

# **NEWINGTON TOWN PLAN AND ZONING COMMISSION By-Laws and Rules of Procedure**

*Adopted October 10, 2001*

The Commission shall be directed and guided in its deliberations in accordance with the following procedures.

## **1.1 Officers.**

The Officers of the Town Plan and Zoning Commission shall be: Chairman, Vice-Chairman and Secretary. The Chairman shall have the duties normally conferred by parliamentary usage. The Vice-Chairman shall act for the Chairman in his absence except where prohibited by statute. The Secretary shall keep the minutes and records of the Commission (assisted by the Town Planner and other Staff) and shall read communications, rules of procedure of meetings, and petitions into the record.

Nomination of officers shall be made from the floor at the annual organizational meeting held on the second Wednesday of December each year. Election shall follow immediately thereafter. Vacancies in office shall be filled by a similar nomination and election procedure.

## **1.2 Regular Meetings**

The regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month at 7:00 PM in the Town Hall, unless specifically varied by vote of the Commission.

## **1.3 Public Hearings**

Public hearings shall be held by the Commission at the regular meeting provided any such hearings are scheduled and pending.

## **1.4 Special Meetings**

Special meetings may be called by the Chairman of the Commission or upon petition of any three members of the Commission. Notice of such meeting shall be prepared by the Town Planner and served personally upon each member of the Commission or at his usual place of abode not less than 24 hours before the time of said meeting. Said notice shall state the time, place and purpose of said meeting. Notice to be filed with Town Clerk 24 hours in advance.

## **1.5 Public Participation at Meetings**

Public participation relative to planning and zoning matters in general shall be allowed at each meeting at that point in the Agenda provided therefore.

Members of the public, applicants and petitioners shall not otherwise take part in Commission meetings unless specifically permitted to do so by the Chairman.

## **1.6 Order of Business**

The order of business at all regular meetings shall be as follows:

- A. Roll Call
- B. Public Hearings
- C. Minutes of Preceding Meetings
- D. Public Participation Relative to items not listed on the agenda (each speaker limited to two minutes)
- E. Communications and Reports
- F. New Business
- G. Old Business
- H. Petitions Received for Scheduling
- I. Public Participation Relative to Planning & Zoning matters in general
- J. Remarks by Commissioners
- K. Zoning Enforcement Report
- L. Staff Reports
- M. Adjournment

## **1.7 Attendance**

Members who are not able to attend a regular meeting shall notify the Chairman of their impending absence and of their preference relative to replacement by an alternate at least five days before such meeting, unless such absence is unplanned because it is caused by sudden personal illness or urgent personal business, whereupon members shall advise the Chairman as soon as it is practicable.

## **1.8 Agenda**

The Agenda for regular meetings shall be prepared by the Town Planner and mailed to the members of the Commission along with minutes of the previous meeting, if not already distributed, no later than 5 days prior to the meeting date. The Agenda shall also be made available to the members of the press, the Mayor, the Chairman of the Conservation Commission, the Chairman of the Parks and Recreation Commission, and the Chairman of the Development Commission not later than 4 days prior to the meeting date.

All items for inclusion in the Agenda must be submitted to the Town Planner at least 14 days prior to a regular meeting in order for the matter to be considered at such meeting. In order for any item to be placed on the Agenda, all information relating thereto as required herein shall be filed at least 14 days prior to the regular meeting.

Additional agenda items that are not submitted to the Town Planner within the prescribed 14-day period may be added to the agenda no less than 7 days prior to the next regularly scheduled meeting. A Town Plan and Zoning Commission member, staff person (Town Manager, Town Planner, Town Engineer, or Zoning Enforcement Officer) must make a request to the Chairman stating the reasons for the agenda addition. If the Chairman finds the application is of an emergency nature

or if the interests of the town will be clearly served by immediately scheduling, the Chairman may approve the request.

Any item proposed for the Agenda which does not have with it supportive information and documentation as required by these rules shall be considered incomplete and not ready for consideration.

Additional Agenda items may be considered if they are of an emergency nature or if the interests of the Town will be clearly served by their immediate consideration, provided the acceptance of such additional item for the Agenda is approved by not less than 5 affirmative votes of the Commission.

### **1.9 Voting**

A roll call shall be taken if called for, in all votes of the Commission. A roll call, when taken, shall be in alphabetical order, provided the Chairman may vote last.

### **1.10 Executive Sessions**

A meeting may be adjourned to executive session upon completion of the Agenda by two-thirds vote of the Commissioners in attendance. No vote shall be taken in executive session. Any motion to adjourn to executive session shall contain the reason or reasons therefore and the subject matter of the session shall be limited to such reason or reasons. Discussions in executive sessions shall be limited to matters which are allowed by Public Act No. 75-342 of the 1975 Connecticut General Assembly, as amended.

### **1.11 Order and Decorum**

The proceedings of the Commission shall be conducted in an informal manner, provided order and decorum can be maintained. If he feels it is necessary, the Chairman, in order to preserve good order and decorum at any meeting, may invoke the use of Roberts Rules of Order which shall then be followed for the duration of such meeting except where inconsistent with these rules.

### **1.12 Field Inspections**

Members shall make field inspections as they deem necessary at times when it is individually convenient. The Chairman may arrange for a field inspection to be attended by all available Commissioners if he deems it necessary or advisable.

### **1.13 Filing Procedures Regarding Applications for Subdivision Approval, Site Plan Approval or Special Exceptions**

In addition to the requirements of the General Statutes relative to the filing of applications for subdivision approval, site plan approval, or special exceptions, no application shall be considered supplemental materials. The determination of whether or not an application is complete enough to be placed on an agenda shall be the responsibility of the Town Planner. No item shall be listed on the Agenda for official consideration until such determination is made.

#### **1.14 Procedures Regarding Application for Zone Changes or Zoning Regulation Amendments**

For the purposes of these regulations, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, immediately following the day of submission to such commission or its agent of such petition, application, request or appeal or thirty-five days after said submission, whichever is sooner.

#### **1.15 Procedures for Public Hearings**

The order of proceedings at public hearings shall be as follows.

- A. Convening by Chairman
- B. Reading of the notice by the Commission Secretary or a Commissioner designated by the Chairman to act in his stead.
- C. Identification and location of the property involved by the Town Planner.
- D. A statement of the issue to be considered by the Chairman, or the Town Planner.
- E. Presentation by applicant (limited to 20 minutes unless a specific extension is granted by the Chair).
- F. Persons wishing to speak in favor of the application (limited to 2 minutes per person).
- G. Persons wishing to speak in opposition to the application (limited to 3 minutes per person).
- H. Rebuttal by the applicant (limited to 5 minutes total).
- I. Rebuttal by the opposition (limited to 5 minutes total).

During a public hearing it shall be within the discretion of the Chairman whether the time limitations should be varied slightly, provided the Commission consents to any such variance. In no case shall an extension be for more than 20% of the allotment indicated above, or one minute, whichever is greater.

#### **1.16 Required Amendments to Plans**

Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the period specified in Section 8.7d of the Connecticut General Statutes. A Certificate of Approval of any plan for which the period for approval has expired and on which no action has been taken shall be sent to the applicant within fifteen days of the date on which the period for approval has expired. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen days after such decision is rendered. The Commission may, as a condition of approval of any modified site plan, require a Bond in the amount

and with surety and conditions satisfactory to it, securing that any modifications of such site plan are made. The Commission shall publish notice of the approval or denial of site plans in a newspaper having a general circulation in the municipality.

**1.17 Guideline for Consideration of Applications for Subdivision, Special Exceptions, Site Plan Approvals.**

In considering applications for subdivisions, special exceptions, special permits and site plan approvals, the following process of review shall be followed, provided this shall be understood to be a guideline for the Commission and not a mandatory procedure unless otherwise specified by these Rules.

- A. Submission of complete application and accompanying plans and displays to the Town Planner at least 14 days prior to a regular meeting.
- B. Review of the plans by the Town Planner and other appropriate members of the Town's administrative staff to determine sufficiency and correctness of information.
- C. Placement on the Agenda for the next regular meeting.
- D. Review of application and plans by Commissioners for familiarization purposes.
- E. Submission of application at a regular meeting for official acceptance
  1. Scheduling of a public hearing, if required; or
  2. Scheduling of consideration at a regular meeting if a public hearing is not required.
- F. Staff review to compile a composite technical report for the Commission by the date set in Step E, above.
- G. Public hearing, if required, at which the applicant shall make his presentation to the Commission.

**NOTE:** The foregoing process applies only to applications submitted for final approval. Any informal, preliminary reviews of plans done at the request of a prospective applicant should not be regarded as substituting for or short cutting any of these steps.