

## **BYLAWS AND PROCEDURES FOR THE PLANNING AND ZONING COMMISSION**

### **OF THE TOWN OF SCOTLAND, CONNECTICUT**

#### **SECTION 1: Purpose and Authorization**

1.1. The objective and purposes of the Planning and Zoning Commission of the Town of Scotland are those set forth in Chapters 124 (Zoning) and 126 (Planning) of the Connecticut General Statutes, as amended. The Commission exercises those powers and duties delegated to it by the aforementioned Statutes and by the ordinance creating a Planning and Zoning Commission for the Town of Scotland of December 7, 1966. This includes the ordinance that separated the Wetlands Commission and Planning & Zoning Commission, approved by the Board of Selectmen on September 12, 2001, and effective October 25, 2001.

#### **SECTION 2: Name of the Commission**

2.1. The Commission shall be known as the Town of Scotland Planning and Zoning Commission, hereafter called the "Commission".

#### **SECTION 3: Office of the Commission**

3.1. The office of the Commission shall be the First Selectman's Office at the Scotland Town Hall, 9 Devotion Road, Route 97, PO Box 122, Scotland, CT 06264, where all Commission records will be kept. Copies of the Commission's Motions and Minutes (audio and typed) will be filed and recorded in the office of the Town Clerk. All other records will be kept by the Zoning Enforcement Officer on file in the Land Use Department.

#### **SECTION 4: Membership**

4.1. The membership and terms shall be as specified in the town ordinance establishing the Commission and the Connecticut General Statutes. The First Selectman shall be an Ex-Officio member of this Commission.

4.2. Vacancies in the Commission shall be filled by the procedure prescribed in the Town Ordinance.

4.3. Resignations from the Commission shall be in writing and transmitted to the Town Clerk, who will forward it to the First Selectman and the Planning and Zoning Commission.

4.4. Following a two-thirds vote of the Commission, the Chair may recommend to the First Selectman the removal of any member who misses more than three (3) consecutive meetings or more than one-half of the meetings in a calendar year.

## **SECTION 5: Officers and Their Duties**

5.1. Officers: The officers of the Commission shall consist of a Chair, a Vice-Chair, and a Secretary.

5.2. The Chair:

- The Chair shall be a regular member of the Commission.
- The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.
- The Chair shall have the privilege of discussing all matters and voting on all questions before the Commission.
- The Chair shall have the authority to appoint committees and call special meetings.
- The Chair shall set the agenda for all regular and special meetings in coordination with Town Staff.

5.3. The Vice-Chair:

- The Vice-Chair shall be a regular member of the Commission.
- The Vice-Chair shall act for the Chair in his/her absence and perform the duties prescribed for that office.
- In the event the Vice-Chair is acting as Chair at the start of a meeting, he or she shall remain as Chair throughout the entire meeting.

5.4. Acting Chair: In the event that both Chair and Vice-Chair are absent at the start of a meeting, any regular member may be elected as acting Chair for the duration of the meeting by a majority vote of those members present.

5.5. The Secretary: The Secretary shall be responsible for the maintenance of the minutes and records of the Commission and, with the assistance of available staff, shall:

- Ensure that proper and legal notice of hearings is published in a newspaper with a substantial circulation in the municipality;
- Attend to Commission correspondence and circulate all received correspondence to the members;
- Provide notice of all meetings and agendas to Commission members and the public via electronic mail and by posting on the Town website;

- Publish notice of all Commission decisions in a newspaper with a substantial circulation in the municipality;
- Notify the applicant and any named parties of the Commission's decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested.
- In the absence of the Secretary, the Chair shall appoint a secretary pro tempore.

5.6. Recording Secretary: The Commission may utilize a paid Recording Secretary to assist the Secretary and Town Staff (Planner, Zoning Officer, etc.) with the preparation of minutes, filing of legal notices, and maintenance of the record.

### **SECTION 6: Election of Officers**

6.1. The first meeting in December shall be the annual organization meeting, at which time officers will be elected and bylaws reviewed.

6.2. A minimum of five members and/or alternates must be present before the election of officers can take place.

6.3. A candidate receiving a majority vote from the entire membership of the Commission shall serve for one year beginning January 1 or until his or her successor takes office.

### **SECTION 7: Meetings**

7.1. Regular meetings shall be held on the third Wednesday of each month at 7:15 p.m. in the Community Room of the Scotland Fire Department, 47 Brook Road, Scotland, CT, unless otherwise noticed.

7.2. A majority of the voting membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the quorum.

7.3. All Commission meetings shall be open to the public unless closed by a two-thirds vote of the Commission for an executive session.

7.4. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at Commission meetings.

7.5. Remote and Hybrid Meetings: The Commission may conduct any regular or special meeting, or public hearing, through the use of electronic equipment (including video or teleconferencing). Any meeting held via electronic equipment must provide the public with the ability to view or listen to the proceedings in real-time. All votes taken during a meeting held via electronic equipment shall be conducted by roll call.

## **SECTION 8: Alternate Members**

8.1. If a regular member is absent or disqualified, the Chair shall designate an alternate to act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

8.2. Alternates of the Commission who are seated at the beginning of a meeting shall not be replaced by another member who arrives late.

8.3. Alternates who are in attendance, but are not seated, may take part in Commission discussions, but shall not vote except for the election of officers.

## **SECTION 9: Order of Business**

9.1. Unless otherwise determined by the Chair, the order of business shall be:

- (a) Call to Order
- (b) Roll Call / Seating of Alternates
- (c) Additions or Changes to the Agenda
- (d) Approval of Minutes
- (e) Citizens' Participation
- (f) Public Hearings
- (g) Unfinished Business
- (h) New Business
- (i) Correspondence to the Commission
- (j) Commission Open Discussion
- (k) Adjournment

## **SECTION 10: Public Hearings**

10.1. The Commission may hold public hearings in addition to required hearings when it decides that such hearings will be in the public interest.

10.2. All applications, maps, and documents relating to the hearing shall be open for public inspection. Any person may appear and be heard at any public hearing.

## **SECTION 11: Conducting the Public Hearing**

11.1. The hearing shall be recorded by a sound recording device at each hearing.

11.2. The Chair shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment.

11.3. All questions and comments must be directed through the Chair only after the speaker has been properly recognized.

11.4. Each person recognized shall give his or her name and address before commenting on the matter before the hearing.

## **SECTION 12: The Hearing Record**

12.1. The hearing record shall consist of the sound recording and all physical evidence and material received (e.g., legal documents, reports, plans).

12.2. Decisions shall be based solely on the contents of the hearing record.

## **SECTION 13: Ex-Parte Communications**

13.1. Members of the Commission shall not engage in ex-parte communications with any party or person on an issue of fact or law, unless all parties receive notice and an opportunity to participate.

## **SECTION 14: Conflict of Interest and Disqualification**

14.1. No Commission member shall sit in hearing or vote in passing upon any case in which he/she shall be personally interested, financially or otherwise. If a member shall be disqualified because of interest, such fact shall be noted in the record of the hearing. The Chair of the Commission shall designate an alternate from the panel of alternates, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible, to replace the disqualified member.

## **SECTION 15: Committees**

15.1. The Chair may appoint committees as needed, including: Plan of Conservation and Development, Subdivision, Zoning, Legal, Open Space, and Capital Improvements.

## **SECTION 16: Staff and Professional Services**

16.1. Land Use Staff: The Commission may utilize the services of a Zoning Enforcement Officer, Town Planner, or other professional staff as provided by the Town.

16.2. Recording Secretary: A recording secretary may be employed to assist the Secretary in the preparation of minutes, filing of legal notices, and maintenance of records.

16.3. Legal Counsel: The Commission may, through the Town's established procedures, seek legal advice from the Town Counsel or specialized land use counsel.

#### **SECTION 17: Public Relations**

17.1. The Chair or a designee shall act as the public relations director. All information releases shall reflect the thinking of the majority of the Commission.

#### **SECTION 18: Records Retention**

18.1. The Commission shall retain complete records of actions and application documents and dispose of such records in accordance with the schedule set forth by the Connecticut State Library.

#### **SECTION 19: Amendments**

19.1. These bylaws may be amended by a two-thirds vote of the Commission's entire voting membership after the proposed change has been read and discussed at a previous regular meeting.

19.2 Alternatively, an amendment may be adopted at a regular meeting by a unanimous vote of the members present, if no prior notice was given.

#### **SECTION 20: Conflicts**

20.1. In the event of a conflict, the priority of authority shall be:

- (a) CT State Statutes
- (b) Ordinance of the Town of Scotland
- (c) Planning and Zoning Regulations
- (d) Bylaws and Procedures for the Planning and Zoning Commission