



**BYLAWS OF THE  
HADDAM TOWN  
PLANNING AND ZONING  
COMMISSION**

**Adopted September 19<sup>th</sup>, 2019**

## **ARTICLE I**

### **Purpose**

The purpose of these bylaws is to set forth the rules and procedures for the Town of Haddam Planning and Zoning Commission as it executes its powers under Chapters 124 and Chapter 126 of the Connecticut General Statutes.

## **ARTICLE II**

### **Name**

The Commission shall be known as the Haddam Planning and Zoning Commission (Commission).

## **ARTICLE III**

### **Office of the Agency**

The office of the Haddam Town Planning and Zoning Commission shall be at the Land Use Department – 30 Field Park Drive Haddam, Connecticut where all Commission records will be kept. In addition, copies of all official documents, records, and maps will be filed or recorded in the office of the Town Clerk as required by law.

## **ARTICLE IV**

### **Definitions**

**Commissioners:** Regular and Alternate Members of the Town Planning and Zoning Commission.

**Regular Member or Commissioner:** A member of the Commission elected in accordance with Section 4.13 of the Town Charter. Regular members shall be permitted to participate and vote on all matters, which may concern or come before the Commission.

**Alternate Member or Commissioner:** A member of the Commission elected in accordance with Section 4.13 of Town charter. In accordance with Section 8-1b of the General Statutes “...*alternate members shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes or any special act relating to such municipality for such commission and its members...*”

An alternate member may be selected to participate and vote in place of a regular member who is absent or has disqualified himself or herself from a particular matter. When not seated alternate members may participate and ask questions during the public hearing but shall not participate on any applicant initiated matter outside of the public hearing.

## **ARTICLE V**

### **Membership**

Section 1. The membership and terms of office shall be as specified by Town Charter establishing the Commission and Connecticut General Statutes. The Commission is currently composed of seven regular members and three alternate members.

*Town Charter – “Section 4.13 Election of Planning and Zoning Commission The Planning and Zoning Commission shall consist of seven (7) members and three (3) alternates serving four (4) years each. At least three (3) members and one (1) alternate shall be elected at each regular Town election. The Board shall have the powers and duties prescribed by law.”*

Section 2. All members of the Commission shall observe the provisions of the Haddam Code of Ethics Ordinance.

Section 3. Alternate members shall be designated to act by the Chair of the Commission in the absence of a regular member or where a regular member is disqualified. Alternate members so chosen shall be selected by the Chair in rotation. Alternates shall be listed alphabetically on the agenda at the first meeting in January and then rotated with the first becoming third and so on. Alternate members are encouraged to attend all regularly scheduled and special meetings of the Commission. They shall receive the same materials as the regular members of the Commission. Alternate members, when not seated are free to participate in all aspects of a public hearing but shall not participate in the making of the motion or deliberations on any applicant initiated matter.

## **ARTICLE VI**

### **Officers and Their Duties**

Section 1. The officers of the Commission shall consist of a Chair, a Vice Chair and a Secretary. Each shall be a regular member of the Commission and shall have the privilege of discussing all matters before the Commission and voting thereon.

Section 2. The Chair shall preside at all meetings and hearings of the Commission. The Chair shall appoint alternate members to vote in accordance with Article V of these bylaws. The Chair shall have the authority to appoint committees, call special meetings, cancel meetings and generally perform other duties as may be prescribed by statute, ordinance, regulation or bylaw. The Chair shall act as public relations director for the Commission. All information conveyed shall reflect the thinking of the majority of the Commissioners. The Chair shall represent the interests of the Commission along with the Town Planner and Town Attorney in matters, which may come before a court of law. However, the Chair shall make no binding decisions or commitments on behalf of the Commission without prior consultation and approval of the Commissioners.

Section 2a- Vice Chair – In the absence of the chair, the Vice Chair shall assume all the powers and duties of the Chair.

Section 3. The Secretary shall recite the legal notice or agenda item in conjunction with all public hearings. The Secretary shall act for the Chair in the absence of Chair and Vice Chair, and as such have the authority to perform the duties prescribed for that office. The Secretary shall sign the Commission's decision letters.

Section 4. In the absence of the Secretary, the Chair shall appoint a Secretary pro tem.

## **ARTICLE VII**

### **Election of Officers**

Section 1. Biannual Organizational Meeting.

The Commission shall organize at their first regularly scheduled meeting in December following municipal elections at which time officers will be elected and bylaws may be reviewed. A minimum of seven seated members of the Commission must be present before an election of officers can take place.

Section 2. The Town Planner shall call the meeting to order and immediately call for the election of officers. A new Chair shall take office upon election and shall serve to the end of the calendar year preceding the biannual meeting. The Vice Chair and Secretary shall serve for the same term. If for some reason a Chair, Vice Chair and/or Secretary should not be elected at the regularly scheduled biannual meeting or subsequent meeting, the Commissioners shall continue to elect a Chair pro tem and/or Secretary pro tem.

Section 3. Whenever there is a permanent vacancy in the office of Chair, Vice Chair or Secretary, the Commissioners at their next meeting shall elect a new officer to fill the vacancy for the unexpired term of office. This vote shall be postponed in the event that a minimum of seven remaining Commissioners are not in attendance. In that case, the Commissioners present may vote to appoint a Chair pro tem and or Secretary pro tem.

Section 4. Election of officers shall be by nomination by voice. The election shall be by voice or by ballot and shall require a majority vote of the voting members.

Section 5. Resignation from the Commission shall be in written form and transmitted to the Chair and the Town Clerk.

## **ARTICLE VIII**

### **Meetings**

Section 1. Regular meetings generally are to be held on the first and third Thursdays of each month, with the exception of August and the third Thursday in November, at 7:00 p.m. in the old Town Hall. In the event of conflict with holidays or other events, another weekday shall be chosen. The Commission shall adopt a schedule of meetings for the forth-coming year no later than the last regular meeting scheduled in December.

Section 2. The attendance of four members of the Commission (regular or alternate members) shall constitute a quorum. The notice of such meeting shall specify the purpose of such meeting and no other business may be considered except by a two-thirds vote of those members eligible to vote for that particular meeting.

Section 3. Each member of the Commission shall be provided with a copy of the meeting agenda in advance of each meeting.

Section 4. The agenda shall be prepared by the Town Planner after discussion with the Chair. Members of the Commission wishing to have a particular item placed on the agenda shall communicate such request to the Chair.

Section 5. Decisions shall be approved by an affirmative vote of no less than four (4) commissioners. Motions shall be in the affirmative. Motions in the affirmative which are not passed shall be taken as being denied. Votes may be reconsidered if a motion to reconsider is made by a member who voted in opposition at the previous vote. Votes can only be reconsidered the night of the original vote.

Section 6. No member of the Planning and Zoning Commission shall participate in the hearing or decision of the Commission upon any matter in which he is directly or indirectly interested in a personal or financial sense. Members shall disqualify themselves in accordance with the Haddam Code of Ethics, Chapter 124, Sec. 8-11 as amended and Chapter 126, Sec. 8-21 of the Connecticut General Statutes. In the event of such disqualification, such fact shall be entered on the records of the Commission and an alternate will replace the Commission member.

Section 7. No member or alternate of the Planning and Zoning Commission shall participate in the hearing or decision of the Commission upon any matter in which he/she has not completely familiarized himself/herself with the application under consideration by listening to the transcripts and reviewing all pertinent minutes, reports, correspondence and other supporting documents. Simply reviewing minutes is not sufficient to prepare a commissioner to vote.

Section 8. Executive Session - The Commission may conduct an executive session only for the reasons identified in State Statute. Such sessions shall be conducted in

accordance with state statutes. Commissioners shall not divulge to anyone any aspect of matters considered and discussed in executive session.

## **ARTICLE IX**

### **Order of Business**

Section 1. Unless otherwise determined by the Chair, the order of business at regular meetings shall be:

- A. Call to Order
- B. Pledge of Allegiance
- C. Attendance/Seating of the Alternates
- D. Additions/Corrections to the Agenda
- E. Public Comments
- F. Public Hearing/ Public Meeting
- G. New Business
- H. Old Business
- I. Approval/Correction of the Minutes
- J. Chairman's Report
- K. Scheduling of Hearings
- L. Town Planner's Report
- M. Adjournment

Section 2. Only a regular member or alternate member sitting as a regular member of the Commission may move to change the order of business for a particular meeting.

## **ARTICLE X**

### **Applications to the Commission**

Section 1. Prior to submitting an application to the Commission, the applicant should consult with the Town Planner's office to ensure that the requirements of the appropriate regulations are fulfilled.

Section 2. In addition to consulting with the Planning staff, persons considering the submission of an application to the Commission are encouraged to appear before the Board informally to discuss various aspects of their proposal. During this informal process, the party may review maps and renderings with the Commission but not the submission of technical reports. Comments from the Commission or its individual members shall not be binding with regard to the subsequent submission of a formal application. An appointment to meet with the Commission informally shall be scheduled through the Town Planner's office.

Section 3. In order to be placed on the agenda of a regular scheduled meeting of the Commission an application must be submitted to the office of the Town Planner at least seven days prior to such meeting unless otherwise permitted by these bylaws. Public hearing items must be submitted twenty (20) days prior to the next regularly scheduled meeting. Acceptance of an application by the Town Planner shall constitute acceptance by the Commission and the legal date of receipt of an application shall be in accord with state law. In matters where a public hearing is required, the Town Planner shall review such application for completeness and endeavor to make available to the Commissioners all required and supplemental reports in conjunction with the application at least two weeks prior to the hearing date.

Section 4. Applications before the Commission, not requiring a public hearing should generally be presented by the applicant. However, the Town Planner may present applications for sign approval or minor site plan revisions. These types of applications may be brought before the Commission under the Report of the Town Planner and may be submitted to his or her office no less than three days prior to the meeting.

## **ARTICLE XI**

### **Public Hearings**

Section 1. The Commission shall hold a public hearing on matters as required by the Haddam Zoning Regulations or state law and also when it decides that such hearings will be in the public interest.

Section 2. The date of the public hearing shall be determined by the Commission when the item appears on the agenda as new business and the Town Planner indicates the

application is substantially complete. All public hearings shall be held in accordance with state law.

Section 3. The Chair of the Commission shall preside at the public hearing. In the event of his or her absence, the Vice Chair shall act as presiding officer.

Section 4. The Secretary shall read the legal advertisement.

Section 5. Following the reading of the legal advertisement, the Chair shall describe the method of conduct of the hearing. The Chair shall then call for statements by the applicant. The Commissioners shall have the privilege of first being able to question the applicant. All Commissioners must be recognized by the Chair prior to asking questions.

Section 6. The Chair retains the right to decline acceptance any evidence offered by a party in an untimely fashion. Such evidence might include reports of experts or other evidence submitted the night of the hearing when there is insufficient opportunity for the Commissioners, the applicant or opponents of the application to review such material and respond to the same.

Section 7. A public hearing shall be conducted only for the purpose of taking public testimony to be considered in deliberations of the Commission after the hearing has been closed. At no time shall the Commission interact with or question with the public.

Section 8. Each member of the public shall have an opportunity to be heard. As a general policy members of the public may speak once. After all members of public have spoken the Chair, in his or her discretion, may allow a second comment. At no time shall the public question the applicant, all comments shall go through the Chair. At the discretion of the Chair public comment may be limited to five (5) minutes. If such a limit is imposed and a member of the public requires more than five (5) minutes, he/she will be asked to wait until all members of the public have spoken.

Section 9. 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 state their name, address and town. Any written or graphic material shall be submitted to staff for inclusion into the public record.

Section 10. The show of hands by those persons present shall not be allowed as a method to demonstrate a pro or con opinion on any general question presented at the public hearing.

Section 11. The Chair shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Chair shall reserve the right to have a person removed or terminate the hearing in the event the discussion becomes unruly or unmanageable or in the event of personal attacks directed towards any person present.



## **ARTICLE XII**

### **Procedure –Voting**

#### Section 1. General Principles of Procedure

The Commissioners when forming a motion or voting on a motion shall generally follow Roberts Rules of Order, a motion, second and then discussion. All motions should be in the affirmative. All seated Commissioners have equal rights, privileges and obligations. The Chair shall endeavor to administer the rules impartially. Full and free discussion of all motions, reports, and other items of business is a right of all Commissioners. Customarily, all remarks are addressed to the Chair. In voting, Commissioners have the right to know at all times what motion is before the body and what affirmative and negative votes mean. Only one motion can be considered at a time. All Commissioners present and eligible to vote shall vote on each question, except when a member has, or believes he or she has, a conflict of interest.

The following motions may be made at any time and are not debatable:

- a. Motion to Adjourn
- b. Motion to Recess
- c. Motion to table
- d. Motion to move the question

## Section 2. Voting

The Commission shall take a vote on no item unless a quorum is present. The number of votes required to pass any application, request, etc. is four (4) in favor or as established by State Statue.

Voting shall be by voice or the Chair or any Commission member may request a roll call vote by each Commission member or a show of hands. All votes shall be “aye” or “nay” or “abstain” and the vote of each member shall be recorded.

## **ARTICLE XIII**

### **Employees**

Section 1. The Commission shall be served by a Town Planner, Zoning Enforcement Officer and clerk. The Town Planner shall advise the Commission on matters coming before it and undertake the responsibilities set forth in these bylaws as well as oversee the work of the clerk and other members of the Land Use staff.

Section 2. The clerk shall be responsible for the taking and composing of minutes at Commission meetings.

Section 3. The Chair shall have the authority to approve or sign a contract on behalf of the Commission for the services of a consultant in consultation with the Town Planner and or Town Attorney.

Section 4. Within the limits of funds available, the Commission may employ such personnel and or consultants in addition to those specified in sections one to three in this article. The Chair may be authorized to sign contracts for employing personnel and consultants for planning purposes as might be approved by the Commissioners.

## **XIV**

### **Amendments**

These by laws may be approved or amended by a vote of the Commission only after the proposed change has been distributed to all of the members and it is read and discussed at a previous regular meeting.