which is owned by the district shall be distributed to the city of Bridgeport.

Sec. 17. (*Effective from passage*) Notwithstanding any period of performance date related to contract 20170140011490001A between the town of Branford and the Department of Economic and Community Development, the Secretary of the Office of Policy and Management shall pay, from the small town economic assistance program established pursuant to section 4-66g of the general statutes, the amount of five hundred thousand dollars as a grant-in-aid to the town of Branford for the costs of demolishing and reconstructing the Indian Neck Firehouse.

Sec. 18. (*Effective from passage*) Notwithstanding the provisions of subsection (m) of section 8-3 of the general statutes, any site plan approval granted by the Ridgefield Planning and Zoning Commission at its meeting held on May 15, 2007, and further extended by said

House Bill No. 7009

commission, for the construction of residential multi-family structures, and any modifications to such site plan, shall not expire if the applicant has obtained all the necessary building permits and commenced construction on or before the expiration date.

Approved October 2, 2020

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7JJ

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – MUNICIPAL GOVERNANCE MEASURES AND AUTHORIZATION FOR DEEP TO CONDUCT PROGRAMS THROUGH DISTANCE LEARNING

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, pursuant to such declaration, I have issued thirty-six (36) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to increase slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, no vaccine is available to prevent or mitigate the health effects of COVID-19, and testing and contact tracing capabilities are not yet available in sufficient quantities to permit large gatherings in close quarters, especially indoors; and

WHEREAS, Executive Order No. 7S, Section 8, addressed tax relief claims that require municipalities to conduct specific duties, including but not limited to processing tax relief claims that require in-person meetings and application filing requirements for taxpayers who have attained age sixty-five or over or are totally disabled; and

WHEREAS, Sections 12-129n, 12-170v and 12-170w of the Connecticut General Statutes authorize municipalities to provide tax relief for taxpayers who have attained age sixty-five or over or are totally disabled; and

WHEREAS, the Department of Energy and Environmental Protection (DEEP) administers multiple programs that require education, testing, and certification, and such programs are necessary for the protection of public health, safety, and the environment or for safe conduct of regulated recreational and commercial activity; and

WHEREAS, in order to provide such programs and continuity of service during the COVID-19 pandemic, in a manner that protects public health by limiting in-person interactions that would increase the risk of transmission of COVID-19, it is necessary to conduct such education, testing, and certification activities remotely to the greatest degree practicable; and

WHEREAS, certain municipal charters, ordinances or resolutions require critical and time-sensitive town decisions necessary for the fiscal and public health and welfare of a municipality to be voted on in-person by referendum or town meeting; and

WHEREAS, the close contact and high attendance required for in-person voting through town meeting or referendum increases the risk of transmission of COVID-19 for voters and town officials, and will consume a significant quantity of critically needed personal protective equipment;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

- 1. Applicability of Executive Order No. 7S, Section 8 - Suspension of Reapplication Filing Requirement for the Homeowners' Elderly/Disabled, Circuit Breaker Tax Relief Program and for the Homeowners' Elderly/Disabled Freeze Tax Relief Program.** The biennial filing requirements in Sections 12-129n and Sections 12-170v and 12-170w of the Connecticut General Statutes for any taxpayers who were granted the benefit for the Grand List year 2017 and who are required to recertify for the Grand List year 2019, are suspended and such taxpayers shall automatically maintain their benefits for the next biennial cycle ending in Grand List year 2021.
- 2. Distance Learning and Remote Testing and Certification for DEEP Programs.** To limit the risk of transmission of COVID-19, by reducing in-person interactions, Titles 15, 22a, 23, and 26 of the Connecticut General Statutes are modified to authorize the Commissioner of Energy and Environmental Protection to issue any orders she deems necessary to facilitate registration for and participation in, classes and testing remotely using online methods or any other feasible means, including provision of any notice, conduct

of any classes, testing and certification required pursuant to these Titles, or regulations promulgated thereunder. The Department of Energy and Environmental Protection shall post a plan on its website to instruct the public how to register and participate in, classes and testing remotely and provide updated information on services conducted by its partners.

- 3. Tolling of Land Use and Building Permits.** In order to ensure that land use and building permit holders may continue to diligently pursue permitted activities after the state of emergency, an approval or permit issued by a municipal land use agency or official pursuant to the "Covered Laws" as defined in Section 19 of Executive Order 7I, or by a municipal building official pursuant to Connecticut General Statutes Chapter 541 and valid as of March 10, 2020, shall not lapse or otherwise expire during the state of emergency, and the expiration date of the approval shall toll during the state of emergency. To the extent that any such approval contains or is subject to conditions, the agency or official may waive such conditions if an approval holder is not able to abide by the conditions as a result of the COVID-19 pandemic or protective measures taken in response to it, provided that such waiver shall not be unreasonably withheld. This section shall not apply to an approval or permit whose holder was in violation of the terms and conditions of the approval as of March 10, 2020 or who violates such terms and conditions during the state of emergency.
- 4. Allowance of Suspension of In-Person Voting Requirements by Members of the Public for Critical and Time-Sensitive Municipal Decisions.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, after making specific findings that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the period of the declared public health and civil preparedness emergency, in order to avoid endangering public health and welfare or prevent significant financial loss, or that such action is otherwise necessary for the protection of persons and property within the municipality, may (i) adopt or amend ordinances or resolutions only as necessary to complete transactions deemed essential; (ii) approve, enter into or amend existing contracts or agreements deemed essential; or (iii) option, acquire, transfer, lease, dispose of or sell any real or personal property, or interest therein, as shall be deemed essential, with the exception of non-judicial tax sales or other property transfers that would result in the eviction of a residential tenant, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. In so acting, the legislative body shall comply with open meeting requirements set forth in Executive Order No.

7B. All conditions precedent to any such approval, including without limitation, public notices, hearings or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order No. 7B. The foregoing authority is not intended to apply to budgetary or similar essential non-budgetary financial actions which require the concurrent approval of the municipal budget-making authority and are subject to the provisions of Executive Order Nos. 7I, Section 13, 7S, Section 7, and 7CC, Section 1. Nothing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum in a way that significantly reduces the risk of transmission of COVID-19.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 6th day of May, 2020.



Ned Lamont
Governor



By His Excellency's Command



Denise W. Merrill
Secretary of the State

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 11

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – EXTENSION OF SELECTED COVID-19 EXECUTIVE ORDERS

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021; and

WHEREAS, on March 31, 2021, I signed into law Special Act 21-2, through which the General Assembly ratified the previously mentioned declarations and endorsed a renewal and extension of such declarations through May 20, 2021; and

WHEREAS, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

WHEREAS, on April 19, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through May 20, 2021; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, infections with highly transmissible variants of the coronavirus that causes COVID-19 have spread widely in the United Kingdom and elsewhere and have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

WHEREAS, Connecticut continues to successfully conduct a campaign to vaccinate as many residents as possible against COVID-19, including having opened eligibility to all residents aged 16 or older and having vaccinated a large percentage of those most vulnerable to serious health effects from COVID-19; and

WHEREAS, having consulted with agency leaders, department heads, municipal and legislative leaders, and other stakeholders, I have identified many COVID-19 Orders, representing more than 60 percent of those currently in effect, that may be allowed to expire after today; and

WHEREAS, as a result of such consultation, I have also identified many unexpired COVID-19 Orders that remain critical to the protection of public health and safety and the maintenance of civil preparedness and likely will remain critical to ensuring execution of the essential duties of government because they provide for an efficient and effective response to the COVID-19 pandemic, including but not limited to the continuation of Connecticut’s nation-leading vaccination campaign, continued provision of safer healthcare and childcare to residents throughout the state, and mitigation of the devastating economic effects of the pandemic;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020, January 26, 2021, and April 19, 2021, and the new public health and civil preparedness emergencies declared on April 19, 2021, do hereby **ORDER AND DIRECT**:

1. **Extension of Selected COVID-19 Orders to May 20, 2021.** The following Executive Orders are **extended through May 20, 2021**:

7B, Sections 1, 5, 6	7Y, Sections 3-5	7CCC, Section 2
7E, Sections 3 and 5	7Z, Section 3	7EEE, Section 1
7F, Sections 3 and 4	7CC, Section 3 as amended by Executive Order No. 10, Section 1	7FFF, Section 1
7G, Sections 5 and 6	7CC, Sections 4-8	7III, Section 3
7K, Sections 1, 2, 5	7DD, Sections 1, 2, 4-7	7NNN, Section 1
7I, Sections 2, 3, 19	7EE, Sections 1-3	9, Section 1
7J, Sections 3-7	7FF, Section 1	9H, Section 1
7L, Section 4	7HH, Section 2	9K, Section 8
7M, Section 3	7II, Section 2	9Q, Sections 1 and 3
7N, Section 6	7JJ, Sections 2 and 3	9S, Section 2
7O, Sections 1 and 4	7KK, Section 1	10, Sections 1, 4, 6
7P, Section 1	7NN, Sections 2, 3, 5-8	10A, Sections 2, 3
7Q, Section 3	7QQ, Section 6	10C
7R, Section 5	7SS, Sections 1-3	7TT, Section 2, as amended by 10D, Section 1
7T, Section 6	7XX, Sections 3 and 4	10E, Section 2
7V, Sections 3-5	7YY, Sections 2, 7, 8	
7W, Sections 2 and 8	7AAA, Section 4	

2. **Precedence of Executive Order Nos. 11A-11D.** If any order extended by Section 1 of this order conflicts with a provision of Executive Order No. 11A, 11B, 11C, or 11D, also issued today, the provision of the latter order shall govern.
3. **Extension of Agency and Municipality Orders.** Any unexpired order, rule, regulation, directive or guidance issued by any official, agency, department, municipality, or entity pursuant to an unexpired COVID-19 Order, which by its own terms provides that it shall remain in place for the duration of the public health and civil preparedness emergency shall remain in effect through May 20, 2020, unless earlier modified or terminated by the issuing authority or a subsequent executive order.

Unless otherwise provided herein, this order shall take effect immediately and remain in effect through May 20, 2021.

Dated at Hartford, Connecticut, this 19th day of April, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 12B

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –
EXTENSION AND EXPIRATION OF COVID-19 ORDERS**

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021; and

WHEREAS, on March 31, 2021, I signed into law Special Act 21-2, through which the General Assembly ratified the previously mentioned declarations and endorsed a renewal and extension of such declarations through May 20, 2021; and

WHEREAS, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

WHEREAS, on April 19, 2021, I renewed the March 10, 2020, September 1, 2020 and January 26, 2021 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through May 20, 2021; and

WHEREAS, on May 13, 2021, I signed into law House Bill 6686, through which the General Assembly endorsed a renewal and extension of such declarations and authorized me to continue to exercise the emergency powers provided in Sections 19a-131a and 28-9 of the Connecticut General Statutes through July 20, 2021; and

WHEREAS, on May 18, 2021, I renewed the March 10, 2020, September 1, 2020, January 26, 2021 and April 19, 2021, declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through July 20, 2021; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including maintaining a safe distance from others and wearing masks or face coverings; and

WHEREAS, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, Connecticut continues to successfully conduct a campaign to vaccinate as many residents as possible against COVID-19, including having opened eligibility to all residents aged 12 or older and having vaccinated a large percentage of those most vulnerable to serious health effects from COVID-19; and

WHEREAS, I have previously announced that consistent with improved vaccination rates and reductions in COVID-19 infection rates, certain outdoor activities, could resume safely on May 1, 2021, and that on May 19, 2021, most remaining business and social gathering restrictions could be lifted; and

WHEREAS, in consultation with the Chief Court Administrator on behalf of the Chief Justice, I have determined that the Judicial Branch may safely resume certain additional court operations and reinstate certain time requirements and deadlines necessary for such resumption, while there remains a need for flexibility regarding certain venue and location requirements, timelines and deadlines associated with court operations; and

WHEREAS, having consulted with agency leaders, department heads, municipal and legislative leaders, and other stakeholders, I have identified many COVID-19 Orders, that may be allowed to expire after today, may be codified or extended by pending legislation before the end of June, or

may require a period of weeks for an efficient transition to the normal statutory or regulatory procedures which they modified; and

WHEREAS, as a result of such consultation, I have also identified many unexpired COVID-19 Orders that remain critical to the protection of public health and safety and the maintenance of civil preparedness and likely will remain critical to ensuring execution of the essential duties of government because they provide for an efficient and effective response to the COVID-19 pandemic, including but not limited to the continuation of Connecticut’s nation-leading vaccination campaign, continued provision of needed healthcare and childcare in a safe and effective manner to residents throughout the state, and mitigation of the devastating economic effects of the pandemic;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. The following Executive Orders are repealed effective at 11:59 p.m. on May 20, 2021:

7E, Sections 3, 5	7M, Section 3	7DD, Sections 1, 2, 6, 7	7FFF, Section 1
7F, Section 3	7O, Section 1	7EE, Sections 1-4	10C, Section 1
7G, Sections 5, 6	7R, Section 5	7FF, Section 1	11A, Sections 1, 2
7J, Sections 5-7	7W, Sections 2, 8	7TT, Section 2	11B, Sections 3-5
7K, Section 1	7Z, Section 3	7CCC, Section 2	11D, Section 1

2. Executive Order No. 7K, Section 2 is extended through June 1, 2021.

3. **The following Executive Orders are extended through June 30, 2021:**

7B, Sections 1, 5, 6	7T, Section 6	7XX, Sections 3, 4	10A, Section 3**
7I, Sections 2, 3, 19	7V, Sections 3-5	7YY, Sections 2, 7, 8	10A, Section 5**
7J, Section 3	7CC, Sections 4-8	7CCC, Section 3	10E, Section 2
7L, Section 4	7DD, Sections 4, 5	7III, Section 3	11B, Section 1
7N, Section 6	7HH, Section 2	9H, Section 1	11B, Section 2 a.
7O, Section 4	7JJ, Sections 2, 3	9K, Section 8	
7Q, Section 3	7NN, Section 2	10, Section 6	

** see sections below for modifications to these orders.

4. The following Executive Orders are extended through July 20, 2021.

7F, Section 4	7II, Section 2	7AAA, Section 4	9Q, Sections 1, 3
7J, Section 4	7CC, Section 3	7QQ, Section 6	11C, Sections 1-4
7K, Section 5**	7KK, Section 1	7EEE, Section 1	9S, Section 2
7P, Section 1	7NN, Sections 3, 5-8	9, Section 1	11D, Sections 2, 3**
7Y, Sections 3-5	7SS, Sections 1-3**	10, Sections 1, 4	12A

** see sections below for modifications to these orders.

5. **Limited Extension of Executive Order No. 7K, Section 5.** Executive Order No. 7K, Section 5 is extended through July 20, 2021 only for employees employed before May 19, 2021 and volunteers engaged before that date who did not comply with the requirements set forth in section 19a-491c of the General Statutes as permitted under said order. The provisions of that Executive Order No. 7K, Section 5 shall not apply to employees hired on or after May 20, 2021 or volunteers first engaged after that date.
6. **Limited Extension of Executive Order No. 7M, Section 2.** Executive Order No. 7M, Section 2, subsection (2) is extended, retroactive to April 19, 2021, through June 30, 2021.
7. **Limited Extension of Executive Order No. 7SS, Sections 1-3.** Executive Order No. 7SS, Sections 1 through 3, are extended through July 20, 2021 only for temporary nurse aides employed before May 19, 2021. The provisions of those sections shall not apply to nor authorize the employment of temporary nurse aides on and after May 20, 2021.
8. **Subsequent Order to Follow Regarding Eviction Moratorium.** A subsequent order will follow regarding transition of the eviction moratorium (Executive Order No. 10A, Section 3) after June 30, 2021.
9. **Resumption of Additional Court Operations and Practices.** Executive Order No. 10A, Section 5 (partially extending Executive Order No. 7G, Section 2) is extended through June 30, 2021, but only as it relates to (1) all statutory location or venue requirements and (2) the right to speedy trial, including but not limited to Sections 54-82c, 54-82l and 54-82m of the Connecticut General Statutes. The remainder of Executive Order No. 10A, Section 5, shall expire at 11:59 p.m. on May 20, 2021.
10. **Modification of Executive Order No. 11D.** Executive Order No. 11D, Sections 2 and 3 are hereby modified to require that whenever exercising the authority in either of those orders, the department head or agency head must certify in writing to the specific reason that such exercise meets the requirement that the procurement is essential to respond to the COVID-19 pandemic.
11. **Any Other Executive Orders to Expire May 28, 2021.** Any order currently in effect that is not explicitly extended or modified by this Executive Order No. 12B shall expire at 11:59 p.m. on May 28, 2021, unless extended earlier.
12. **Modification of Thirty-Six Month Age Limit for Birth-to-Three Services.** Effective immediately and through June 30, 2021, (a) Section 17a-248 of the Connecticut General Statutes, and any associated regulations, rules, and policies are modified to authorize the Commissioner of the Office of Early Childhood to temporarily expand the definition of “eligible children” to include children who turn older than thirty-six months of age, who are presently engaged in early intervention services and not already determined to be eligible for services under the Individuals with Disabilities Education Act (IDEA) Part B. The Commissioner may issue any order deemed necessary to implement this order.

(b) Sections 38a-490a and 38a-516a of the Connecticut General Statutes, and any associated regulations, rules, and policies are modified to require that the individual and group health insurance policies referenced in such sections shall continue to provide coverage for medically necessary remote early intervention services by qualified personnel after a covered child's third birthday when such child continues to receive such services in accordance with subsection (a) of this order.

13. **Extension of Municipal or Agency Orders.** Any unexpired order, rule, regulation, directive or guidance issued by any official, agency, department, municipality, or entity pursuant to an unexpired COVID-19 Order, which by its own terms provides that it shall remain in place for the duration of the public health and civil preparedness emergency, shall remain in effect through July 20, 2021, unless earlier modified or terminated by the issuing authority or a subsequent executive order or by the expiration of its enabling executive order.

This order shall take effect immediately and remain in effect through July 20, 2021 unless earlier modified or terminated.

Dated at Hartford, Connecticut, this 20th day of May, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State





Substitute House Bill No. 6541

Public Act No. 21-163

AN ACT CONCERNING AN EXTENSION OF TIME FOR THE EXPIRATION OF CERTAIN LAND USE APPROVALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (m) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(m) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, **that has not expired prior to [May 9, 2011] the effective date of this section**, except an approval made under subsection (j) of this section, shall expire not less than [nine] fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than [fourteen] nineteen years from the date the site plan was approved.

Sec. 2. Subsection (e) of section 8-26c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(e) Notwithstanding the provisions of this section, any subdivision approval made under this section prior to July 1, 2011, that has not

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expired prior to [May 9, 2011] the effective date of this section, shall expire not less than [nine] fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than [fourteen] nineteen years from the date the subdivision was approved.

Sec. 3. Subsection (c) of section 8-26g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(c) Notwithstanding the provisions of this section, for any subdivision of land for a project consisting of four hundred or more dwelling units and approved prior to July 1, 2011, that has not expired prior to [May 9, 2011] the effective date of this section, any person, firm or corporation making such subdivision shall complete all work in connection with such subdivision not later than the date [fourteen] nineteen years after the date of approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such [fourteen-year] nineteen-year period expires.

Sec. 4. Subsection (g) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section prior to July 1, 2011, that has not expired prior to [May 9, 2011] the effective date of this section, shall expire not less than [nine] fourteen years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an

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enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than [~~fourteen~~] nineteen years.

Sec. 5. Section 8-3c of the general statutes, as amended by section 7 of public act 21-34, is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(a) If an application for a special permit or special exception involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, 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 a special permit or special exception.

(b) The zoning commission or combined planning and zoning commission of any municipality shall hold a public hearing on an application or request for a special permit or special exception, as provided in section 8-2, and on an application for a special exemption under section 8-2g. Such hearing shall be held in accordance with the provisions of section 8-7d. The commission shall not render a decision on the application until the inland wetlands agency has submitted a report with its final decision to such commission. In making its decision the zoning commission shall give due consideration to the report of the inland wetlands agency. Such commission shall decide upon such application or request within the period of time permitted under section 8-7d. Whenever a commission grants or denies a special permit or special exception, it shall state upon its records the reason for its decision. 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 the person who requested or applied for a special permit or special exception, 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

Substitute House Bill No. 6541

such notice is not published within such fifteen-day period, the person who requested or applied for such special permit or special exception may provide for the publication of such notice within ten days thereafter. Such permit or exception shall become effective upon the filing of a copy thereof (1) 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 (2) in the land records of the town in which the affected premises are located, in accordance with the provisions of section 8-3d.

(c) (1) Notwithstanding the provisions of subsections (a) and (b) of this section, any special permit or special exception approval made under this section prior to July 1, 2011, that has not expired prior to the effective date of this section, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

[(c)] (2) Notwithstanding the provisions of subsections (a) and (b) of this section, any special permit or special exception approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

Sec. 6. Section 8-26e of the general statutes, as amended by section 8 of public act 21-34, is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

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(a) The planning commission of any municipality shall hold a public hearing on an application or request for a special permit or special exception, as provided in section 8-2. Any such public hearing shall be held in accordance with the provisions of section 8-7d. Such commission shall decide upon such application or request within the period of time permitted under section 8-26d. Whenever a commission grants or denies a special permit or special exception, it shall state upon its records the reason for its decision. 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 the person who requested or applied for a special permit or special exception, 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 a special permit or special exception may provide for the publication of such notice within ten days thereafter. Such permit or exception shall become effective upon the filing of a copy thereof (1) 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 (2) in the land records of the town in which the affected premises are located, in accordance with the provisions of section 8-3d.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, any special permit or special exception approval made under this section prior to July 1, 2011, that has not expired prior to the effective date of this section, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

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[(b)] (2) Notwithstanding the provisions of subsection (a) of this section, any special permit or special exception approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

Sec. 7. Section 9 of public act 21-34 is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(a) (1) Notwithstanding the provisions of any special act, any site plan, subdivision or permit approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred prior to July 1, 2011, and that has not expired prior to the effective date of this section, shall expire not less than fourteen years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such approval, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan, subdivision or permit was initially approved.

[(a)] (2) Notwithstanding the provisions of any special act, [or] any site plan, subdivision or permit approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred on or after July 1, 2011, but prior to the effective date of this section, and that did not expire prior to March 10, 2020, [such approval] shall expire not less than fourteen

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years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such approval, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan, subdivision or permit was initially approved.

(b) (1) Notwithstanding the provisions of any special act, any special permit or special exception approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred prior to July 1, 2011, that has not expired prior to the effective date of this section, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception approval.

[(b)] (2) Notwithstanding the provisions of any special act, [or] any special permit or special exception approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, [such approval] shall expire not less than nineteen years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception approval.

Approved July 12, 2021



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Legislation Effective Dates

According to the **General Statutes of Connecticut § 2-32**, all public acts become effective October 1st of the year of passage unless a different date is specified within the act. Each section of the act may specify its own effective date as necessary. Other common dates include January 1st, July 1st, or the section may simply become effective immediately upon passage. By default, special acts become effective from the date of their approval unless another date is specified within the act.

Court Cases

The courts have construed "effective upon passage" to mean the date of completion of the last action necessary to fulfill the requirements set forth in Article IV, Sec. 15 of the Constitution of the State of Connecticut and to give a bill the force and effect of law. In Connecticut, this last action is the Governor's signature.

Cases

- Old Saybrook v. Public Utilities Commission, 100 Conn. 322 at 325
- Di Nicola v. Di Nicola, 132 Conn. 185
- Spector Motor Service v. Walsh, 135 Conn. 37

Vetoed Acts

When an act is vetoed by the Governor and the veto is subsequently overridden, the act becomes effective on the date the veto is overridden by the **second** house, according to Article IV, Sec. 15 of the Constitution of the State of

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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.

VIEWPERMIT SCREENSHOT 1

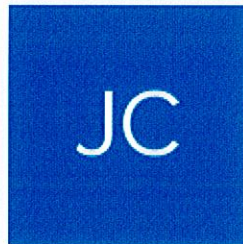
Building

Assignee

Jason Celestino

Due date

None



Apr 1, 2021 at 3:40 pm

Jason Celestino

Please provide details for 1 hour separation wall between units as required by R302.3

- Comment
- Internal Note

Say something about this ...

Comment

- This step was assigned to Jason Celestino - Apr 1, 2021 at 3:31 pm
- Jason Celestino approved this step - Apr 6, 2021 at 8:31 am

VIEWPERMIT SCREENSHOT 2

Unit Separation Detail 5Apr21.jpg

Unit Separation Detail- As requested

Latest Version



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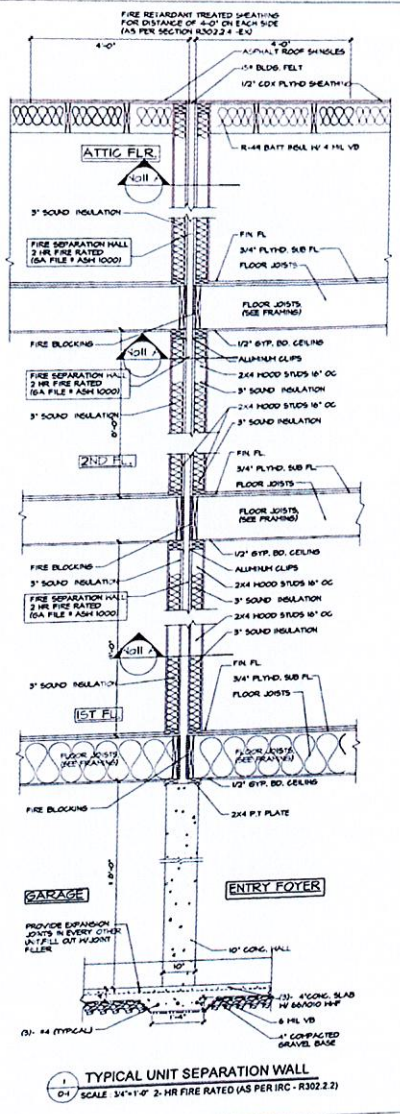
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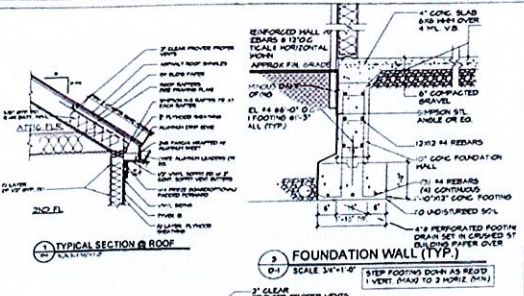
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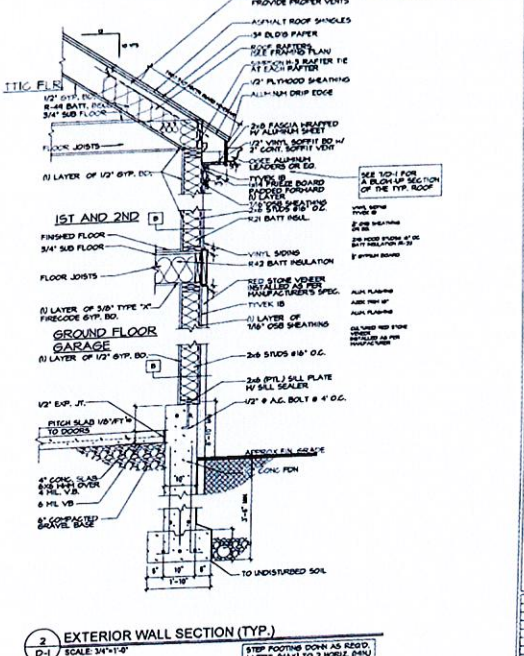


1 TYPICAL UNIT SEPARATION WALL
 D-1 SCALE 3/4"=1'-0" 2-HR FIRE RATED (AS PER IBC - R302.2.2)



2 TYPICAL SECTION B ROOF
 D-1 SCALE 3/4"=1'-0"

3 FOUNDATION WALL (TYP.)
 D-1 SCALE 3/4"=1'-0" STEP FOOTING DOWN AS REQ'D. (VERT. DIM. TO 3 HORIZ. DIM.)



4 EXTERIOR WALL SECTION (TYP.)
 D-1 SCALE 3/4"=1'-0" STEP FOOTING DOWN AS REQ'D. (VERT. DIM. TO 3 HORIZ. DIM.)

OWNER:
 JOHN KEVIN KINNEAR, JR., ARCHITECT, AIA
 122 East 42nd Street, Suite 715
 New York, NY 10168
 (212) 687-8390

PROJECT NAME:
 6347 PROSPECT STREET OWNERS
 FOUR UNIT APARTMENT BUILDING
 6347 PROSPECT STREET
 BROOKFIELD CT 06812

DETAILS, WALL TYPES, CODE

NO.	DESCRIPTION	SECTION	DATE
1	REVISION		
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VIEWPERMIT SCREENSHOT 3

Building Permit · 58704 – PROSPECT STREET ADDITION

 **Expiration Date**

Stopped



B-21-822



Details

Submitted on Mar 30, 2021 at 2:39 pm



Attachments

6 files



Activity Feed

Latest activity on May 17, 2021



Applicant

Burlington Construction



Location

63 PROSPECT ST, RIDGEFIELD, CT 06877

Timeline

Application Review

Completed Apr 1, 2021 at 3:31 pm



Health

Completed Apr 5, 2021 at 9:45 am

Tax Assessors

Completed Apr 5, 2021 at 2:06 pm

Building

Completed Apr 6, 2021 at 8:31 am



Wetlands Delineation Approval

Completed Apr 6, 2021 at 2:20 pm



Inland Wetlands

Completed Apr 6, 2021 at 2:20 pm



DPS





ZONING PERMIT

Planning & Zoning Department - Town Hall Annex
66 Prospect Street Tel. (203) 431-2766 Fax: (203) 431-2737
Town of Ridgefield

Permit No.: Z-21-316
Permit For: Additions/Alterations
Property Owner: GIARDINI LIMITED PARTNERSHIP, THE AND PIERANDRI REALTY, LLC
Owner's Address: 63 PROSPECT ST RIDGEFIELD, CT 068774605
Property Address: 63 PROSPECT ST
Zone: R-5 Lot Size: 1.14 Lot No: E14-0190

Project Description:
Additions and Renovation to existing residence to add an additional apartment in the rear

Conditions of Approval:

- Erosion and Sediment Control measures shall be maintained in strict adherence to the 2002 Guidelines for Soil Erosion Control, DEEP Bulletin 34, as amended, and the Town of Ridgefield Modified Erosion Control standards, effective September 1, 2018, and shall remain in place until all work is complete and the site is fully stabilized.
- A Class A-2 Zoning Improvement survey showing the installed foundation shall be submitted to the Planning and Zoning Department prior to any work being started on the building walls.
- Prior to the Certificate of Zoning Compliance being issued, a Class A-2 "As-built" survey, prepared by a Connecticut licensed surveyor, showing the completed project, all buildings, structures, stormwater management system, and all site improvements shall be submitted to the Planning and Zoning Department.
- The surveyor shall state the Lot Coverage of all buildings in percentage.
- The surveyor shall state the Building Height.
- The surveyor shall state the Impervious Surfaces coverage in square feet.

Compliance with the June 4, 2007, #2007-038-SPA approval.

- Certification from a Connecticut licensed engineer that the stormwater management system applicable to this zoning permit has been properly installed and is functioning as designed.
- Certification from a Connecticut licensed landscape architect that the landscaping applicable to this zoning permit has been installed according to the approved landscaping plan.

Zoning Enforcement Official

April 9, 2021

Date



TOWN OF RIDGEFIELD ZONING ENFORCEMENT OFFICER

In accordance with Connecticut General Statute Section 8-3(f) the owner of the subject property and/or the applicant for a Zoning Permit or Certificate of Zoning Compliance may provide notice of such Zoning Permit or Certificate of Zoning Compliance by publication in a newspaper having substantial circulation in Ridgefield stating that the Zoning Permit or Certificate of Zoning Compliance has been issued. Any such notice shall contain: (A) a description of the building, use or structure, (B) the location of the building, use or structure, (C) the identity of the application, and (D) a statement that an aggrieved person may appeal to the Zoning Board of Appeals. In accordance with the provisions of Connecticut General Statutes Section 8-7, as amended, and the rules and regulations of the Zoning Board of Appeals.

In accordance with Connecticut General Statute Section 8-7, the issuance of a Zoning Permit or Certificate of Zoning Compliance may be appealed to the Zoning Board of Appeals within the time frame for appeal set by the Board. The appeal period for an aggrieved person shall commence at the earliest of the following : (1) upon receipt of the order, requirement or decision from which such person may appeal, (2) upon publication of a notice in accordance with Subsection (f) of section 8-3, as amended, or (3) upon actual or constructive notice of such order, requirement or decision.

66 Prospect Street - Ridgefield, Connecticut 06877

Phone: (203) 431-2766 - Fax: (203) 431-2737