

ANDOVER PLANNING AND ZONING COMMISSION

BY-LAWS

RULES FOR THE TRANSACTION OF BUSINESS

APPROVED: 19 October 2020

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 21 September 2020, 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**

Section 1. The membership and terms of office shall be 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 regular members and three (3) alternate members. There shall be elected three (3) and then two (2) regular members so that the Planning and Zoning Commission shall consist of five (5) members serving four (4) year overlapping terms. Alternates shall be elected two (2) and then one (1) member so that there shall be three alternates to the Planning and Zoning Commission serving four (4) year overlapping terms. CGS 9-167a limits the maximum number of members (generally two-thirds of the total) who may belong to the same political party. For a commission of 5 members, this means that no more than 4 may belong to the same political party. In the case of an elective body, once candidates from the same party fill the maximum allowable slots, the highest vote getters from any other party or parties, or independents (candidates who are not affiliated with a political party), fill the remaining positions. The law does not guarantee a minor party representation on the board, however, and the number of parties that candidates represent during an election does not change the requirement.

Section 2. Upon notice of a vacancy, the commission chair shall notify those political parties that fielded candidates in the most recent municipal election and the general public of vacancies by a posting on the Town's website. The Commission shall review all candidates and rank them based on their qualifications for membership on the Commission. All recommendations for appointment shall be made within 35 days after notification of the vacancy to the Board of Selectmen. The Commission shall appoint a person to fill any vacancy. In the event the Commission fails to act within 60 days, the Board of Selectmen may then fill the vacancy.

Section 3. Any vacancy, from whatever cause, shall be filled in accordance with this section within 60 days following the date of notice to the Town Clerk. Any such appointment shall be made by vote of the commission subject to Section 208B of the Town Charter, and shall be for the unexpired portion of this term.

Section 4. Any elected or appointed member of the commission, who wishes to resign from office, shall do so in writing to the Town Clerk with a copy forwarded to the First Selectmen and the Planning and Zoning Chair. Said resignation shall become effective upon acceptance by a vote of the Board of Selectmen.

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.

Section 5. In the Vice-Chairperson's absence, a temporary Chairperson shall be elected by the members present.

ARTICLE VI STAFF AND THEIR DUTIES

Section 1. The **Board Clerk** shall keep the minutes of the Commission and perform such other duties as are normally carried out by the Board Clerk. The Board Clerk shall be a salaried employee of the Town. In the absence of the Board Clerk, the Town Administrator's assistant will act for the Board Clerk.

Section 2. The **Land Use Department Administrative Assistant**, an employed position, will be directed by the Commission through the Zoning Enforcement Officer. The Land Use Department Administrative Assistant shall:

- (a) Accept submissions of applications for Permits, assign each such application an application number, and collect any associated application fees.
- (b) Prepare and maintain a file for each application received which shall contain all relevant information, including but not limited to:
 - i. Application For Permit
 - ii. Record of fees submitted
 - iii. Site plans and supporting documentation
 - iv. Copy of Summary Ruling and proof of certified mailing
 - v. Copy of newspaper Legal Notice(s) or Town web site postings if authorized by Executive Order or Statute

All documentation must be initialed, dated and identified with the application number as of the submission date. Unless otherwise directed by the Commission, applications shall be filed in the Land Use records according to property address.

- (c) Submit all Commission decisions for publication to a newspaper with substantial circulation in the municipality, or by posting on the Town web site if authorized by Executive Order or Statute, and in the case of denial, the reason for the denial, within fifteen (15) days of the date of the decision. Such notices shall also be submitted to the Town Administrator's Assistant for posting on the Town of Andover website (e.g., within the "Legal Notices" section).
- (d) Assist the Zoning Enforcement Officer, as requested, with mailing hearing notices, Commission decision notices, and enforcement orders.

Section 3. The **Zoning Enforcement Officer (ZEO)**, an employed position, shall perform such duties as directed by the Commission through the Chairperson, its Regulations and its Bylaws, which shall include, but are not limited to:

- (a) Assist the Commission with amendments to the Zoning and Subdivision Regulations as requested by the Chairperson.
- (b) Attend all regular meetings, and, as requested special meetings, of the Commission. Provide a Zoning Report at each Regular Meeting held by the Commission.
- (c) Assist with the submission and review of all Zoning Permit Applications, including but not limited to:

- i. Time permitting, meet with applicants prior to application submission to discuss application submittal requirements proposed by the applicant as described within the application.
 - ii. Assist the Land Use Department Administrative Assistant with determining the application fee based on the proposed activity and the Regulation Fee Schedule.
 - iii. Collect and review applications and supporting documents for completeness and compliance with Zoning and Subdivision Regulations.
 - iv. Advise the Commission on additional requirements, fees and/or necessary professional reviews to process and act upon a given application.
 - v. Complete site walks, when applicable, for each application for permit submitted.
 - vi. Prepare, with the assistance of the Chairperson, the Summary Ruling.
 - vii. Notify the applicant and any named parties to the proceeding of the Commission's decision within fifteen (15) days of the date of the decision, on Summary Ruling Form by certified mail, return receipt requested.
 - viii. Monitor and inspect activities permitted by the PZC.
 - ix. 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, and attend to correspondence of the Commission.
- (d) Enforce compliance with the Zoning Regulations and assist the Commission in the enforcement of the Subdivision Regulations, including:
- i. Investigate all complaints of possible violation of the Town of Andover, Connecticut Zoning and Subdivision Regulations. Provide report of any such investigations to the Commission at the next regularly scheduled meeting.
 - ii. Issue notices of violation (NOVs), Cease and Desist Orders, and/or Cease and Restore Orders as warranted.
 - iii. Attend any associated enforcement proceedings (e.g., Show Cause Hearings) and provide report to the Commission.
 - iv. Appear at court proceedings by order of the court or at the direction of Town Council or the Commission.

ARTICLE VII 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 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 VIII **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 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 meetings and hearings and are expected to participate in all meetings of the Commission, except following the close of a public hearing in any application when not seated.

ARTICLE IX **MEETINGS**

Section 1. Regular meetings will be held on the third Monday of each month at the Andover Town Hall Community Room, unless otherwise posted. In the event of conflict with holidays or other events, the meeting will be held no later than the following Monday. A schedule for the upcoming year regular meeting dates shall be developed by the Commission Chair and agreed upon by the Commission no later than the December regular 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. Executive sessions closed to the public shall be limited to types of discussions specified in the Connecticut Freedom of Information Act, Chapter 14 of the Connecticut General Statutes, as amended, including but not limited to:

- (a) Specific employees (unless the employee agrees to an open session);
- (b) Strategy relating to negotiations regarding pending claims or litigation;
- (c) Security matters;
- (d) Real estate acquisition.

Section 4. Alternates shall be seated in rotation so that they shall act as nearly equal a number of times as possible.

- (a) Alternate members of the Commission who are seated at the beginning of a meeting shall not be replaced by another member who arrives late.
- (b) Unseated alternates may take part in Commission discussions except for deliberations on an application in which a public hearing was held and closed.

Section 5. 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 6. Minutes of regular and special meetings must be available in the Town Clerk's office within seven (7) days of the meeting; while the votes of each member on a motion must be available in writing within 48 hours. Minutes of emergency special meetings including the reason for the meeting must be filed with the Town Clerk within 72 hours of the meeting.

Section 7. In the event that a regularly scheduled meeting conflicts with a Town meeting, the Chairperson may, at their discretion or upon written request of three (3) or more Commission members, cancel the meeting or postpone the meeting to the next business day provided that the applicants can be given at least five (5) business days' notice of such change or cancellation.

Section 8. Site walks or field meetings that three (3) or more members of the Commission are planning to attend, must be announced by public notice as special meetings as provided for in Article VI section 3 of these bylaws.

Section 9. Time of adjournment of meetings of the Commission shall be no later than 10:30 PM, unless there is a unanimous vote to continue the meeting later.

Section 10. Unless otherwise specified, Roberts Rules of Order shall govern the proceedings of Commission meetings.

ARTICLE X DISQUALIFICATIONS

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 XI **ORDER OF BUSINESS**

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

Call to Order
Roll Call/ Seating of Alternates
Additions /Changes to Agenda
Public Comment
Old Business
New Business
Approval of Minutes
Correspondence
Administrative Reports
Commission Discussion

Public Comment

Adjournment

ARTICLE XIII **MINUTES**

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

Section 2. A copy of the minutes is to be filed in the Town Clerk's records and on the Town's website.

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 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 XIV **PULBIC 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 appeals lies to the Superior Court.

ARTICLE XV CONDUCTING THE PUBLIC HEARING

Section 1. The Chairperson of the Commission shall preside at the public hearing or the Vice-Chairperson in his/her 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 3. 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/her agent.

Section 4. The Chairperson shall then call for comments from the public. If there are a large number of public attendees present, comments shall be solicited first from proponents of the application, followed by other comments or questions concerning the application. All persons recognized shall first provide their names and addresses. All questions and comments must be directed through the Chair and will only be responded to after having been recognized by the presiding officer.

Section 5. 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 6. 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 XVI EMPLOYEES

Within the limits of 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 XVII 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 committee 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 functions.

ARTICLE XVIII **PUBLIC RELATIONS**

Section 1. The Chairperson, or a duly appointed Commission member or staff person, shall act as public relations director for the Commission. These 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.

ARTICLE XIX **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.