BYLAWS OF THE CHESHIRE PLANNING AND ZONING COMMISSION
Adopted January 6, 1972; Amended June 25, 2001

Section 1. PURPOSE OF THESE BYLAWS

A. These Bylaws are intended to serve as a procedural and operational guide for the Planning and Zoning Commission and the public.

B. Whenever these Bylaws are or may be inconsistent with State statutes or regulations or local ordinances or regulations having jurisdiction over planning and zoning commissions, 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.

D. Reference to any law or regulation shall refer to the provisions of such law or regulation as they may be amended from time to time.

Section 2. COMPOSITION OF THE PLANNING AND ZONING COMMISSION

A. The Planning and Zoning Commission (referred to in these Bylaws as "the Commission") consists of nine (9) regular members, all of whom serve overlapping terms of six (6) years. The Commission's panel of alternate members consists of three (3) members, all of whom serve overlapping terms of four (4) years.

B. Resignations of members shall be made by letter to the Town Clerk, with copies to the Chairman of the Town Council and the Chairman of the Commission.

C. Vacancies shall be filled by the Town Council pursuant to Section 2-8 of the Charter.

Section 3. POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

A. Consistent with Section 124 of the General Statutes and with the Zoning Regulations, the Commission has the authority to establish and amend the Zoning Regulations and to amend the Zoning Map.

B. Consistent with Chapter 126 of the General Statutes and with the Subdivision Regulations, the Commission has the authority to establish and amend the Subdivision Regulations.

C. Consistent with Chapter 126 of the General Statutes the Commission shall prepare, adopt, amend, and review at least every ten (10) years, a plan of conservation and development for the Town.

D. Consistent with Chapter 124 of the General Statutes and with the Zoning Regulations, the Commission has the authority to consider and decide applications for site plan approval.

E. Consistent with Chapter 124 of the General Statutes and with the Zoning Regulations, the Commission has the authority to consider and decide applications to permit uses by special permit.

F. Consistent with Section 8-25(a) of the General Statutes and the Subdivision Regulations, the Commission has the authority to consider and decide applications for subdivision and resubdivision approval.

G. Consistent with Section 8-24 of the General Statutes, the Commission shall consider and issue reports concerning municipal improvements proposed by the Town.

H. The Commission shall have such other powers and duties as are set forth in the General Statutes and in the Zoning Regulations, the Subdivision Regulations, and the Code of the Town of Cheshire–all as consistent with the General Statutes.

Section 4. OFFICERS AND RESPONSIBILITIES

A. The officers of the Commission shall be a Chairman, a Vice Chairman, and a Secretary who shall be selected as follows:

1. A Chairman shall be elected from the Commission's regular members at the first December meeting each year by a majority vote of the regular members of the Commission.

2. A Vice Chairman shall be elected from the Commission's regular members at the first December meeting each year by a majority vote of the regular members of the Commission.

3. A Secretary shall be elected from the Commission's regular members at the first December meeting each year by a majority vote of the regular members of the Commission.

B. Each officer shall serve for a term of one (1) year or until his successor is elected and qualified.

C. The officers shall have the following responsibilities:

1. The Chairman shall preside over all meetings of the Commission; shall cause the call for all regular and special meetings to be issued; shall have the privilege of discussing and voting on all matters before the Commission and before any Committee of the Commission; may administer oaths; shall appoint the members of the Commission's Committees; and shall perform all other duties required by law, ordinance, regulation, these Bylaws, and resolution of the Commission, consistent with law.

2. The Vice Chairman shall act for the Chairman in the case of the Chairman's absence, death, resignation, or incapacity.

3. The Secretary shall cause all official records of the Commission to be filed in the Commission's office; shall cause staff to prepare the notices, agenda, and minutes of all Commission meetings and public hearings and to perform other clerical work for the Commission; shall sign all minutes of the Commission; and shall perform such other duties as are usually carried out by a Secretary or as are contained in a resolution of the Commission, consistent with law.

4. The Chairman or the Secretary shall sign all official correspondence of the Commission.

Section 5. COMMITTEES

A. Standing Committees

1. The following are the Standing Committees of the Commission:

   a. The Zoning Committee which shall review and make recommendations to the Commission regarding the following: Petitions to enact or amend Zoning Regulations; petitions to amend the Zoning Map; and all other applications as are provided for in the Zoning Regulations, including but not limited to, applications for earth removal permits, sign permits, special permits, and site plan approval.

   b. The Subdivision Committee which shall review and make recommendations to the Commission regarding the following: Petitions to enact or amend Subdivision Regulations and all other applications as are provided for in the Subdivision Regulations, including but not limited to, applications for subdivision or resubdivision approval.

   c. The Plan of Conservation and Development Committee which shall review and make recommendations to the Commission regarding the following: Petitions to amend the Plan of Conservation and Development, to enact or amend the Zoning Regulations, and to provide a report pursuant to Section 8-24 of the General Statutes.

2. Members and officers of the standing Committees shall be appointed by the Chairman from the Commission's regular members at the first meeting in December of each year.

3. Each Committee shall consist of four (4) members and the Chairman who shall all serve a term of one (1) year.

4. Vacancies shall be promptly filled by the Chairman from the Commission's regular members.

B. Special Committees

1. Special Committees shall be established by the Commission for such purposes and terms as the Commission deems necessary.

2. Members and officers of special Committees shall be appointed by the Chairman from the Commission's regular members.

3. Vacancies shall be promptly filled by the Chairman from the Commission's regular members.

Section 6. MINUTES AND RECORDS

A. Minutes

1. The Commission 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 and resolution of the Commission.

3. The minutes shall specify a member's failure to vote and his disqualification from voting and the reasons therefor.

4. The minutes shall be made available for public inspection within seven (7) days of the meeting.

5. The minutes shall be approved at a subsequent, regular meeting of the Commission 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 Commission is the Cheshire Planning Department at the Cheshire Town Hall.

2. All Commission files, records, minutes, hearing transcripts or recordings, etc. shall be on file at the Commission's office.

3. All applications, notices, and correspondence for the Commission shall be filed in the Commission's office.

4. A record of the vote of each member and each alternate member, when seated, upon each motion and resolution of the Commission shall be reduced to writing and made available for public inspection at the Commission's Office within forty-eight (48) hours of the meeting.

5. Consistent with the Freedom of Information Act (General Statutes, Section 1-200, et seq.), the files, records, minutes, hearing transcripts or recordings, etc. of the Commission shall be available for public inspection.

Section 7. APPLICATIONS

A. Filing Requirements

1. Specific application filing requirements are set forth in the Zoning Regulations and the Subdivision Regulations, as appropriate to the application, petition, or request (collectively referred to in these Bylaws as the "application") being filed.

2. Any person requesting action by the Commission shall apply on the official application forms which the Town Planner and Zoning Enforcement Officer, or their designee(s), have developed for such purposes and which forms are available in the Commission's Office.

3. Completed applications shall be filed in the Commission's office.

B. Withdrawals Of Applications

1. Applications may be withdrawn until the Commission begins its vote on the motion made to decide the application.

2. A written notice of withdrawal shall be addressed to the Commission and filed at the Commission's office.

3. An oral withdrawal shall be effective only if made at a meeting at which the Commission is considering the application. The oral withdrawal shall be noted in the minutes of the meeting, and the applicant shall document the withdrawal by written notice of withdrawal, addressed to the Commission, and filed at the Commission's office within seven (7) days of that meeting. Failure to document the withdrawal shall not render the oral withdrawal void.

4. If the Commission has granted an application for a special permit, subdivision, or resubdivision, the applicant may request, in writing and prior to recording the special permit, subdivision, or resubdivision on the Cheshire Land Records, that the Commission rescind its approval of the special permit, subdivision, or resubdivision. After it has been recorded, the special permit, subdivision, or resubdivision may only be abandoned if the applicant records a notice of abandonment on the Cheshire Land Records and files a copy of the notice at the Commission's office.

Section 8. MEETINGS AND PUBLIC HEARING MEETINGS

A. Commission And Committee Regular Meetings And Public Hearing Meetings

1. The annual schedule of regular meetings of the Commission and its Committees and of public hearing meetings shall be established by vote of the Commission each December and shall be filed with the Town Clerk not later than January 31 of each year, pursuant to Section 1-225 of the General Statutes. No such regular meeting shall be held sooner than thirty (30) days after the schedule has been filed.

2. At least twenty-four (24) hours before a regular Commission or Committee meeting or public hearing meeting, the agenda shall be available to the public and shall be filed in the Commission's office and with the Town Clerk.

3. At least three (3) calendar days before a regular Commission meeting, Committee meeting, public hearing meeting, staff shall send copies of the following to each Commission member and each alternate member: The meeting agenda and relevant available supporting documentation, which may include consultant's reports, reports of advisory agencies and the like, which pertain to agenda items to be considered by the Commission or Committee at the meeting or public hearing.

4. Within forty-eight (48) hours of receipt of an application for review pursuant to Section 8-24 of the General Statutes and within forty-eight (48) hours of receipt of any subsequently filed supporting or related material, staff shall send a copy of the application and such material to each Commission member and each alternate member.

5. The order of business at regular meetings of the Commission shall be as follows:

   a. Call to Order

   b. Roll Call and Determination of a Quorum

   c. Pledge of Allegiance

   d. Acceptance of Minutes

   e. Communications (not related to an agenda topic)

   f. Decision-Making/Deliberation Session

      1. Old Business ((by specific topic, as listed on the agenda)

      2. New Business (by specific topic, as listed on the agenda)

   g. Bonds

   h. Zoning Enforcement Officer's Report

   i. Other Business (by specific topic, as listed on the agenda)

   j. Adjournment

6. The order of business at regular meetings of the Commission's Committees shall be as follows:

a. Call to Order

b. Roll Call and Determination of a Quorum

c. Pledge of Allegiance

d. Acceptance of Minutes

e. Communications (not related to an agenda topic)

f. Decision-Making/Deliberation Session

1. Old Business (by specific topic, as listed on the agenda)

2. New Business (by specific topic, as listed on the agenda)

g. Other Business (by specific topic, as listed on the agenda)

h. Adjournment

7. The order of business at public hearing meetings of the Commission shall be as follows:

a. Call to Order

b. Roll Call and Determination of a Quorum

c. Pledge of Allegiance

d. Public Hearings

1. Recessed Hearings (by specific topic, as listed on the agenda)

2. New Hearings (by specific topic, as listed on the agenda)

e. Adjournment

8. The Commission or Committee Chairman, respectively, may change the order of business unless a majority of the Commission or Committee members, respectively, present votes otherwise.

9. Agenda items may be tabled if a majority of Commission or Committee members, respectively, present votes in favor of a motion to table; however, no item shall be tabled if doing so would result in scheduling the item to be considered by the Commission or Committee after the mandatory action date has passed.

10. New items may be added to the agenda of a **regular** meeting (but not a public hearing meeting) by motion if two-thirds (2/3) of the Commission members present vote in favor of such a motion.

11. All public hearings of the Commission and its Committees shall be tape-recorded. The Commission shall endeavor to tape-record all of its regular meetings and all of its Committee meetings.

B. Commission And Committee Special Meetings And Special Public Hearing Meetings

1. Special public hearing meetings and special meetings of the Commission may be called by the Chairman or may be called by the Secretary upon the request of five (5) Commission members.

2. Special Committee meetings may be called by the Committee Chairman or by the Committee Secretary, upon the request of three (3) Committee members.

3. Notice of each special meeting shall be given not 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, place, and purpose of such special meeting with the Town Clerk to be posted in that office.

4. In addition to the public hearing notice requirements of Section 9.C of these Bylaws, notice of each special public hearing meeting shall be given not fewer than twenty-four (24) hours prior to the time of such public hearing meeting. Such notice shall be made by filing a notice of the time, place, and purpose of such special public hearing meeting with the Town Clerk to be posted in that office.

5. At least three (3) calendar days before a regular Commission meeting, Committee meeting, public hearing meeting, staff shall send copies of the following to each Commission member and each alternate member: The meeting agenda and relevant available supporting documentation, which may include consultant's reports, reports of advisory agencies and the like, which pertain to agenda items to be considered by the Commission or Committee at the meeting or public hearing.

6. The order of business at special meetings and special public hearing meetings shall be as follows:

   a. Call to Order

   b. Roll Call and Determination of a Quorum

   c. Business Contained in the Call (by specific topic, as listed on the agenda)

   d. Adjournment

7. Business which is not included in the agenda of a special meeting or special public hearing meeting shall not be considered, discussed, nor decided by the Commission or Committee nor may it be added to the agenda by vote of the Commission or Committee members.

8. All special public hearings of the Commission and its Committees shall be tape-recorded. The Commission shall endeavor to tape-record all special meetings of the Commission and its Committees.

C. Executive Sessions

1. The Commission may convene in executive session only for those purposes set forth in Sections 1-200 (6) of the General Statutes. See Appendix A.

2. The Commission shall convene in executive session only after two-thirds (2/3) of those members present and voting vote to do so, in public session, and state the reason for the executive session.

3. Attendance at an executive session of the Commission is limited to regular and alternate Commission members and to those persons specifically invited by the Commission to present testimony or opinion pertinent to the subject of the executive session and only for so long as their presence is necessary to provide such testimony or opinion.

4. If an executive session is held, the Commission's minutes shall disclose the names of all those persons in attendance.

D. Site Visit

1. Regular and alternate Commission members are encouraged to view the property involved in an application.

2. Site visits shall not include testimony or communication with any applicant, neighbor, or any other person regarding the details or merits of the application.

3. If a public hearing is held on an application, the site visit shall take place prior to the close of the public hearing, and not after the hearing closes.

4. If a public hearing is not held on an application, the site visit shall take place prior to the Commission's and the Committee's decision on the application.

5. If a quorum (or more) of the Commission or any Committee is scheduled to visit the site at any one time, the site visit shall be deemed to be a meeting of the Commission or the Committee, and the requirements of the General Statutes, including the Freedom of Information Act (Section 1-200, et seq. of the General Statutes), 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 communication regarding the details or merits of the application.

6. Each member shall state at the public hearing, if one is held, or at a meeting of the Commission or Committee, the facts the member has obtained from the site visit and upon which he intends to rely in making his decision on the application. If a public hearing is held, the Commission shall provide an opportunity for public comment on, and rebuttal of, those facts. If a public hearing is not held, the Commission and its Committee may permit the applicant and interested parties to comment on, or to rebut, those facts at a meeting held by the Commission or Committee to consider the application.

E. 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 Commission and its Committees shall proceed to hear, consider, and decide the application based upon the information which is available if mandatory action dates require such immediate action; otherwise, the Commission and its Committees may take up the application at their next meeting.

F. Quorum And Voting

1. **The Commission**

   a. Five (5) members of the Commission shall constitute a quorum to transact business.

   b. Unless required otherwise by law or these Bylaws, five (5) votes shall be required for the taking of action by the Commission.

   c. When considering an application to establish or to amend the Zoning Regulations or to amend the Zoning Map, approval of the application requires a majority vote of all members of the Commission, that is, five (5) votes.

   d. If a protest petition has been filed in opposition to an application to establish or to amend the Zoning Regulations or the Zoning Map, approval of the application requires a two-thirds (2/3) vote of all members of the Commission, that is, six (6) votes.

   e. When considering an application for subdivision or resubdivision, action by the Commission requires a majority vote of all members of the Commission, that is, five (5) votes.

   f. When considering a waiver of the requirements of the Subdivision Regulations, action by the Commission requires a three-quarters (3/4) vote of all members of the Commission, that is, seven (7) votes.

2. **The Committees**

   a. Three (3) members of a Committee shall constitute a quorum to transact business.

   b. Unless required otherwise by law or these Bylaws, three (3) votes shall be required for the taking of action by a Committee.

3. **Miscellaneous Quorum And Voting Provisions**

   a. Each member who is seated to decide an application shall vote on the application unless he is disqualified or unable to vote because he cannot meet the requirements of Section 8.F.3.b of these Bylaws.

   b. A member or alternate member who was not present at all meetings and 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 (if it is available), reads the minutes, 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 or alternate 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.

   c. No member shall cast an absentee vote.

   d. All votes, including those regarding matters discussed in executive session, shall be taken in public session.

G. **Miscellaneous Provisions**

1. Unless otherwise specified in these Bylaws, "Roberts Rules of Order" shall govern the proceedings at the Commission's meetings and public hearings.

2. Unless the Commission is convened in a duly called executive session, all Commission meetings and hearings shall be open to the public.

3. If there is no business for the Commission to conduct, the Chairman may cancel the meeting by causing all members to be notified of the cancellation by telephone or facsimile, personally, or by similar method. Notice of the cancellation shall also be posted in the Town Clerk's office and on the door of the meeting room.

4. 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 Commission's meeting room within twenty-four (24) hours after the adjournment. The notice shall specify the date, time, and place for reconvening the meeting.

5. Any regular member who cannot attend any meeting or public hearing of the Commission or who believes he is or may be disqualified from acting on any matter pending on the agenda of any meeting or public hearing, shall notify the Chairman of the Commission as soon as the member knows of his unavailability or disqualification, but not later than twenty-four (24) hours after receiving the agenda of the meeting or public hearing in the case of his unavailability or not later than twenty-four (24) hours after realizing his disqualification.

Section 9. PUBLIC HEARING PROCEDURES

A. Commencement Of The Public Hearing

1. Public hearings held by the Commission shall commence within sixty-five (65) days after the day of receipt of the application and shall be completed within thirty-five (35) days after such hearing commences.

2. For purposes of this Section 9.A, the "day of receipt" of a petition, application, or request shall be the day of the next, regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such petition, application, or request or thirty-five (35) days after such submission, whichever is sooner.

B. Extensions Of Time Periods

1. The applicant may consent to one or more extensions of the sixty-five (65) day period for commencing the hearing, 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 (35) 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 (35) days.

C. Notice Of The Public Hearing

1. The Commission shall cause notice of each public hearing to be held to be published in a newspaper having a general and substantial circulation in the Town, at least twice, at intervals of not fewer than two (2) days, the first not more than fifteen (15) days, nor fewer than ten (10) days, and the last not 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, not 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 purpose of the hearing, including a reference to any material available for public inspection; and any additional information which is necessary to fairly inform those affected of the requested action.

4. Pursuant to Section 26 of the Zoning Regulations, "enhanced notice" of the public hearing shall be provided for special permit applications which propose to conduct nonresidential uses in residential districts (Section 40 of the Zoning Regulations) and for petitions to amend the Zoning Map (Section 70 of the Zoning Regulations).

D. Conduct Of The Public Hearing

1. All public hearings shall be held in accordance with the requirements of the General Statutes.

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 Commission shall call in a competent stenographer to take the evidence or shall cause the evidence to be tape-recorded 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 Commission, to any individual member, or to staff regarding any application shall be noted and filed as a part of the record of the application (if received before the public hearing is closed) 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 first from the Commission then from the public, then call for statements from those members of the public in favor of the application, then call for statements from those members of the public opposed to the application, and finally call for the applicant make any rebuttal and closing comments.

8. The applicant and the public shall be provided with the opportunity to ask questions and to inspect plans and documents presented in connection with any application; however, except for claims of disqualifications, no Commission member shall be questioned or cross-examined. Procedural clarifications and similar questions shall be directed to the Chairman.

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. Commission 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. To avoid redundant, irrelevant, or repetitious comments or to accommodate a large group of speakers, the Chairman may limit the amount of time that each person spends addressing comments to the Commission.

14. 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 Commission 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. The Chairman may readmit to the meeting persons who were not responsible for wilfully disturbing the meeting.

Section 10. DECISIONS

A. Time Frame For Decisions

1. All decisions on applications which require a public hearing shall be rendered within sixty-five (65) days after completion of the public hearing.

2. All decisions on 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 9.A.2 of these Bylaws.

3. The applicant may consent to one or more extensions of time within which the Commission shall make its decision, provided the total length of the extension(s) is not longer than an additional sixty-five (65) days.

4. Pursuant to Section 8-7d(b) of the General Statutes, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the Zoning Regulations for any building, use, or structure, the Commission shall render a decision on the site plan application within sixty-five (65) days after the "day of receipt" of the application, as defined in Section 9.A.2 of these Bylaws. The applicant may consent to one or more extensions of time within which the Commission shall render its decision, provided the total length of the extension(s) is not longer than two additional sixty-five (65) day periods.

5. Pursuant to Sections 8-7d(e) and 8-26d(d) of the General Statutes, if a petition, application, or request, or if a subdivision or resubdivision application involves an activity regulated pursuant to Sections 22a-36 to 22a-45 of the General Statutes, and the time for a decision as set forth in this Section 10 would elapse prior to the thirty-fifth (35th) day after a decision by the Cheshire Inland Wetlands Commission, then the time period for a decision by the Commission shall be extended to thirty-five (35) days after the decision of the Cheshire Inland Wetlands Commission. The provisions of this Section 10.A.5 shall not be construed to apply to any extension consented to by an applicant.

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 Commission regarding the application.

2. Commission members shall not engage in discussions with any person, including other members of the Commission, concerning a pending or proposed application to be heard by the Commission, unless those discussions are had at a duly called and convened meeting or public hearing of the Commission.

3. After a public hearing on an application closes, no additional evidence or information shall be received or considered by the Commission or its individual members.

4. When making its decision, the Commission may seek the technical assistance, guidance, and analysis (of facts contained in the record) from any municipal officer, including legal advice of the Town Attorney. If funds have been appropriated and proper procedures followed, the Commission may seek such assistance from outside, professional consultants to the Commission.

5. If a Commission 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 Commission 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. When considering an application to adopt or to amend the Zoning Regulations or the Subdivision Regulations or to amend the Zoning Map, the Commission shall either adopt or deny the application. If the Commission amends the Zoning Regulations or the Zoning Map, it shall state on the record the reasons for the change; otherwise, the Commission is not required to state the reasons for its decision.

2. When considering an application to adopt or to amend the Zoning Regulations or to amend the Zoning Map, the Commission shall state on the record its findings regarding consistency of the proposed regulation or boundary change with the Town's Plan of Conservation and Development and shall include appropriate references to the Plan in support of its conclusions.

3. When considering a plan of conservation and development, the Commission may, by majority vote, adopt the plan by single resolution or may, by successive resolutions, adopt parts of the plan (whether geographical or functional) and amendments thereto.

4. When considering a site plan application, the Commission may deny or modify the plan only if it fails to comply with the Zoning Regulations or if it fails to comply with the Inland Wetlands and Watercourse Regulations as reported by the Cheshire Inland Wetlands Commission in the report required by Section 8-3(g) of the General Statutes. The application may be modified to make it comply with such regulations, if possible, or it shall be denied. If the Commission modifies or denies the application, it shall set forth the reasons for the modification or denial, citing to the relevant sections of the Zoning Regulations and/or to the report of the Cheshire Inland Wetlands Commission, as appropriate.

5. When considering an application for a special permit, the Commission shall state on the record the reasons for its decision, including the reasons for attaching conditions, if any, to the approval and including citations to the relevant sections of the Zoning Regulations.

6. When considering an application for subdivision or resubdivision, the Commission shall approve, conditionally approve (pursuant to Section 8-25(a) of the General Statutes and Section 10.3 of the Subdivision Regulations), modify and approve, or deny the application. The Commission shall state the reasons for its action on the record of the application and shall cite the relevant sections of the Zoning Regulations and Subdivision Regulations which support its decision.

7. When considering a referral concerning municipal improvements, pursuant to Section 8-24 of the General Statutes, the Commission shall issue a report stating whether the proposed action is approved because it is not in conflict with the Plan of Conservation and Development or whether the proposal is not approved because it is in conflict with the Town's Plan of Conservation and Development. The Commission's report shall contain appropriate references to the Plan in support of its conclusions.

D. Notice And Filing Of The Decision

1. The Commission shall cause notice of all its official actions and decisions concerning applications for site plan, special permit, subdivision and resubdivision, and regulation and map amendments to be published in a newspaper having a substantial circulation in the Town within fifteen (15) days after the action or decision.

2. The Commission shall cause a copy of its decision to be sent to the applicant by certified mail within fifteen (15) days after the decision has been rendered.

3. If the Commission fails to publish the notice required by this Section 10.D within fifteen days (15) days after the action or the decision has been rendered, the applicant may cause the notice to be published, and a copy to be filed with the Commission, within a further period of ten (10) days.

Section 11. DISQUALIFICATION AND CONFLICTS OF INTEREST

A. Conflicts Prohibited

1. All regular and alternate members of the Commission are bound by the provisions of Section 7-148t, Section 8-11, and Section 8-21 of the General Statutes concerning conflicts of interest and disqualification.

2. All regular and alternate members of the Commission are bound by the provisions of Section 10-1 of the Cheshire Code of Ordinances concerning conflicts of interest and standards of conduct.

3. All regular and alternate members of the Commission shall consult with the Town Attorney to obtain advice concerning specific conflict of interest and disqualification issues.

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 Commission member is disqualified pursuant to this Section 11, the fact of that disqualification shall be entered on the record; the member shall abstain from participating publicly or ex parte in any hearing, discussion, debate, decision, or vote of the Commission or with other Commission members regarding the matter; and an alternate member shall be seated pursuant to the terms of Section 12 of these Bylaws.

Section 12. SEATING OF ALTERNATE MEMBERS

A. Procedure To Seat Alternates

1. Pursuant to Section 2-17 of the Code of the Town of Cheshire, if a regular member of the Commission is absent, abstains, or is disqualified, the Chairman of the Commission shall designate an alternate member to act in his place, choosing in rotation so that alternates shall act as nearly equal a number of times as possible.

2. 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 this Section 12, Section 2-17 of the Code of the Town of Cheshire, and Section 8-1b of the General Statutes, alternate members shall have all the powers and duties set forth in the Zoning Regulations, the Subdivision Regulations, and the General Statutes relating to planning and zoning commissions and their members.

2. When seated pursuant to this Section 12, Section 2-17 of the Code of the Town of Cheshire, and Section 8-1b of the General Statutes, alternate members shall have all the powers and duties set forth in these Bylaws, unless such powers are specifically stated to be performed by "regular members" of the Commission.

3. All members of the panel of alternates shall attend all regular and special meetings and all public hearings of the Commission.

4. 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 Commission member.

5. Unless an alternate has been designated to act in place of a regular Commission member, the alternate shall not participate in the Commission's decision-making concerning any application.

6. Except as provided in Section 12.B.7 of these Bylaws, once an alternate member has been designated by the Chairman to act for an absent or disqualified regular member of the Commission, he shall follow the matter for which he is seated through to final action, including attending all Commission meetings which the regular member would attend at which the matter is or will be discussed and/or decided.

7. If a regular member was replaced by an alternate member because of absence and not disqualification, and the absent member states on the record of a meeting of the Commission that he has, consistent with Section 8.F.3.b of these Bylaws, familiarized himself with the matter for which the alternate was designated to act, he may act in the place of the alternate member on that matter; but such substitution shall not be made after the Commission has begun its decision-making on an application.

8. Any alternate member who cannot attend any meeting or public hearing of the Commission or who believes he is or may be disqualified from acting on any matter pending on the agenda of any meeting or public hearing, shall notify the Chairman of the Commission as soon as the alternate member knows of his unavailability or disqualification, but no later than twenty-four (24) hours after receiving the agenda of the meeting or public hearing in the case of his unavailability or not later than twenty-four (24) hours after realizing his disqualification.

9. All alternate members shall receive all notices, agenda, and all other communications which are sent to regular members.

Section 13. AMENDMENTS TO BYLAWS

A. Any Commission member proposing an amendment to these Bylaws shall submit a request to amend the Bylaws to the Commission. The request shall specify the section of the Bylaws to be amended, the text of the proposed amendment, the text of the existing Bylaws, and the reasons for the amendment.

B. A request to amend the Bylaws which has been received at least seven (7) days prior to a regularly scheduled meeting of the Commission shall be reviewed and considered at that regularly scheduled meeting. A request to amend the Bylaws which has been received fewer than seven (7) days prior to a regularly scheduled meeting of the Commission shall be reviewed and considered at the Commission's next, regularly scheduled meeting.

C. At the conclusion of the Commission's discussion of the proposed amendment, the Commission shall table the request to the next regularly scheduled meeting of the Commission, at which time additional discussion may be held and a vote shall be taken on the request.

D. The Commission may review and consider an amendment to the Bylaws at a special meeting of the Commission, provided the request to amend the Bylaws has been received at least seven (7) days prior to the date of the special meeting. The Commission shall not vote on the amendment at that special meeting but shall table the request to a regular or special meeting of the Commission (which shall be held no sooner than thirty (30) days after the special meeting at which the amendment was first reviewed and considered), at which time additional discussion may be held and a vote shall be taken on the request.

E. The Bylaws shall be amended only by a majority vote of the entire, regular membership of the Commission, that is, by five (5) votes.

Section 1-200. Definitions

As used in this chapter, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

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(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes:

(A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;

(B) Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of his conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;

(C) Matters concerning security strategy or the deployment of security personnel, or devices affecting public security;

(D) Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and

(E) Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210 [exempt records].

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(8) "Pending claim" means a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.

(9) "Pending litigation" means

(A) A written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency;

(B) The service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or

(C) The agency's consideration of action to enforce or implement legal relief or a legal right.

Received for Record 7/24/01 at 2 h 00 m p m
and recorded by

Carolyn Z. Soltis
Town Clerk