

TOWN OF DEEP RIVER PLANNING & ZONING BYLAWS

JULY 2021

Town of Deep River Planning & Zoning Commission

174 MAIN STREET DEEP RIVER, CT 06417

TOWN OF DEEP RIVER PLANNING AND ZONING COMMISSION BYLAWS

ARTICLE I Organization, Purpose and Office

1.1 Purpose and Objective

The objectives and purpose of the Planning and Zoning Commission of the Town of Deep River are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, 1958, as amended, and those powers delegated to the Planning and Zoning Commission by the aforementioned statutes by ordinance and Charter of the Town of Deep River in accordance with the above enabling law.

1.2 Name

The organization shall be known as the Planning and Zoning Commission (PZC) of the Town of Deep River (hereinafter the "Commission").

1.3 Office

The office of the Commission shall be the Town Planning and Development Office in the Town Hall at 174 Main Street, Deep River CT, 06417. All Commission records shall be kept on file in the Town Land Use Office.

ARTICLE II Membership

2.1 Membership

The membership and terms of office of the Commission shall be as specified by Town Ordinance. The Commission shall consist of seven (7) regular members and three (3) alternate members who shall be electors of the Town of Deep River, shall not be members of the Zoning Board of Appeals and who shall not hold any salaried office within said town.

The terms of office for the regular and alternate members shall be three (3) years. Upon the expiration of each of the said terms of the present members of the Planning Commission, and upon the expiration of the terms of the two additional members hereinbefore stated; all members and alternates shall be appointed annually for the term of three years, commencing on December 1, of each year.

2.2 Types of Membership

The Commission shall have two types of members, the qualifications and voting rights of which shall be as follows:

- (a) Regular members of the Commission shall have full voting rights.
- (b) Alternate members of the Commission shall have those rights and powers

discussed in Section 2.3 of these bylaws.

All regular and alternate members are expected to be in attendance at all Commission meetings.

2.3 Rights and Powers of Members

- (a) All Regular Commission members and seated Alternates shall have the right to participate in Commission discussions, both open and executive, and vote on matters regulating the Commission including amendment of bylaws and the election of officers.
- (b) Regular members of the Commission and seated Alternates shall have the right to vote on all matters coming before the Commission, the right to hold office, to participate in all Commission discussions, both open and executive, and such other rights as are customarily associated with membership of a municipal planning and zoning commission.
- (c) Alternate members of the Commission shall be designated to act in any case where a regular member is absent or disqualified. In making such a designation, the Chairman shall select alternate members in rotation so that they have an opportunity to act as nearly equal a number of times as possible. The minutes of the meeting should reflect when an alternate has been selected to act in place of a regular member and which alternate was selected. If any alternate member is not available in accordance with the scheduled rotation, such fact shall be recorded in the minutes of the meeting and the unavailable alternate shall lose his/her turn for that rotation and the next available alternate member shall be designated. Should designation of an alternate be required for more than one agenda item during any meeting, the same alternate member shall serve for each item unless he/she is disqualified. If more than one alternate is required to act on any agenda item, designations shall be made in accordance with the established rotation.
- (d) When designated by the Chairman to act, alternate members shall have all the powers of regular members for all agenda items for which such designation was made.
- (e) Alternate members who have not been so designated to act at a meeting may remain seated among the regular members during both open and executive sessions, and may otherwise fully participate in the general discussion of matters coming before the Commission, including questioning the applicants and staff. Alternates who have not been so designated to act at a meeting, however, may not formally introduce or second a motion or vote on any matters coming before the Commission. Discussion on matters after a motion has been made and seconded is restricted to Regular members and seated Alternates.
- (f) Alternate members of the Commission may serve as officers or members of all committees, as liaison to other municipal and state agencies and as a representative of the Town of Deep River to Lower Connecticut River Valley Council of Governments (RiverCOG) Regional Planning Commission. Alternate members may not hold any elective offices on the Commission except where necessary in a temporary, acting capacity when designated to so act by the Chairman in the absence or disqualification of a regular member.

2.4 Recusal of Members

No member of the Commission shall participate in the hearing or decision of the Commission upon any matter in which he/she is directly or indirectly interested in a personal or financial sense. In the event of such potential conflict the member shall indicate that there is a possible conflict and recuse him or herself from acting on the application. In the event of such recusal, such fact shall be entered on the record of the Commission meeting and replacement shall be made from alternate members present pursuant to Section 2.3(b) of these bylaws. No member of the Commission shall appear for or represent any person, firm, corporation or entity in any matter pending before the Commission.

2.5 Resignation of Members

Resignation from the Commission shall be in written form and transmitted concurrently to the Town Clerk, the First Selectman and the Chairman of the Planning and Zoning Commission. Such resignation shall become effective upon receipt by the Town Clerk of such written notice of resignation unless the letter of resignation shall specify another date, in which event the resignation shall be effective as of the specified date. In the event of such resignation, the Board of Selectmen shall appoint a replacement in accordance with the practices established for selection of members.

2.6 Attendance

All Commission members, regular and alternate, are to attend all scheduled meetings of the Commission. Commission members who are unable to attend a scheduled meeting shall notify the Commission staff and/or Chairman by 12 noon of the day of the meeting.

2.7 Removal of Commissioners

Removal of a member may be initiated by any seated Commissioner for any of the following reasons: 1) Misconduct in the performance of duties; 2) Three unexcused absences; 3) Conviction of a felony; 4) Conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. In the case of such action, the Chairman shall present the summary of the attendance record, or issue of concern, to the Commission and upon a majority vote of the Commission, the Chairman shall be directed to write and request the resignation of the member with a copy of such request forwarded to the Board of Selectmen and the Chairmen of the Town Committees.

ARTICLE III Officers of the Commission

3.1 Officers

The officers of the Commission shall consist of a Chairman, Vice Chairman and a Secretary.

3.2 Chairman

The Chairman shall preside at all meetings and hearings of the Commission. The Chairman shall have the authority to appoint committees and committee chairmen, liaison representatives to other commissions and boards, and the regional planning representative. The Chairman shall have the power to call special meetings of the Commission and sign all letters, plans, and motions for approved applicants on behalf of the Commission following action on any matter by the vote of the Commission. At meetings of the Commission, the Chairman shall submit such recommendations and information he/she may consider proper concerning the business affairs and policies of the Commission, and may also direct the Commission staff to prepare reports and recommendations as required. The Chairman shall generally perform such other duties as may be prescribed in these bylaws or as normally conferred by parliamentary usage on the office of the Chairman.

3.3 Vice Chairman

In the absence of the Chairman, or in the event of his/her inability to act, the Vice Chairman of the Commission shall perform the duties of the Chairman and, when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairman. In case of resignation or death of the Chairman, the Vice Chairman shall perform such duties until such time as the Commission shall elect a new Chairman. The Vice Chairman shall perform such other duties as from time to time may be assigned to him/her by the Chairman.

3.4 Secretary

The Secretary of the Commission shall, along with the Chairman, sign motions approved for applicants. The Secretary of the Commission shall also supervise the keeping of the minutes and records of the Commission. The secretary shall direct such staff as is available to prepare the agenda of all regular and special meetings, provide notice of all meetings to the Commission members, arrange proper and legal notice of all hearings, attend to the correspondence of the Commission, maintain the files of all applications, and other such duties normally carried out by a secretary. In executing all the responsibilities of this office, the Secretary may be assisted by a recording secretary in attendance at all meetings as well as the staff of the Town Land Use Office. The Secretary may authorize such staff to sign letters as authorized by the Commission and its Secretary, and to perform other administrative functions as required.

In the absence of the Secretary, due to illness, personal or disqualification reasons, the Chairman shall appoint a Secretary to act in their absence.

3.5 Terms of Office

(a) The officers shall be elected to serve for one (1) year or until their successors are elected, and their term of office shall begin at the close of the meeting at which they were elected.

(b) An annual organizational meeting shall be held at the regular Commission meeting in December. At this annual organizational meeting, officers will be elected, and bylaws reviewed. A full seven regular member board, or seated alternates must be present before elections of officers can take place. Candidates need to be present to be nominated.

(c) Nominations shall be made from the regular Commission members at the annual organizational meeting, and elections of officers as specified in section 3.1 shall follow immediately thereafter. A candidate receiving a majority vote of the Commission inclusive of seated alternates shall be declared elected and shall serve for one year, or until his/her successor shall take office.

(d) Vacancies in office shall be filled at the next regular Commission meeting, following the resignation of the member from the office and/or replacement of a member of the Commission by the Board of Selectmen in accordance with the established procedure.

ARTICLE IV Meetings

4.1 Regular Meetings

The Commission shall file in the office of the Town Clerk a schedule of all meetings for a year on or before the first day of January. Regular meetings of the Commission will be held on the third Thursday of each month at 7:00 P.M. at the Town Hall.

In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date of said meeting or cancel said meeting. The Secretary or staff shall notify the membership of changes to regular meetings not less than 48 hours in advance of such meeting. In the case of cancellation of a meeting, the secretary or staff shall cause to be filed in the Town Clerk's Office, and on the Town Website, a notice of such cancellation at least ten (10) days prior to the cancelled meeting, or as soon as feasible.

Regular meetings shall be designated for action and deliberation on individual applications before the Commission as well as addressing new and old business pertaining to the Commission. Every Regular meeting of the Commission will include an Audience of Citizens where any citizen of Deep River may speak to the Commission about issues or concerns pertaining to Planning and Zoning other than items on the agenda for which a public hearing has been scheduled.

4.2 Special Meetings

The Chairman and the Commission may, when deemed necessary, call a special meeting of the Commission for the purpose of transacting any business designated in the notice of such meeting. Notice of such special meeting shall be delivered to each member of the Commission at least two (2) days prior to the date of such special meeting. Public notice of such special meeting shall be posted in the office of the town clerk and on the Town Website not later than 24 hours prior to the time of such meeting. Such public notice shall state the time and place of such special meeting and the business to be transacted. No business shall be transacted at such meeting other than that specified in the public notice of the meeting and the notice provided to the members.

4.3 Meetings to be Open to the Public

All meetings of the Commission shall be open to the public unless the Commission shall determine it necessary to go into executive session, as allowable under Connecticut General Statutes. At any meeting which is open to the public, the proceedings of the Commission may be photographed, broadcast, or recorded for broadcast, provided it does not disrupt the conduct of the meeting.

4.4 Executive Session

The Commission may vote to go into executive session for reasons permitted under section 1-200(6) of the Connecticut General Statutes, as amended. The vote to go into executive session must be a two-thirds vote and shall be taken at a public meeting. The Chairman shall state the reasons for which the executive session is to be held immediately after the vote by the Commission to go into executive session. At any executive session, attendance shall be limited to Commission members and persons invited by the Commission to present testimony or opinions pertinent to matters before the Commission in executive session provided that:

- (a) such person's attendance shall be limited to the period for which their presence is necessary to such testimony or opinion; and
- (b) the minutes of the executive session shall disclose all persons in attendance.

4.5 Order of Business

Unless otherwise determined by the Chairman of the Commission, the order of business at regular meetings of the Commission shall be as follows:

- (a) Call to Order
- (b) Establishment of Quorum
- (c) Legal Notice
- (d) Added Agenda Items
- (e) Public Participation
- (f) Approval of Minutes
- (g) Receipt of Applications
- (h) Performance Bonds – Actions; Permit Extensions; Road Acceptance

- (i) Continued Public Hearings
- (j) Public Hearings
- (k) Old Business
- (l) New Business
- (m) Other Business
- (n) Business Meeting:
 - 1. Planner / Zoning Enforcement Officer's Report
 - 2. Correspondence
 - 3. Subcommittee Reports
 - 4. Signing of Mylars
- (o) Adjournment

4.6 Adjournment

(a) The Commission may adjourn any regular or special meeting to a time and place as specified in the order of adjournment. If all members are absent from any regular meeting, the Secretary, recording secretary or staff may declare the meeting adjourned to a stated time and place and shall provide notice of the adjournment and rescheduling in accordance with the provisions of Section 4.2 regarding special meetings. Notice of rescheduling of the adjourned meeting must be filed with the Town Clerk as a Special Meeting, and is posted on the Town Website. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the scheduled meeting was held, within twenty-four hours after adjournment. When an order of adjournment for any meeting fails to state the hour at which the adjourned meeting is to be reconvened, such meeting shall be held at the hour specified for all regular meetings.

(b) Time of adjournment of all regular or special meetings shall be no later than 10:30 P.M. unless this rule is waived by a unanimous vote of the regular members and seated alternates.

4.7 New Agenda Items

No new business submitted for action by the Commission at a regular meeting shall be acted upon unless it is submitted to the Town Planning and Development Office at least seven days prior to a regular meeting date. This requirement may be waived by permission of the Chairman, provided however that in no case shall any new business be considered or discussed nor any formal action taken thereon after 10:00 P.M. during any regular meeting unless the Commission by unanimous vote of the regular members and seated alternates opts to act on the matter.

4.8 Procedures for Conduct of Meeting

Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at all meetings of the Commission. A simple majority vote shall be interpreted as a vote of 4 out of 7 members. A 2/3 or 3/5 vote shall be interpreted as a vote of 5 out of 7 regular members and seated alternates. Applicants and individuals making presentations may be advised by the Chairman to limit the length of the presentation at any meeting if

necessary to achieve an orderly meeting and address other agenda items in a timely manner. All individuals appearing before the Commission should be advised to be brief and to the point and avoid undue repetition of previously stated concerns or issues. All speakers shall be courteous and respectful of the Commission members and other meeting attendees. The process for Public Participation is an open session. The Commission will hear participants, and make every attempt to follow up on the item at the next Commission Meeting.

ARTICLE V Public Hearings

5.1 Notice and Schedule

All public hearings prescribed by law shall be held in accordance with the requirements set forth for notice and scheduling of such hearings established in Sections 8-7d and 8-26d of the Connecticut General Statutes as may be amended.

5.2 Public Hearing Requirement

The Commission shall hold a Public Hearing on any application for a Special Use Permit, Zone Change, Text Amendment, or Re-subdivision or any other matter for which Connecticut state statutes or the Commission's regulations require a public hearing. Provided the Regulations authorize the Commission to do so, the Commission, by unanimous vote of the regular members and seated alternates, may hold public hearings, in addition to hearings required by state statute, when it decides that such hearings will be in the public interest based on the nature and extent of the proposed application.

5.3 Presentation of Information

The nature of the application before the Commission shall be presented in summary by the Chairman at the start of each agenda item. The matter before the Commission shall be presented in summary by the applicant or its representative. Interested parties, the Commission and staff shall have the privilege of the floor upon completion of the summary presentation by the applicant.

5.4 Record of Public Hearings

Public hearings are to be recorded by a sound-recording device and said records are to be retained in accordance with the state statutes.

ARTICLE VI Minutes and Records

6.1 Minutes

Minutes of all meetings are to be in a summarized form, as opposed to verbatim records. A copy of the minutes shall be maintained in the Commission's permanent record book located in the Town Planning and Development Office. Minutes must also be submitted to the Town Clerk's Office, and posted on the Town Website. In minutes, all members,

regular and alternate shall be listed. If an alternate is designated to sit for a regular member who is absent or disqualified, such designation, including the names of the regular member and the alternate member shall be included in the minutes. If a vote is unanimous, the minutes shall so state; otherwise, they shall state specifically members voted for, voted against, or abstained. The Commission shall review and approve the minutes of all meetings.

6.2 Records

The Commission minutes and records will be kept on file in the Town Planning and Development Office and/or Town Clerk's Office and will be available for inspection by the public. Copies of any public records relating to the Commission or applications will be made available for a fee in accordance with the regulations and guidelines established by the State of Connecticut Freedom of Information Commission.

Copies of the motions of the Commission meetings shall be filed by the recording secretary in the Town Planning and Development Office within 48 hours of the meeting. Copies of the minutes of the Commission meetings shall be filed by the recording secretary in the Town Planning and Development office and Town Clerk for posting to the Town Website within seven (7) days of the meeting. The minutes shall be forwarded to the Commission members at least 48 hours prior to their next regular meeting.

The minutes, as approved by the Commission, shall be filed by the recording secretary in the permanent record book within fifteen (15) business days after the meeting at which they are approved.

In such cases where the schedule cannot be achieved, the chairman and the town planner shall be notified by the recording secretary and the information conveyed to all the Commission members at the next regular meeting.

ARTICLE VII Committees

7.1 Standing Committees

The Commission may create such standing committees consisting of at least two (2) members at a regular meeting following election of officers by the Commission. The duties of each committee shall be prescribed by the Commission as the need for the committee arises.

Membership on a standing committee shall be for one year and vacancies shall be filled immediately by the chairman of the Commission.

Such committees may prepare written and verbal reports and presentations; consult with other commissions, boards and town officials; and with the Commission's approval, retain professional services.

7.2 Special Committees

The chairman may appoint temporary ad hoc committees of the Commission for such purposes and terms for which the Commission approves. Such special committees shall have all the powers described in section 7.1 for standing subcommittees. The chairperson of the Commission shall terminate the special ad hoc committees once said committee has performed its function and reported to the Commission.

ARTICLE VIII Staff and Employees

8.1 Professional Staff

The staff of the Commission shall be the town planner and zoning enforcement officer, together with such other offices or agencies as the First Selectman shall assign for this purpose. The Commission may also request reports and assistance from any department, agency or commission of the Town of Deep River where considered advisable in order to pursue the purposes of the Commission.

8.2 Employees and Consultants

The Commission may hire such additional stenographic or clerical personnel as it deems necessary and appropriate to conduct the business of the Commission. Additionally, the Commission may retain such technical consultants as may be required to conduct business, provided that the funds for such purpose have been authorized to the Commission in the annual budget.

ARTICLE IX Public Relations

9.1 The chairperson, or a duly appointed Commission member or professional staff shall act as public relations or publicity director for the Commission. The clerical staff and/or recording secretary shall defer all questions of the media to the Commission chairman, town planner, or zoning enforcement officer.

9.2 Public relations duties shall include the preparation of all news releases to be distributed to the media and response to inquiries on Commission activities. All information releases shall be limited to that which is of public record and shall reflect the collective thinking or actions of the Commission.

The First Selectman should be notified of all communications with the press.

9.3 In the matter of the press, radio and television representatives, the Commission shall comply with Chapter 3, Sections 1-210, 1-225 of the Connecticut General Statutes, as amended.

ARTICLE X Validity

10.1 Should any clause, paragraph, section, subdivision or provision of these bylaws be declared invalid, such action shall not invalidate any other section or provision thereof, and the remainder of these bylaws shall be deemed effective and valid.

ARTICLE XI Effective Date and Amendment of Bylaws

11.1 Amendment of Bylaws

These bylaws may be amended at any regular meeting by an affirmative vote of not less than two-thirds of the Commission members and seated alternates provided that the proposed amendment was submitted in writing to all regular members and alternates at the previous regular meeting.

11.2 Effective Date

These bylaws shall be effective immediately upon adoption July 15, 2021 as amended.