

CHESHIRE ZONING BOARD OF APPEALS

***ATTACHED BY-LAWS WERE AMENDED
BY THE CHESHIRE ZONING BOARD OF APPEALS
ON MAY 3, 1999
AND
ARE EFFECTIVE MAY 7, 1999
AT 12:01 AM***

ZBYLAW

BYLAWS OF THE CHESHIRE ZONING BOARD OF APPEALS

Adopted June 25, 1984

Effective July 3, 1984, 12:01 a.m.

Amended effective May 10, 1985, 12:01 a.m.

Amended effective May 7, 1999 12:01 a.m.

I. PURPOSE OF THESE BYLAWS

- A. These Bylaws are intended to serve as a guide for the Zoning Board of Appeals and the public.
- B. Whenever these Bylaws are or may be inconsistent with State statutes or regulations or local ordinances or regulations related to zoning, such State statutes and regulations and local ordinances and regulations shall govern.
- C. Words importing the masculine gender may be applied to females, and words importing the feminine gender may be applied to males.

II. COMPOSITION OF THE BOARD OF APPEALS

- A. The Cheshire Zoning Board of Appeals (referred to in these Bylaws as "the Board") consists of five (5) regular members and three (3) alternate members, all of whom serve overlapping terms of four (4) years.
- B. Resignations from the Board shall be made by letter to the Town Clerk, who will notify the Chairman of the Town Council and the Chairman of the Board.

III. POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS

- A. Zoning Applications
 - 1. Consistent with Section 8-6 of the Connecticut General Statutes, as amended, and with Section 60 of the Cheshire Zoning Regulations, as amended, the Board has the following authority:
 - a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision of the Zoning Enforcement Officer in the enforcement of the Cheshire Zoning Regulations; and
 - b. To determine and vary the application of the Zoning Regulations in cases of exceptional difficulty or unusual hardship.

2. Applications which request action of the Board pursuant to Section 8-6 of the Connecticut General Statutes, as amended, shall be referred to, in these Bylaws, as "zoning applications".

B. Motor Vehicle Applications

1. Consistent with Section 14-54 of the Connecticut General Statutes, as amended, the Board shall review and decide applications for certificates of approval of the location of motor vehicle dealers and motor vehicle repairers; and
2. Consistent with Section 14-321 of the Connecticut General Statutes, as amended, the Board shall review and decide applications for certificates of approval of the location of gasoline stations.
3. Applications which request action of the Board pursuant to Section 14-54 and Section 14-321 of the Connecticut General Statutes, as amended, shall be referred to, in these Bylaws, as "motor vehicle applications".

IV. OFFICERS AND RESPONSIBILITIES

- A. The officers of the Board shall be a Chairman and a Secretary who shall be selected as follows:
1. A Chairman shall be elected from the Board's regular members at each December meeting, for the upcoming year, by a majority vote of the regular members of the Board.
 2. A Secretary shall be elected from the Board's regular members at each December meeting, for the upcoming year, by a majority vote of the regular members of the Board.
- B. The Chairman shall serve for one (1) calendar year or until his successor is elected and qualified, and the Secretary shall serve for one (1) calendar year or until his successor is elected and qualified.
- C. The Chairman and Secretary shall have the following responsibilities:
1. The Chairman shall preside over all meetings of the Board; shall cause the call for all regular and special meetings to be issued; shall have the privilege of discussing all matters before the Board and of voting thereon; may administer oaths; compel the attendance of witnesses; and shall perform all other duties required by law, ordinance, regulation, and these Bylaws.

2. The Secretary shall cause all records of the Board to be filed in the Cheshire Planning Department; shall cause staff to prepare the notices, agenda, and minutes of all Board meetings and public hearings and to perform other clerical work for the Board; shall sign all correspondence and minutes of the Board; and shall perform such other duties as are usually carried out by a Secretary.
- D. In the case of vacancy or absence of an officer, the following shall be pursued:
1. If the Chairman is absent from a meeting, or in the case of the Chairman's death, resignation, or incapacity, the Secretary shall be designated as the Acting Chairman and shall have the authority to perform the duties prescribed for that office. In that event, the Board shall elect, by majority vote, an Acting Secretary who shall have the authority to perform the duties prescribed for that office.
 2. If the Secretary is absent from a meeting, or in the case of the Secretary's death, resignation, or incapacity, the Board shall elect, by majority vote, an Acting Secretary who shall have the authority to perform the duties prescribed for that office.

V. MINUTES AND RECORDS

A. Minutes

1. The Board shall keep minutes of its proceedings, which minutes shall specify those members in attendance and those members absent.
2. The minutes shall show the vote of each member and each alternate member, when seated, upon each motion.
3. The minutes shall specify a member's failure to vote or his disqualification from voting.
4. A record of the votes taken at any meeting shall be available for public inspection within forty-eight (48) hours of the meeting.
5. The minutes shall be made available for public inspection within seven (7) days of the meeting.
6. The minutes shall be approved at a subsequent, regular meeting of the Board at which time the Secretary shall be notified of any errors in, or omissions from, the minutes. Those errors and/or omissions shall be detailed in the minutes of that subsequent meeting.

B. Records

1. The office of the Board is the Cheshire Planning Department at the Cheshire Town Hall.
2. All Board files, records, minutes, hearing transcripts or recordings, etc. shall be on file at the Planning Department.
3. All applications, notices, and correspondence for the Board shall be filed in the Planning Department.
4. Every order, requirement, decision, or determination of the Board shall be filed, within forty-eight (48) hours, with the Planning Department and with the Town Clerk.
5. Consistent with the Freedom of Information Act (Connecticut General Statutes, Section 1-15, et seq.), the files, records, minutes, hearing transcripts or recordings, etc. of the Board shall be available for public inspection.

VI. **MEETINGS**

A. Regular Meetings

1. The schedule of regular meetings for the upcoming year shall be established by vote of the Board each December and shall be filed with the Town Clerk.
2. The agenda of regular meetings shall be available to the public and shall be filed with the Planning Department and with the Town Clerk at least twenty-four (24) hours before the meeting.
3. The order of business at regular meetings of the Board shall be as follows:
 - a. Call to Order
 - b. Roll Call and Determination of a Quorum
 - c. Pledge of Allegiance
 - d. Communications
 - e. Public Hearings
 - i. Recessed Hearings
 - ii. New Hearings

- f. Decision-Making Session
 - i. Old Business (By specific topic, as listed on the agenda)
 - ii. New Business (By specific topic, as listed on the agenda)
 - g. Approval of Minutes
 - h. Chairman's Report
 - i. Other Business
 - j. Adjournment
4. The Chairman may change the order of business unless a majority of the Board members present objects.
 5. Agenda items may be tabled if a majority of Board members present vote in favor of a motion to table.
 6. New items may be added to the agenda of a regular meeting if two-thirds (2/3) of the Board members present vote in favor of such a motion.

B. Special Meetings

1. Special meetings of the Board may be called by the Chairman or the Acting Chairman.
2. Notice of each special meeting shall be given no fewer than twenty-four (24) hours prior to the time of such meeting. Such notice shall be made by filing a notice of the time and place of such special meeting with the Town Clerk. A copy of such notice shall also be mailed to each member of the Board, unless the member has waived such notice in writing.
3. The order of business at special meetings of the Board shall be as follows:
 - a. Call to Order
 - b. Roll Call and Determination of a Quorum
 - c. Pledge of Allegiance
 - d. Business Contained in the Call
 - e. Adjournment

4. Business which is not included in the agenda of a special meeting shall not be considered nor decided by the Board.

C. Executive Sessions

1. The Board may convene in executive session only as permitted by Sections 1-18a(6), 1-21(a), and 1-21g of the Connecticut General Statutes, as amended.
2. The Board shall convene in executive session only after two-thirds (2/3) of its members vote to do so, in public session, and state the reason for such executive session.
3. Attendance at an executive session of the Board is limited to Board members and to those persons specifically invited by the Board to present testimony or opinion pertinent to matters before the Board and only for so long as their presence is necessary to provide such testimony or opinion.
4. If an executive session is held, the Board's minutes shall disclose all those persons in attendance.

D. Site Visit

1. Board members are encouraged to view the property involved in an application.
2. If a public hearing is held on an application, the site visit shall take place prior to the close of the public hearing.
3. If a public hearing is not held on an application, the site visit shall take place prior to the Board's decision-making session on the application.
4. If a quorum (or more) of the Board is scheduled to visit the site at any one time, the site visit shall be deemed to be a meeting of the Board, and the requirements of the Connecticut General Statutes, as amended, including the Freedom of Information Act (Section 1-15, et seq. of the Connecticut General Statutes, as amended) shall be followed. This shall include public notice of the visit, public access to the meeting, and the taking of minutes. These requirements shall not be interpreted to require that site visits include testimony or verbal communications.
5. Each member shall state at the public hearing, if one is held, or at a meeting of the Board, the facts the member has obtained from the site visit and upon which he intends to rely in making his decision on the application. The Board shall provide an opportunity for public comment on and rebuttal of those facts.

E. Order Of Hearing Of Cases

1. Generally, appeals or applications are heard in the order in which they are filed with the Planning Department and shall be so listed on the agenda of the meeting.
2. Whenever a variance application is joined with an appeal from any order, requirement, or decision made by the Zoning Enforcement Officer, the Board shall first decide the issues presented by such appeal.

F. Default In Appearance

1. If the applicant or his agent does not appear at the call of his application, the application shall be placed at the end of the agenda and shall be called again after the remaining applications on the agenda have been heard.
2. If the applicant or his agent does not appear when the application is called again, the application shall be denied for failure to prosecute. Such denial shall be made without prejudice to the re-filing of the application, accompanied by a new filing fee.

G. Quorum And Voting

1. Three (3) members of the Board shall constitute a quorum to transact business.
2. The following actions require the concurring vote of four (4) members of the Board:
 - a. Reversal of any order, requirement, or decision of the Zoning Enforcement Officer;
 - b. Deciding in favor of the applicant any matter upon which the Board is required to pass under any bylaw, ordinance, rule, or regulation;
 - c. Varying the application of the zoning regulations; and
 - d. Waiver of survey requirements, pursuant to Section(A)(6) of these Bylaws.
3. In all other instances, unless required otherwise by law, the Board shall act by majority vote of those members present.

4. A member who was not present at the hearing upon the matter shall not vote on it unless he listens to the tape recording of the hearing or reads the hearing transcript and reviews the record of the application so that he is sufficiently familiar with the issues and the facts to enable him to make an informed decision. The member shall state on the record the steps he has taken to sufficiently acquaint himself with the record and shall affirmatively state that he is sufficiently informed to participate and to decide the matter.
 5. No member shall cast an absentee vote.
 6. If for any reason fewer than five (5) Board members are present at a public hearing on an application for a variance or an appeal from the decision of the Zoning Enforcement Officer, the applicant may withdraw his application prior to the Board's hearing the matter, or he may seek a postponement of the hearing or decision-making pursuant to Section 8-7d of the Connecticut General Statutes, as amended.
 7. All votes, including those regarding matters discussed in executive session, shall be taken in public session.
- H. Unless the Board is convened in a duly called executive session, all Board meetings and hearings shall be open to the public.
- I. The agenda of each Board meeting shall be available for public inspection at the Planning Department and the Town Clerk's Office at least twenty-four (24) hours prior to the meeting.
- J. If there is no business for the Board to conduct, the Chairman may cancel the meeting by notifying all members by telephone of the cancellation and by causing notice of the cancellation to be posted in the Town Clerk's Office and on the door of the meeting room. This notice shall be made no fewer than forty-eight (48) hours prior to the time set for the meeting to be cancelled.
- K. If a meeting or public hearing must be adjourned to another time or place, a copy of the order of adjournment shall be conspicuously posted on or near the door of the Board's meeting room within twenty-four (24) hours after the adjournment. The notice shall specify the date, time, and place for reconvening the meeting.

VII. APPLICATIONS

A. Filing Procedures

1. Unless specifically stated to the contrary, or unless their context indicates otherwise, the provisions of this Section VII shall apply equally to zoning applications and to motor vehicle applications.

2. Any person requesting action by the Board shall apply on the official forms adopted by the Board for such purposes, which forms are available at the Planning Department.
3. Completed applications shall be filed in the Planning Department.
4. A complete application shall consist of the following:
 - a. A completed application form;
 - b. A location map detailing the location of the subject premises in relation to its neighborhood. This map may be an excerpted photocopy of a street map;
 - c. In the case of a zoning application, the filing fee established by the Cheshire Town Council in Section 12-7(b) of the Cheshire Code of Ordinances, as amended, and in the case of a motor vehicle application, the filing fee, costs, and expenses set forth in Section 14-55 or Section 14-322(a) (as appropriate) of the Connecticut General Statutes, as amended;
 - d. In the case of a zoning application, evidence that the applicant has provided written notice of the zoning application to water companies as required by Connecticut General Statutes, Section 8-3i, as amended; and
 - e. Such additional evidence as the Board determines is necessary to a decision on the application.
5. The following shall also be submitted with all applications seeking a variance of the Zoning Regulations:
 - a. Evidence of the applicant's compliance with Section 26 of the Cheshire Zoning Regulations ("Enhanced Notice Requirements"); and
 - b. Three (3) copies of a Zoning Location Survey, as detailed in Regulations of Connecticut State Agencies, Section 20-300b-2(c)(2), which shall be, at a minimum, a Class A-2 survey.
 - c. If topographic conditions are claimed as a hardship, the applicant shall submit photographs and three (3) copies of a topographic survey which clearly detail the hardship conditions and which survey shall be, at a minimum, a Class T-3 topographic survey.

6. Waiver Of Survey Requirements

- a. The applicant may request a waiver of the A-2 survey and/or T-3 topographic survey requirement by filing a written waiver request, which shall include a statement of the reasons for the request, with the application.
- b. The Board, in its sole discretion, may waive the A-2 survey and/or T-3 topographic survey requirement if it finds that such a survey is not required in order to make a decision on the application and if each voting member of the Board has made a site visit to the property.
- c. When deciding whether or not to waive the survey requirement, the Board shall consider the following:
 1. The type of variance sought, for example, lot width, lot area, setback;
 2. The number and degree of the variances sought; and
 3. The extent to which other information presented to the Board adequately defines the variance sought, the reasons for it, and the conditions and dimensions of the property and buildings at issue.
- d. Four (4) votes in favor are required to waive such survey requirements.
- e. If the Board waives the A-2 survey requirement, the applicant shall submit, instead, a Class D survey which shall contain the following information:
 1. Lot dimensions (area; width; front, rear, and side lines; and building setbacks);
 2. Zoning boundary lines;
 3. Dimensions and location of buildings (present and proposed); and
 4. Such other information which clearly defines the relief sought.
- f. If the Board waives the T-3 topographic survey requirement, the applicant shall submit, instead, an excerpted photocopy of the photogrammetric map which is on file in the Planning Department and which depicts the topography of the subject property.

B. Filing Deadline

1. Applications which seek review of an order, requirement, or decision of the Zoning Enforcement Officer, shall be filed with the Board and the Zoning Enforcement Officer, within thirty (30) days of the date of the Officer's order, requirement, or decision.
2. If the application is filed at least seventeen (17) days before the Board's next, regularly scheduled meeting, the public hearing on that application may be scheduled to be held at that meeting.
3. If the application is filed fewer than seventeen (17) days before the Board's next, regularly scheduled meeting, the public hearing on that application shall be held at the Board's regular meeting which follows the next, regularly scheduled meeting or thereafter.

C. Withdrawals Of Applications

1. Applications may be withdrawn until the Board begins its vote on the application; thereafter, withdrawals may be made only with approval of the Board.
2. A written notice of withdrawal shall be addressed to the Board and filed at the Planning Department.
3. An oral withdrawal shall be documented by filing a written notice of withdrawal, addressed to the Board, and filed at the Planning Department.

D. Re-Filing Applications

1. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision on the merits by the Board or by a court on an earlier such application.
2. The Board shall not reverse its decision on any application, nor shall it decide a subsequent application differently from a prior application which sought the same relief or substantially the same relief, unless the Board is presented with evidence that a change of facts or circumstances has intervened which materially affects the merits of the application or unless the Board has received new, material information that it did not have during the earlier decision-making process and unless no vested rights have intervened.
3. If an application is re-filed, it shall be filed in accordance with the application filing requirements set forth in Section VII.A of these Bylaws.

E. Sufficiency Of Applications

1. If the Board determines that an application is incomplete, the Board may deny the application.
2. All relevant information received by the Board on an application, including the application, supporting documentation, and public hearing testimony, will be considered and relied upon by the Board in making its decision. If such information subsequently proves to be false, inaccurate, incomplete, misleading, or deceptive, in material regard, the Board will seek legal advice as to the impact of the information on the status of the Board's decision and as to the Board's remedies.

VIII. PUBLIC HEARINGS

- A. The Board shall hold a public hearing prior to deciding the merits of any zoning or motor vehicle application.
- B. The Board may waive the requirement for a public hearing with respect to a certificate of approval for the location of a motor vehicle dealer or motor vehicle repairer, pursuant to Section 14-55 of the Connecticut General Statutes, as amended, if approval was previously granted for the location or if approval was previously granted for the location and the business is to be enlarged to include adjoining or adjacent property.
- C. Commencement Of The Hearing
 1. Public hearings concerning zoning applications shall commence within sixty-five (65) days after the day of receipt of the application and shall be completed within thirty (30) days after such hearing commences.
 2. For purposes of this subsection the "day of receipt" of a zoning application shall be the day of the next, regularly scheduled meeting of the Board, immediately following the day of submission to the Board or its agent of such application or thirty-five (35) days after such submission, whichever is sooner.
 3. Public hearings concerning motor vehicle applications shall commence within sixty-five (65) days of the date of receipt of the application by the Planning Department.

D. Extensions Of Time Periods

1. The applicant may consent to one or more extensions of the 65 day period for commencing the hearing concerning a zoning or a motor vehicle application, provided the total length of the extension(s) is not longer than an additional sixty-five (65) days.
2. The applicant may consent to one or more extensions of the thirty (30) day period for completing the hearing on the zoning application, provided the total length of the extension(s) is not longer than an additional thirty (30) days.

E. Notice Of The Public Hearing

1. The Board shall cause notice of each public hearing to be held to be published in a newspaper having a substantial circulation in the Town, at least twice, at intervals of no fewer than two (2) days, the first no more than fifteen (15) days, nor fewer than ten (10) days, and the last no fewer than two (2) days, before the hearing.
2. Notice of the public hearing shall also be sent to the applicant, by certified mail, return receipt requested, no fewer than fifteen (15) days before the date of the hearing.
3. The notice shall state the date, time, and place of the public hearing; the name of the applicant; the location of the property; the relief requested of the Board; and any additional information which is necessary to fairly apprise those affected of the requested action.
4. Any applicant seeking a variance shall provide "enhanced notice" of the public hearing as required by Section 26 of the Cheshire Zoning Regulations.
5. In accordance with Section 8-7e of the Connecticut General Statutes, as amended, the Board, by certified mail, return receipt requested, shall mail a notice to the clerk of any adjoining municipality, within seven (7) days of the date of receipt of the application or request, to advise of the pendency of any application concerning any project on any site for which the following applies:
 - a. Any portion of the property affected by a decision of the Board is located within five hundred (500) feet of the boundary of the adjoining municipality; or
 - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; or

- c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

F. Conduct Of The Public Hearing

1. All public hearings shall be held in accordance with the requirements of the Connecticut General Statutes, as amended.
2. The applicant bears the burden of proving that the application should be granted.
3. The applicant may appear in person or by agent or attorney at the hearing.
4. The Board shall call in a competent stenographer to take the evidence or shall cause the evidence to be recorded by a sound-recording device in each hearing before it.
5. Each public hearing shall be opened by the Secretary's reading of the legal notice and by stating the dates on which, and newspapers in which, such notice was published.
6. Any written communications or reports which have been delivered to the Board, to any individual member, or to staff regarding any application shall be noted and filed as a part of the record of the application and shall be available to the public for review. Any verbal communications received by any individual member shall be disclosed by that member on the record.
7. The Chairman shall describe the hearing procedure, which shall be as follows: The Chairman shall first call for the applicant to present and explain the application, then call for any questions concerning the application, then call for statements from those in favor of the application, then call for statements from those opposed to the application, and finally call for the applicant to make any rebuttal and closing comments.
8. The applicant and the public shall be provided with the opportunity for cross-examination and for inspection of plans and documents presented in connection with any application; however, no Board member shall be questioned or cross-examined except regarding procedural clarifications or claims of disqualification.

9. All questions and comments shall be directed through the Chairman, and any person wishing to speak shall approach, speak into the microphone, and give his name and address prior to addressing the application.
10. Proponents and opponents shall present only relevant and material evidence and argument supporting their positions.
11. Board members shall have the opportunity to question any witness, including the applicant and his representative, at any time during the proceeding.
12. To maintain orderly procedure, each side shall proceed without interruption by the other, except as to objections regarding relevance, redundancy, or the form of the question.
13. The Chairman shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. In this regard, if a Board meeting or hearing is interrupted by any person or group of persons so as to render the orderly conduct of the meeting unfeasible and if order cannot be restored by the removal of the individuals who are wilfully interrupting the meeting or hearing, the Chairman may order the meeting room cleared and shall continue in session to consider only those matters appearing on the agenda. The Chairman shall allow duly accredited members of the news media, except those participating in the disturbance, to continue to attend the meeting and may readmit to the meeting persons who were not responsible for wilfully disturbing the meeting.

IX. DECISIONS

A. Time Frame For Decisions

1. All decisions on zoning applications which require a public hearing and on all motor vehicle applications, shall be rendered within sixty-five (65) days after completion of the public hearing.
2. All decisions on zoning applications not requiring a public hearing shall be rendered within sixty-five (65) days of the "day of receipt" of the application, as defined in Section VIII.C.2 of these Bylaws.
3. The applicant may consent to one or more extensions of time within which the Board shall make its decision on zoning or motor vehicle applications, provided the total length of the extension(s) is not longer than an additional sixty-five (65) days.

B. Decisions Are To Be Made On The Record

1. The "record" of the application shall include all written and oral communications and evidence received by the Board regarding the application.
2. Board members shall not engage in ex parte discussions with any person concerning a pending or proposed application to be heard by the Board.
3. After a public hearing on an application, no additional evidence or information shall be received or considered by the Board.
4. When making its decision, the Board may seek the technical assistance, guidance, and analysis of any municipal department, including legal advice of the Town Attorney and, if funds have been appropriated, the assistance of outside, professional consultants to the Board.
5. If a Board member intends to use his own expertise or personal knowledge concerning an application as a basis for his decision, the member shall disclose that expertise and knowledge at the public hearing, if one is held, or at a meeting of the Board at which such application is considered, if a public hearing is not held. The applicant and the public shall have an opportunity to comment on and rebut that expertise and knowledge.

C. Form Of The Decision

1. The Board may reverse or affirm, wholly or partly, or may modify any order, requirement, or decision appealed from and shall make such order, requirement, or decision as in its opinion should be made in the premises and shall have all the powers of the Zoning Enforcement Officer, pursuant to Section 8-7 of the Connecticut General Statutes, as amended.
2. If the Board grants or denies a variance or motor vehicle application or if the board sustains or reverses, wholly or partly, any order, requirement, or decision of the Zoning Enforcement Officer, the Board shall state upon the record the reasons for its decision.
3. If the Board grants a variance application, the Board shall state upon the record the zoning regulation which is varied, and the Board's decision shall specifically describe the exceptional difficulty or unusual hardship on which the decision is based.
4. When granting or denying variance applications, the Board shall generally follow the decision format found in Appendix A-1 and A-2, respectively, of these Bylaws.

D. Notice And Filing Of The Decision

1. Notice of the Board's decisions on all zoning and motor vehicle applications shall be sent to the applicant by certified mail, return receipt requested, and shall be published in a newspaper having a substantial circulation within the Town, within fifteen (15) days after the decision has been rendered.
2. No variance granted by the Board shall be effective until the following occurs:
 - a. A copy of the variance is filed with the Town Clerk; and
 - b. A Board-certified copy of the variance, which specifies the nature of the variance and which contains a description of the premises to which it relates, the zoning regulation which has been varied, and the name of the owner of record, is recorded on the Cheshire Land Records.

X. **DISQUALIFICATION AND CONFLICTS OF INTEREST**

A. Conflicts Prohibited

1. All regular and alternate members of the Board are bound by the provisions of Section 8-11 of the Connecticut General Statutes, as amended, concerning conflicts of interest and disqualification.
2. All regular and alternate members of the Board are bound by the provisions of Section 10-1 of the Cheshire Code of Ordinances, as amended, concerning conflicts of interest and standards of conduct.

B. Procedure To Follow If Disqualification Is Raised

1. The procedure set forth in Section 10-1(f) of the Cheshire Code of Ordinances shall be followed whenever a question concerning a conflict of interest arises.
2. If a Board member is disqualified pursuant to this Section, the fact of that disqualification shall be entered on the records of the Board, and an alternate member shall be seated, pursuant to the terms of Section XI of these Bylaws.

XI. SEATING OF ALTERNATE MEMBERS

A. Procedure To Seat Alternates

1. If a regular member of the Board is absent, he may designate an alternate member to act in his place.
2. If a regular member fails to make such designation or if he is disqualified, the Chairman shall designate an alternate member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.
3. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

B. Actions Of Alternates

1. When seated pursuant to Sections 8-5 and 8-5a of the Connecticut General Statutes, as amended, alternate members shall have all the powers and duties set forth in the Connecticut General Statutes relating to zoning board of appeals and their members.
2. At least one alternate member shall attend all meetings of the Board on a rotating basis, whether or not a specific request has been made for an alternate at a particular meeting.
3. Alternates may participate in public hearings by asking questions and reviewing evidence even if the alternate has not been designated to act in the place of a regular Board member.
4. Unless an alternate has been designated to act in place of a regular Board member, the alternate shall not participate in the Board's decision-making concerning any application.

XII. AMENDMENTS TO BYLAWS

- A. Any person proposing an amendment to these Bylaws shall submit an application to amend the Bylaws to the Board. The application shall specify the section of the Bylaws to be amended, the text of the amendment, the text of the existing Bylaws, and the reasons for the amendment.
- B. An application to amend the Bylaws which has been received at least seven (7) days prior to a regularly scheduled meeting of the Board shall be reviewed and considered (but not voted on) at that regularly scheduled meeting. An application to amend the

Bylaws which has been received fewer than seven (7) days prior to a regularly scheduled meeting of the Board shall be reviewed and considered (but not voted on) at the Board's next, regularly scheduled meeting.

- C. At the conclusion of the Board's review and consideration of the proposed amendment, the Board shall table the application until the next regularly scheduled meeting of the Board, at which time additional discussion may be held and a vote shall be taken on the application.
- D. The Bylaws shall be amended only by a two-thirds (2/3) vote of the entire, regular membership of the Board.

Received for Record 5/7/99 at 11:00 AM
and recorded by

Carolyn Z. Soltis
Town Clerk