

Town of Litchfield Planning and Zoning Commission Bylaws

Original Effective Date: March 1970

Revised April 1980, Revised September 1992, Revised May 1994, Revised October 1997,
Revised March 2004, Revised May 4, 2009, Revised December 16, 2013

ARTICLE I Purpose and Authorization

The purpose of the Planning and Zoning Commission of the Town of Litchfield is set forth in Chapters 124 and 126 of the Connecticut General Statutes, COS, 1991 revision as amended, and those powers and duties delegated to the Planning and Zoning Commission for the Town of Litchfield by the aforementioned statutes by ordinance of the Town of Litchfield dated May 21, 1991 and effective June 8, 1992 in accordance with the above enabling law.

ARTICLE II Name

The Commission shall be known as "The Litchfield Planning and Zoning Commission".

ARTICLE III Location

The office of the Planning and Zoning Commission for the Town of Litchfield shall be at the Town Hall Annex, 80 Doyle Road, Bantam, where all Commission records shall be kept. Copies of all official documents shall be filed in the office of the Town Clerk.

ARTICLE IV Membership

Section 1. The membership and terms of office shall be as specified in the above stated ordinance establishing the Commission and the aforementioned General Statutes.

Section 2. All vacancies that occur involving a regular member of the Commission shall be filled from the panel of alternates for the unexpired portion of the term by a majority vote of all the remaining regular members of the Commission. All vacancies that occur involving an alternate member of the Commission may be filled for the unexpired portion of the term by majority vote of all the regular members of the Commission.

Section 3. If a regular member of the Commission is absent, the Chairman shall designate an alternate from the panel of alternates to act in his place, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

ARTICLE V Officers and Their Duties

Section 1. The officers of the Commission shall consist of a Chairperson and a Vice Chairperson. The Commission can retain a secretary to keep the minutes of the Commission and to provide for notices of hearings, meetings and decisions as required by state law and town ordinance.

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 with staff, have the authority to appoint alternates, sit at hearings and meetings, appoint committees, call special meetings, and generally perform other duties as may be prescribed in these bylaws. Only the Chairperson speaks for the Commission. The Chairperson shall be a regular Commission member.

Section 3. The Vice Chairperson shall act for the Chairperson in his absence and have all the authority to perform the duties prescribed for that office. The Vice Chairperson shall be a regular Commission member.

Section 4. The alternate members of the Commission when seated shall have all the powers and duties of regular members of the Commission. When not seated, alternate members may discuss items of business. However, after a motion is made or after the close of a public hearing, discussion on the motion or on the subject application shall be limited to regular members and seated alternates only.

ARTICLE VI Election of Officers

Section 1. An organizational meeting shall be held at the second regular meeting after the regular municipal election, at which time officers shall be elected from among the regular members of the Commission to serve for two years or until their successors are duly elected. The Bylaws shall be reviewed and may be discussed at the organizational meeting and be made part of the minutes of that meeting.

Section 2. Nominations shall be made from the floor at the organizational meeting and election of the officers specified in Section 1 of Article V shall follow immediately.

Section 3. The election of officers shall take place when all regular members are present. A candidate receiving a majority vote of all the regular members of the Commission shall be declared elected and shall serve for two years or until his successor shall take office. If all regular members are not present at the organizational meeting, the election of officers shall take place at the next regular meeting at which all regular members are present. If all regular members have not been present at a regular meeting for 60 days after the municipal election, the election of officers shall be decided at the next regular meeting by a majority vote of all the regular members present.

Section 4. Vacancies in offices shall be filled at the next regularly scheduled Commission meeting by regular election procedure as prescribed in these Bylaws and by Town Ordinance.

ARTICLE VII Meetings

Section 1. Regular meetings of the Commission will be held on the first and third Monday of each month at 7:00 p.m. The Commission shall file the schedule of regular meetings for the ensuing year with the Town Clerk not later than thirty days prior to the first scheduled meeting of each new year. In the event of conflict with holidays or other events, a majority of the membership may change the date of said meeting to be included in the meeting schedule.

Section 2. A notice and agenda of each regular meeting shall be filed in the office of the Town Clerk, and made available to each member of the Commission at least twenty-four (24) hours in advance of such meeting. No other business may be considered at a regular meeting except by the affirmative vote of two-thirds (2/3) of the members present and voting. Notice and the agenda of 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 3. A majority of all regular members, including seated alternate members, shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of those members present, with the exceptions noted in, Article VII, Section 7, Article IX, Section 2, and Article XIV sections 1 and 2.

Section 4. All Commission meetings shall be conducted in accordance with the Statutes of the State of Connecticut and normal rules of parliamentary procedure.

Section 5. All Commission meetings shall be open to the public unless the Commission shall, because of Special Circumstances and by a majority vote, elect to go into Executive Session. Special Circumstances include but are not limited to pending legal matters and personnel matters.

Section 6. No agenda items shall be started after 11PM, except by vote of two thirds of the regular and seated alternate members.

ARTICLE VIII Disqualification

Section 1. In accordance with CGS Sec. 8-11 and 8-21 no member of the Planning and Zoning Commission shall appear for or represent any person, firm, commission, board, corporation or other entity in any matter pending before the Planning and Zoning Commission or the Zoning Board of Appeals. .

Section 2. No member of the Planning and Zoning Commission shall participate in the hearing or decision of the Commission of which he is a member upon any zoning matter in which he is directly or indirectly interested in a personal or financial sense. Nor may Commissioners participate in a hearing of decision on any zoning matter where it is clear that they had made up their minds prior to the public hearing to grant or deny the application no matter what evidence was presented for or against it. 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 pursuant to the provisions of Section 8-19a of the CGS, of an alternate to act as a member of such Commission in the hearing and determination of the particular matter or matters in which the disqualification arose.

Section 3.

When the Commission is acting in a legislative capacity, the above conflict of interest provisions do not apply.

ARTICLE IX Order of Business

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

Section 2. In order to dispense with any item on the agenda or to change the order of business, a motion from the floor must be made and passed by a two-thirds majority.

ARTICLE X Hearings

Section 1. The Commission may hold public hearings, in addition to required hearings, when it decides that such hearings will 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 CGS Chapter 124 and 126.

Section 3. All public hearings prescribed by law shall be advertised in accordance with the requirements set forth for such hearings in the CGS.

Section 4. The proceedings shall be recorded by a sound recording device or a competent stenographer shall take the evidence where the right to appeal lies to the Superior Court. Recorded proceedings of the hearing 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.

ARTICLE XI Conducting the Public Hearing

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

Section 2. A Commissioner 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 presiding officer 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 an intermixture of comments pro or con.

Section 5. It shall be made clear to the hearing that all questions and comments must be directed through the presiding officer after having been duly recognized.

Section 6. All persons recognized shall approach the hearing table in order 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 necessary steps to maintain the order and decorum of the hearing at all times.

Section 8. The show of hands by those persons present shall not be allowed on any general question presented at the public hearing. 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. On behalf of the Commission, the Chairperson shall assist and advise in the recruitment and hiring of staff employed by the town for the Land Use Commissions, e.g., a Land Use Administrator & Zoning Enforcement Officer and a Land Use Secretary, as authorized in Chapter 124, 8-3(e) of the C.G.S.

ARTICLE XIII Committees

Section 1. The Chairperson may appoint special committees for purposes and terms that the Commission approves by a simple majority.

ARTICLE XIV Amendments

Section 1. These Bylaws may be amended by a two-thirds vote of the regular members of the Commission, only after the proposed change has been submitted by at least two members, has been read and discussed at a previous regular meeting, and a copy has been circulated to all members.

Section 2. The Bylaws may be changed at any meeting by unanimous vote of the entire voting membership of the Commission.

ARTICLE XV Resignations

Section 1. Resignations from the Commission shall be in written form and transmitted to the Town Clerk, who will then forward same to the Chairperson.