

ANDOVER PLANNING AND ZONING COMMISSION

BY-LAWS

RULES FOR THE TRANSACTION OF BUSINESS

APPROVED NOVEMBER 15, 1993

ARTICLE I PURPOSE AND AUTHORIZATION

The objectives and purposes of the Planning and Zoning Commission of the Town of Andover are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, revised to January 1, 1993, and those powers and duties delegated to the Planning and Zoning Commission by the aforementioned Statutes and by a Town Ordinance Concerning the Creation of a Planning Commission for the Town of Andover, effective April 23, 1953.

ARTICLE II NAME

The Commission shall be known as the Planning and Zoning Commission of the Town of Andover.

ARTICLE III OFFICE OF COMMISSION

The office of the Planning and Zoning Commission of the Town of Andover shall be at the Town Office Building, 17 School Road, Andover, Connecticut.

ARTICLE IV MEMBERSHIP

The membership and terms of office shall be as specified in the above stated Ordinance establishing the Commission, and the aforementioned General Statutes. The Planning and Zoning Commission shall consist of five (5) elected members. Resignations from the Commission shall be in written form and transmitted to the Chairperson, who will then forward same to the First Selectman.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1. The Officers of the Commission 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 Officers. The Chairperson shall have the authority to appoint committees, certify expenditures of funds up to \$100.00 without prior approval of the Commission, call special meetings, and generally perform other duties as may be prescribed in these By-laws.

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

Section 4. The Vice-Chairperson shall act for the Chairperson in the Chairperson's absence and have the authority to perform the duties prescribed for that office. The Vice-chairperson shall be a Commission member. In the Vice-Chairperson's absence, a temporary Chairperson shall be elected by the members present.

Section 5. The Secretary shall keep the minutes of the Commission and, with the assistance of such staff as is available, prepare the agenda of regular and special meetings under the direction of the Chairperson, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and perform such other duties as are normally carried out by a Secretary. The Secretary shall be a salaried employee of the Commission.

Section 6. In the absence of the Secretary, the Chairperson shall appoint a Secretary pro tem.

ARTICLE VI ELECTION OF OFFICERS

Section 1. A biennial organizational meeting shall be held as part of the first meeting which is scheduled following a public election, at which time officers will be elected. In the event that any regular member is not present at such meeting, the election shall be held at, and no later than, the next following meeting.

Section 2. Nominations shall be made at the organizational meeting, and elections of the officers as specified in Section 1, Article V, shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected and shall serve for two years, or until his/her successor shall take office.

Section 4. Vacancies in offices shall be filled at the next regular meeting of the Commission. In the event that any regular member is not present at such meeting, the election shall be held at, and no later than, the next following meeting.

ARTICLE VII ALTERNATES TO COMMISSION

If a regular member of the Commission is absent or is disqualified, the Chairperson of the Commission shall designate an alternate to so act, 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. Alternates shall receive notices of all meetings and hearings, and are expected to participate in all meetings of the Commission.

ARTICLE VIII MEETINGS

Section 1. Regular meetings will be held on the third Monday of each month at the Andover Elementary School Music Room, unless otherwise posted. In the event of conflict with holidays or other events, the meeting will be held 24 hours later. The Secretary shall notify the membership of regular meetings not less than 48 hours in advance of such meeting.

Section 2. A majority of the voting membership of the Commission shall constitute a quorum, and the number of votes necessary to conduct a meeting and transact business shall be a majority of members of the Commission.

Section 3. All Commission meetings shall be open to the public, except that the Commission may vote to conduct an executive session as allowed by State Statutes.

Section 4. If a Commission regular or alternate member misses three regular meetings in a row other than due to illness, the Chairperson shall ask such member for his or her resignation.

Section 5. Time of adjournment of meetings of the Commission shall be no later than 10:30PM, unless there is a unanimous vote to continue the meeting later.

Section 6. Unless otherwise specified, Roberts Rules of Order shall govern the proceedings of Commission meetings.

ARTICLE IX DISQUALIFICATION

Section 1. No member of the Planning and Zoning Commission, shall appear for or represent any person, firm, corporation or other entity in any matter pending before the Planning and Zoning Commission.

Section 2. No member of the Commission shall participate in the hearing or decision of the Commission in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the record of the Commission. A replacement shall be made from alternate members pursuant to the provisions of Article VII of these By-Laws to act as a member of the Commission in the hearing and determination of the particular matter in which the disqualification arose.

ARTICLE X ORDER OF BUSINESS

Unless otherwise determined by the Chairperson, the order of business at regular meetings shall be:

- Call to Order
- Seating of Alternates
- Additions to Agenda
- Public Participation
- Old Business
- New Business
- Discussion
- Minutes
- Correspondence
- Administrative Reports
- Adjournment

ARTICLE XI APPLICATIONS

Section 1. Applications shall be submitted to the Commission's Agent during the Agent's regularly scheduled hours. Such application must be submitted at least 1 business day prior to the regularly scheduled meeting of the Commission in order for the application to be received by the Commission. "Business day," for the purpose of this section, is defined as a day of the week on which the Zoning Agent posts office hours. In the event that the next regularly scheduled meeting does not occur for more than 35 days, the application shall be automatically received on the 35th day after submittal to the Agent.

Section 2. Applications must be completed and submitted as specified in applicable Zoning and Subdivision Regulations. Additional copies of plans may be required at the Agent's request.

Section 3. Revisions to applications, including supporting documents, must be submitted to the Zoning Agent during the Agent's regular hours no less than 10 days prior to the scheduled hearing for the revisions to be acted on in such hearing.

Section 4. When an application is filed which requires a public hearing, the applicant shall place a sign on the subject property. Such sign, which will be provided for a fee by the Town, shall be placed upon the property so as to be visible at each street on which the property fronts, no more than 25 feet from the street line. Such sign shall be placed for a period of 10 consecutive days prior to the hearing. The sign shall state that an application is pending before the Planning and Zoning Commission and will provide the location and method for obtaining further information.

ARTICLE XII MINUTES

Section 1. Minutes of all public hearings and meetings are to be kept in summarized form.

Section 2. A copy of the minutes is to be filed in the Town Clerk's records and in the Commission's Minutes Book.

Section 3. Public hearings are to be recorded by an audio recording device and such records are to be retained according to State Statutes.

Section 4. The minutes shall record which members are present. If an alternate is seated for a regular member, such designation, including the names of the absent regular member and seated alternate member, shall be included.

Section 5. The record of action on motions shall include the voting record of the seated membership, including which members voted for, against, and in abstention.

Section 6. The Commission shall review, amend as needed, and approve the minutes of all meetings. Any amendments of the minutes shall be made in ink to the official copy submitted to the Town Clerk. After making amendments, the Secretary shall initial said minutes to indicate final approval.

ARTICLE XIII PUBLIC HEARINGS

Section 1. All public hearings prescribed by law shall be held in accordance with the requirements as set forth for such hearings in Chapter 124, Zoning, and Chapter 126, Municipal Planning Commission, of the Connecticut General Statutes.

Section 2. The Commission may hold public hearings, in addition to the required hearings, when it deems such hearings to be in the public interest.

Section 3. A competent stenographer shall record the evidence, or such evidence shall be recorded by an audio recording device, at each hearing before the Commission in which the right to appeal lies to the Superior Court.

ARTICLE XIV CONDUCTING THE PUBLIC HEARING

Section 1. The Chairperson of the Commission shall preside at the public hearing, or the Vice-Chairperson in his absence.

Section 2. The Chairperson shall first read the legal notice and describe the method of conduct of the hearing. The Commission shall have the privilege of speaking first.

Section 4. The matter before the Commission shall be presented by the applicant or the applicant's agent. The Commission shall then have the opportunity to make comment on such presentation and forward questions to the applicant or his agent.

Section 5. The Chairman shall then call for comments from proponents, followed by comments from opponents of the application. All persons recognized shall first provide their names and addresses. All questions and comments must be directed through the Chair and only after having been recognized by the presiding officer.

Section 6. The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 7. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of the regular meeting of the Commission. No action on an application shall be taken during a public hearing.

ARTICLE XV EMPLOYEES

Within the limits of the funds available for its use, the Commission may employ such staff and/or consultants as it sees fit to aid the Commission in its work. Appointments of staff and consultants shall be made by a majority vote of the entire membership, unless otherwise provided for.

ARTICLE XVI COMMITTEES

Section 1. Standing committees may be appointed by the Chairperson at a regular meeting following that of the Commission election of officers. The duties of each committee shall be prescribed by the Commission as the need for the committee arises.

Section 2. The standing committees shall be appointed for one year and shall consist of two members. Vacancies shall be filled immediately by the Chairperson of the Commission.

Section 3. Special committees may be appointed by the Chairperson for purposes and terms which the Commission approves. The Chairperson shall terminate the committee once said committee has completed its function.

XVII PUBLIC RELATIONS

Section 1. The Chairperson, or a duly appointed Commission member or staff person, shall act as public relations director for the Commission. His duties include the preparations of all news releases to be distributed to the communications media. All information releases shall reflect the thinking of the majority of the Commission.

Section 2. The Commission shall comply with Sections 1-19, 1-20 and 1-21 of the General Statutes, 1993 revision, with regard to representatives of the press, radio and television.

XVIII AMENDMENTS

These by-laws may be amended by a two-thirds vote of the entire voting membership of the Commission, but only after the proposed change has been discussed at a previous regular meeting, except that the by-laws may be changed at any meeting by the unanimous vote of the entire voting membership of the Commission.