

ARTICLE I
Purpose and Authorization

The objectives and purposes of the Litchfield Inland Wetlands and Watercourses Commission are those set forth in The Connecticut General Statutes sections 22a-36 through 22a-45 as amended, and those powers and duties delegated to the Litchfield Inland Wetlands and Watercourses Commission by the aforementioned statutes and by ordinance of the Town of Litchfield, Article IX, Section 11-211 to 11-213 dated May 28, 2002 and effective June 16, 2002 in accordance with the enabling law.

ARTICLE II
Name

The Commission shall be known as "The Litchfield Inland Wetlands Commission."

ARTICLE III
Office

The office of the Inland Wetlands Commission shall be the Land Use Office of the Town of Litchfield at Town Hall Annex, Doyle Road, Bantam, CT where all Commission records shall be kept. Copies of all official documents, records, or maps will be filed in the Land Use Office or recorded in the Office of the Town Clerk.

ARTICLE IV
Membership and Limits of Authority

Section 1. The membership and terms of office shall be appointed by the Board of Selectman and specified in the above stated ordinance establishing the Commission and General Statutes.

Section 2. New Board members are legally seated after being sworn in by the Town Clerk.

Section 3. All vacancies, which occur involving a regular member of the Commission, shall be filled from the two (2) alternates for the remaining portion of the term by a majority vote of all the regular members of the Commission. The Board of Selectman shall fill all vacancies, which occur involving an alternate member of the Commission, for the remaining portion of the term.

Section 4. The Commission is the unit of authority. Apart from the normal function as part of the unit, Commission members have no individual authority. Additionally, as a member of the Commission, the member is bound by the Town of Litchfield Code of Ethics and is expected to conduct themselves in such a manner as to reflect favorably on the Commission and the Town of Litchfield. The Commission member does not represent any one segment of the community, but is rather a part of the body which represents and acts for the community as a whole.

Section 5 Commissioners of the Inland Wetlands Commission are expected to attend all regularly scheduled meetings and hearings and are asked to call the Land Use office if they are unable to attend a meeting.

ARTICLE V Officers and Their Duties

Section 1. The officers of the commission shall be regular members and shall consist of a Chairperson and a Vice-Chairperson

Section 2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officer. The Chairperson shall prepare the agenda of regular and special meetings. The Chairperson shall have the authority to appoint alternates, sit at hearings and meetings, appoint committees, certify expenditures of funds, call special meetings, coordinate Commission business with the Land Use Office Staff, and generally perform other duties as may be prescribed in these by – laws.

Section 3. The Chairperson shall be a Commission member and have the privilege of discussing all matters before the Commission and voting thereon.

Section 4. The Vice Chairperson shall act for the Chairperson in his/her absence and have all the authority to perform the duties prescribed for that office. The Vice Chairperson shall be a Commission member.

ARTICLE VI Election of Officers

Section1. An organizational meeting shall be held on the second (2nd) Wednesday of July at which time officers shall be elected and the by-laws reviewed and be made a part of the Minutes of the Annual Meeting. All regular members must be present before an election of officers can take place. In the event that a regular member of the commission is unable to attend the annual meeting, a meeting to elect officers shall be called for the next regularly scheduled meeting of the commission following the Annual Meeting. At that time

the Chairperson shall designate an alternate to vote for any absent regular member of the commission and the election of officers shall go forward as long as a quorum is present.

Section 2. Nominations shall be made from the floor at the Annual Organizational Meeting or at the next regularly scheduled meeting of the commission in the event that all regular members of the commission are not present at the annual meeting and the election of officers specified in Section 1 of Article V shall follow immediately thereafter.

Section 3. The candidate receiving the majority vote of a quorum of those present and voting shall be declared elected and shall serve for one year or until his successor shall take office.

Section 4. Vacancies in offices shall be filled at the next regularly scheduled Commission meeting by regular election procedure as prescribed in these by-laws.

Section 5. Resignations from the Commission shall be in written form and transmitted to the Chairperson, who will then forward it to the Town Clerk.

ARTICLE VII Meetings

Section 1. Regular meetings of the Commission will be held on the 2nd Wednesday of each Month at 7:00 PM. In the event of conflict with holidays or other events, a majority of the membership at any meeting may change the date and/or time of said meeting. The Commission shall file the schedule of regular meetings for the ensuing year with the Town Clerk no later than thirty days (30) prior to the first scheduled meeting of the new year.

Section 2. All regular meetings and hearings shall be concluded or continued after the time of 10:00 pm. By majority vote of the commission, the hearing or meeting may be extended beyond that time.

Section 3. An agenda of each regular meeting shall be posted at the Land Use Office and mailed to each member of the commission at least twenty-four (24) hours in advance of such meeting. Other business may be considered at a regular meeting by an affirmative vote of two thirds (2/3) of the members present. Notice and agenda for any special meeting shall be filed in the office of the Town Clerk at least twenty –four (24) hours in advance of such special meeting. No other business shall be considered at a special meeting.

Section 4. A majority of the regular members shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of those members present, with the exception noted in Article VI, Section 1.

Section 5. All Commission meetings shall be in accordance with the General Statutes of the State of Connecticut.

Section 6. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of this Commission.

ARTICLE VIII Disqualification

Section 1. All members shall conduct themselves according to the Town of Litchfield Ethics Policies. No member of the Inland Wetland Commission, whether existing under the general statutes or under any special act, shall appear to represent any person, firm, or corporation or other entity in any matter pending before the Inland Wetland Commission. Deleted last line "whether or not she/he is a member of the commission hearing such matter".

Section 2. No member of the Inland Wetland Commission shall participate in the hearing or decision of the Commission of which he/she is a member on any matter in which he/she is directly or indirectly interested in a personal or financial sense. If in the event of such disqualification, such fact shall be entered on the records of the Commission and, unless otherwise provided by special act, replacement shall be made from alternate members. Such alternate member shall act as a member of such Commission in the hearing and determination of the particular matter or matters in which the disqualification arose.

ARTICLE IX Order of Business

Section 1. The order of business at regular meetings shall be in accordance with the posted agenda.

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda or to change the order of business.

ARTICLE X Hearings

Section 1. The Commission shall hold public hearings as required by CGS 22a-36 and 22a-45 and the Litchfield Inland Wetland Regulations Section 9 in which the Commission determines that (a) a proposed activity may have a significant impact on wetlands or watercourses, (b) a petition signed by at least

twenty five (25) persons who are residents of the Town of Litchfield and over eighteen (18) years of age requesting a hearing is filed in the Town Land Use Office no later than fourteen (14) days after the receipt of such application, or (c) the Commission finds that a public hearing regarding such application would be in the public interest.

Section 2. All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in the Inland Wetland Regulations of the Town of Litchfield and the Connecticut General Statutes.

Section 3. All public hearings prescribed by law shall be advertised in accordance with the requirements set forth for such hearings in the Town of Litchfield Inland Wetland Regulations and the Connecticut General Statutes.

Section 4. The proceedings of said hearing shall be recorded by a sound recording device or a competent stenographer shall take the evidence where the right to appeal lies in the Connecticut Superior Court. Recorded proceedings shall be considered part of the permanent record of the Commission.

Section 5. The matter before the Commission shall be presented in summary by a member of the Commission designated by the Chairperson, or staff members, and the parties in interest shall have the privilege of the floor.

Section 6. To expedite the proceedings of the hearing and to cause a better understanding of the issue involved, the Commission may have prepared prior to the hearing, a hearing agenda and visual aids for display and presentation during the discussions of the hearing.

ARTICLE XI Conducting the Public Hearing

Section 1. The Chairperson of the Commission shall preside at the public hearing. In the event of his/her absence, the Vice Chairperson or duly appointed Commission member shall act as the presiding officer.

Section 2. A Commission shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared.

Section 3. A Summary of the question or issue shall be stated by the presiding officer at the opening of the public hearing. Comments shall be limited to the subject advertised for hearing. In any event, the Commission shall have the privilege of speaking first.

Section 4. The Chairperson shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. Each group shall

make its presentation in succession without allowing intermixture of comments pro and con.

Section 5. It shall be made clear at the hearing that all questions and comments must be directed through the chairperson only after being recognized by the presiding officer.

Section 6. All persons recognized shall approach, when possible, the hearing table to facilitate proper recording of comments. Before commenting on the matter before the hearing each person shall give his name and address.

Section 7. The presiding officer shall reserve the right to assure an orderly hearing and shall take the necessary steps to maintain the order and decorum of the hearing at all times.

Section 8. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of the regular meeting of the commission.

ARTICLE XII Employees

Section 1. Within the limits of the funds available to its use, the commission may employ such staff personnel and/or consultants as it sees fit to aid the commission in its work. In addition thereto, the commission is authorized to charge the fees specified in Section 11-213 of an ordinance adopted by the Town of Litchfield pursuant to the provisions of §8-1c of the Connecticut General Statutes.

Section 2. The Inland Wetlands Commission may appoint a certified agent or agents to act in its behalf with the authority to inspect property, and issue notice of violations or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

Section 3. The agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of The Connecticut General Statutes. Notwithstanding the provision for receipt and processing applications prescribed in Sections 8,9, and 11 of The Inland Wetlands and Watercourses Regulations such agent may approve or extend an activity anytime.

**ARTICLE XIII
Committees**

Section 1. Special committees may be appointed by the Chairperson for purposes and terms which the Commission approves.

**ARTICLE XIV
Amendments**

Section 1. These by laws may be amended by a two-thirds vote of the entire membership of the Commission only after the proposed change has been read and discussed at a previous regular meeting. The by laws may be changed at any meeting by a unanimous vote of the entire membership of the Commission.