



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

Discussion and Decision: 4/3/89
REVISED: December 6, 1993
REVISED: August 12, 1994
REVISED: December 5, 1994
REVISED: November 30, 1995
REVISED: June 25, 1998
REVISED: November 9, 2004
REVISED: March 1, 2005

Discussion and Decision: February 6, 2020
Clarified Item C.3: February 25, 2020

Vote correction to reflect 7 members voted: March 5, 2020
REVISED: May 9, 2022

REVISED: June 24, 2024, to expand list of exempt activities

Memorandum

To: Whom It May Concern

From: Westport Planning and Zoning Commission

Date: February 10, 2020, *Last Revised June 24, 2024*

Re: Procedures to be Followed for §8-24 Reports

At a meeting of the Westport Planning and Zoning Commission on February 6, 2020, and at subsequent meetings, the Planning and Zoning Commission adopted the following resolution to amend and restate its policy on the Procedures to be Followed for §8-24 Reports:

BE IT RESOLVED, that the following policy amends and restates the Planning and Zoning Commission policy on the Procedures to be Followed for §8-24 Reports:

Connecticut General Statutes §8-24, entitled “Municipal Improvements,” is part of Title 8 of the C.G.S., which sets forth the planning functions of municipal planning commissions and combined planning and zoning commissions. The full text of §8-24 is attached.

In summary, §8-24 requires a Planning and Zoning referral for any municipal project to:

- (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way,
- (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building,
- (3) locate or extend any public housing, development, redevelopment or urban renewal project, or
- (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes

§8-24 exempts from Planning and Zoning referral:

the maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads. The Commission, utilizing their discretion, expanded the list of exempt activities to include any new leases less than one-year in duration. The Assistant Town Attorney's Office will continue to forward all leases to the Planning and Zoning Department so the Commission may be made aware.

A. Procedure for Determining Whether §8-24 Review is Necessary:

1. If a party responsible for a proposed project ("Responsible Party") is unsure of whether the project falls within the §8-24 statute, then the Responsible Party shall make a written inquiry to the Planning and Zoning Director to determine if a §8-24 review is required. The Planning and Zoning Director will share this inquiry and consult with the Planning and Zoning Commission Chair, and, if necessary, with the Town Attorney's Office, in order to determine if a §8-24 review is necessary. When in doubt, the Planning and Zoning Director and Chair shall bring the inquiry to the full Planning and Zoning Commission to determine if a §8-24 review is required. This section (A)(1) shall not apply if the Responsible Party determines independently that a §8-24 review is necessary. Both public and private mainline sewer extensions require a §8-24 review as provided in the Sanitary Sewer Extension Policy approved by the Water Pollution Control Authority on March 26, 2014.
2. When an §8-24 review is determined to be necessary, at the beginning of the planning process, the Responsible Party shall meet with the Planning and Zoning Director to discuss all the required approvals and a tentative timetable for the project.

B. Procedure for Filing Requests for §8-24 Review:

1. The Responsible Party shall submit to the First Selectman (with a copy to the Planning and Zoning Director) the following:
 - A completed [Municipal Improvement Application Form](#)
 - A description of the project and how it is to be accomplished
 - A history of the project

- A map showing the location and dimensions of the project as accurately as possible, based on all information reasonably available (for example, an estimate of the location superimposed on an existing A2 survey of the area or lot)
 - The reasons for the project and supporting documentation, such as documentation supporting the need for the project
 - A statement of the public benefit and need for the project
2. The Planning and Zoning staff will prepare the following:
 - A zoning history of the property
 - Compatibility and possible conflicts of the project with pertinent provisions of the Town Plan, zoning regulations, and other land uses in the area.
 3. When the First Selectwoman determines a project is ready for review by the land use agencies, the §8-24 Request is then sent to the Planning and Zoning Director with the report from the Responsible Party.
 4. The date of receipt by the Planning and Zoning Office will be stamped on the §8-24 Request. This begins the thirty-five (35) day time period required by §8-24 to report back to the First Selectwoman.

C. Procedure for Review of the §8-24 Request by the Planning and Zoning Commission:

1. The date of the public meeting will be scheduled to allow the Commission to consider the §8-24 Request at more than one meeting during the 35-day period, if needed.
2. A notice letter shall be mailed by the Responsible Party to all property owners within 250 feet of the property affected by the §8-24 Request, except that in the case of mainline sewer extensions, the notice letter shall be mailed by the Responsible Party to all property owners abutting the sewer project, and abutters of the direct abutters. A sample template of the notice is attached. Upon submission of the §8-24 Request, a copy of the notice letter and a certificate of mailing from the US Post Office shall be submitted to the First Selectwoman to document completion of the notice requirement.
3. At least 14 days prior to the date of the public meeting, the Planning and Zoning Department shall transmit the §8-24 Request, along with appropriate background material, to relevant department heads for their comments.
4. A copy of the transmittal will be sent to the RTM Moderator and the RTM Planning and Zoning Committee Chair.
5. The §8-24 Request will be included under Public Meeting on the Planning and Zoning Commission's Agenda which is available one week prior to the scheduled meeting.
6. A Press Release will be prepared and distributed one week prior to the scheduled meeting to further enhance public awareness of the §8-24 Request.
7. At the Planning and Zoning Commission meeting on the §8-24 Request, the usual Planning and Zoning Commission meeting procedures for receiving public testimony will be followed.

8. The Planning and Zoning Commission will discuss the §8-24 Request, vote on the §8-24 Request, and forward their report with recommendations to the First Selectwoman within 35 days of the receipt of the §8-24 Request.

This policy has been adopted in order to provide an opportunity for citizens to be aware of municipal improvements on Town owned property even though the Connecticut State Statutes do not require public notices and hearings.

The record of the vote on the foregoing resolution as most recently modified is:

AYES	-7-	{Lebowitz, Cohn, Cammeyer, Calise, Wistreich, Bolton, Valante}
NAYS	-0-	
ABSTENTIONS	-0-	

If you have any questions concerning this policy please call the Planning and Zoning Office at 203-341-1030.

Sincerely,

Paul Lebowitz, Chairman
Planning & Zoning Commission

cc: Jen Tooker, First Selectwoman
Eileen Francis, Office Manager
Ira Bloom, Town Attorney
Eileen Lavigne Flug, Assistant Town Attorney
Tom Kiely, Operations Director
Matthew Mandell, Chairman of RTM Planning and Zoning Committee
Jeff Wieser, RTM Moderator
Department Heads
Thomas Scarice, Superintendent of Schools
Planning and Zoning Commission Members

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report.

Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.

(1949 Rev., S. 857; 1959, P.A. 679, S. 5; 1963, P.A. 617; 1971, P.A. 862, S. 7; P.A. 85-365, S. 1, 2; P.A. 09-92, S. 1.)