

**BY-LAWS OF THE
MONROE PLANNING AND ZONING COMMISSION
MONROE, CONNECTICUT**
(Effective December 7, 2017)

**ARTICLE I
PURPOSE AND AUTHORIZATION**

The purpose and authorization of the Monroe Planning and Zoning Commission are set forth in Chapters 124 (Zoning) and 126 (Planning), of the Connecticut General Statutes (CGS), as amended.

The powers and duties delegated to the Monroe Planning and Zoning Commission are set forth in accordance with the Charter of the Town of Monroe and the Connecticut General Statutes. The purpose of these by-laws is to define Commission procedures and policies for administering Planning and Zoning matters.

**ARTICLE II
NAME**

The Monroe Planning and Zoning Commission shall herein-after be referred to as the "Commission."

**ARTICLE III
OFFICE OF COMMISSION**

The office of the Commission shall be at the Town Hall, 7 Fan Hill Road, where Commission records shall be kept. All official documents, records, maps, etc., required by law to be filed or recorded in the office of the Monroe Town Clerk (herein after "Town Clerk") shall be so filed or recorded therein.

**ARTICLE IV
MEMBERSHIP**

Section 1. There shall be five (5) commissioners and their terms of office shall be as specified in §8-19 of the Connecticut General Statutes, as amended, and the Charter of the Town of Monroe. The First Selectman shall be a member, ex officio, of the Commission, without voting privileges, pursuant to the Connecticut General Statutes and the Charter of the Town of Monroe (Chapter 111, §5).

Section 2. There shall be three (3) alternates as provided by §8-19a of the Connecticut General Statutes, as amended, and the Charter of the Town of Monroe (Chapter VI, §10).

Section 3. Alternate members shall when seated as herein provided, have all powers and duties set forth in the Connecticut General Statutes. Alternates shall have the privilege of participation in all meetings and hearings without a vote until seated. If a regular member is absent or disqualified the Chairman of the Commission shall designate an Alternate to act in place of a Regular member.

Section 4. Alternate members shall be seated based upon attendance rotation. Should any alternate member be absent when required to be seated for a regular commissioner, the alternate shall be noted as absent in the records of the Commission and the next alternate in the rotation shall be seated and the rotation shall continue from that seating.

Section 5. A Recording Secretary is not required to be a Commission member. The Recording Secretary shall be provided and coordinated by the Clerk of the Commission.

Section 6. The Town Planning and Zoning Administrator of the Town of Monroe or a duly authorized designee may attend all Commission meetings. The Zoning Enforcement Officer shall attend Commission meetings upon request by the Chairman or a majority of the Commission. The Town Engineer may attend all Commission meetings. Other Town staff members shall attend Commission meetings upon request.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1. The officers of the Commission shall consist of a Chairman, Vice Chairman and Secretary.

Section 2. The Chairman shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call special meetings, shall cause the Clerk of the Commission to coordinate/prepare the agenda and meeting minutes (from the Recording Secretary) of the regular and special meetings, and generally perform other duties as may be deemed necessary or incidental under these by-laws.

Section 3. The Chairman shall be a Regular Commissioner member, not an Alternate member. The Chairman shall have the privilege of discussing all matters before the Commission and voting thereon.

Section 4. The Vice Chairman shall act at Commission meetings for the Chairman in the event of the Chairman's absence, incapacity or disqualification. The Vice Chairman shall be a Regular Commission member and not an Alternate member.

Section 5. The Secretary shall be a Regular Commissioner member, not an Alternate member. The Secretary, as directed by the Chairman, shall read the notice of Public hearing and shall perform such other duties as are normally carried out by the secretary. The Secretary shall act at Commission meetings for the Vice Chairman in the event of the Vice Chairman's absence, incapacity or disqualification, as well as Secretary.

Section 6. In the event of the Secretary's absence, incapacity or disqualification, the Chairman may appoint a Secretary Pro tem from those seated.

ARTICLE VI ELECTIONS OF OFFICERS AND COMMISSION MEMBER VACANCIES

Section 1. A biennial organizational meeting shall be held at the first regularly scheduled meeting on or after the first Thursday of December following town elections at which time officers shall be elected and these by-laws reviewed and be made a part of the minutes of the biennial meeting. All commissioners or a combination of four (4) Regular Commissioners and one (1) Alternate, duly seated, must be present before the biennial meeting shall take place. In the event that either of the aforesaid combinations of members is not present on the above date, the biennial meeting shall take place at the first regularly scheduled meeting to occur when one or the other combination is present.

Section 2. Nominations shall be made from the seated membership of the Commission at the biennial organizational meeting and elections of the officers specified in Section 1 of Article V shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote from the seated membership of the Commission shall be declared elected and shall serve for two (2) years or until a successor duly elected shall take office.

Section 4. Vacancies of the Commission shall be filled by appointment by the Monroe Town Council in a timely manner, except where in conflict with the Connecticut General Statutes. A vacated Commission position shall be filled by the appointment of a member of the same political party. The appointee's term shall be the remaining portion of the elected term, or until the next municipal election and swearing in of the duly elected successor, whichever shall first occur.

Section 5. Resignations from the Commission shall be in written form and transmitted to the Town Clerk who shall then forward the same to the Commission Chairman and the Clerk of the Commission.

Section 6. In the event of the resignation or termination of office of the Chairman, Vice Chairman or Secretary, a special organizational meeting shall take place for the sole purpose of election of officers to fill the vacancies created, following the procedures outlined in Sections 1 through 3 above.

ARTICLE VII MEETINGS

Section 1. Regular Commission meetings will generally be held on the first and third Thursday of each month as provided in the annual meeting calendar approved by the Commission, except at such time as the Chairman in consultation with the Clerk of the Commission may decide a scheduled meeting is not necessary. The chairman shall cause the Clerk to notify the members of the Regular meeting agenda not less than forty-eight hours (48) in advance of Regular meetings and not less than twenty-four (24) in advance of special meetings. It is preferred, that members receive background information for applications pending for public hearings ten (10) days prior to meetings. The meeting agenda shall be filed in the office of the Town Clerk not less than twenty-four (24) hours before any such meeting. In the event of conflict of holidays or other events, a majority at any meeting may change the time and date of said meeting.

Section 2. The number of members necessary to transact business shall be any combination of four (4) Regular Commission members and/or Alternates and such number shall constitute a quorum.

Section 3. The notice of the meeting shall specify the purpose (agenda) of such meeting. Items shall not be permitted to be added to the noticed purpose (agenda) of a Special Meeting and no other business shall be considered.

Section 4. All Commission meetings (Regular and Special) shall be open to the public, unless closed by a two-thirds vote of the Commission for an executive session. Executive sessions closed to the public shall be limited to the types of discussions specified in the Connecticut Freedom of Information Act.

Section 5. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at Commission meetings.

Section 6. The minutes or a draft of the meetings shall constitute public record and may be filed with the Town Clerk and shall be available for public inspection within seven (7) days of such meeting. Following the review and approval of draft minutes as final, the Clerk of the Commission shall cause same to be posted to the Town of Monroe website in a timely fashion.

Section 7. Field meetings that three (3) or more members of the Commission are planning to attend jointly, must be announced by public notice of meetings as provided for in Article VII, Section 3 of these by-laws.

Section 8. A schedule of Commission Regular meetings for a given calendar year shall be filed in the office of the Town Clerk by December 1st preceding the calendar year for which the schedule is set.

Section 9. The Commission shall not begin a new agenda item after 11:00 p.m. unless facing application deadlines or similar time constraints as defined by the Connecticut State Statutes, or upon majority approval by its members.

Section 10. Public Participation, when not at a public hearing, is limited to three (3) minutes per person and thirty (30) minutes total, unless otherwise determined upon the discretion of the Chairman.

Section 11. The votes of each Commissioner duly seated upon an issue before the Commission shall be reduced to writing and made available for public inspection within forty-eight (48) hours and shall be recorded in subsequent meeting minutes (excluding days the Commission office is closed, as well as Saturday, Sunday and holidays).

ARTICLE VIII CONFLICT OF INTEREST AND DISQUALIFICATION

Section 1. In accordance with Chapter 126, §8-21 of the Connecticut General Statutes, no member of the Commission shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Commission or Zoning Board of Appeals or agency exercising the powers of any such commission or board in the same municipality, whether or not he is a member of the commission hearing such matter. No member of the Commission shall participate in the meeting, public hearing or decision of the Commission upon any matter in which the member is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Commission, and unless otherwise provided by special act, replacement shall be made from Alternate members as set forth in Article IV of these by-laws.

Section 2. All Regular Commission and Alternate members are expected to attend and participate to the extent necessary and authorized at all meetings and public hearings. In the event a member was absent or has not fully attended relevant meetings and/or a public hearing, said member shall disqualify themselves from participating in the deliberation and decision regarding such matter unless they become fully familiar with all material connected with the application and the meetings and/or public hearing held thereon. In such event, a qualified Alternate shall be seated in place of any disqualified member.

ARTICLE IX ORDER OF BUSINESS

Section 1. Unless otherwise determined by the Chairman, with the consent of the majority of the members of the Commission, the order of business at the REGULAR and SPECIAL Meetings shall generally be:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call and Seating of Alternates
4. Public Participation
5. General Appointments
6. Executive Session (as warranted)

7. Organizational Matters (as needed or required)
8. Public Hearings
9. Site Plan Review
10. Extensions
11. Bond Releases or Reductions
12. Modifications
13. Meeting Minutes
14. Application Deliberations/Determinations
15. Correspondence/Other received
16. Commission Reports
 - a. Chairman's report
 - b. Commissioner's reports
 - c. Land Use Staff reports
17. Adjournment

For SPECIAL Meetings any of the REGULAR Meeting agenda items maybe optional

Section 2. The Chairman may change the order of meeting agenda at the commencement of the meeting, when in the Chairman's opinion a meeting may be such length that all items on the agenda may not be completed by 10:45 pm or upon other good cause. No agenda item may be added to a Special meeting after the notice of the meeting has been posted.

Section 3. Pursuant to §1-225c of the Connecticut General Statutes, items may be added to a Regular meeting agenda by a two-thirds vote of approval of members present and voting.

Section 4. In the course of the meeting, the order of the agenda may be changed by a two-thirds vote of approval of the members present and voting.

ARTICLE X PUBLIC HEARINGS

Section 1. The Commission may hold public hearings, in addition to statutory required hearings, when it decides that such hearings will be in the public interest. All public records relating to the hearing shall be open for public inspection prior to the hearing at the Commission office during regular office hours except as otherwise provided by any Federal or State Statute (CGS Chapter 14, §1-210). Any person may appear and be heard at any public hearing.

Section 2. All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in Chapters 124 (Zoning) and 126 (Planning) of the Connecticut General Statutes.

Section 3. A Recording Secretary or clerk shall take the evidence that shall be recorded by a sound and/or audio-video recording device, at each hearing before the Commission in which the right to appeal exists. The Commission shall determine the detail of its minutes. Proceedings of the hearing shall be incorporated into the minutes as a permanent part of that record and as per the record of retention schedule as defined by the Secretary of State filed in the office of the Commission. Depending on the circumstances or the anticipated audience, public hearings may be held at any other public Town building.

Section 4. A public hearing may be adjourned and reconvened (to a date and place certain) where necessary for the full development of the evidence, for the full participation of the parties, or for such other proper purposes. Verbal notice at the public hearing as to the date and place where the continuation will take place shall be considered sufficient notice to interested parties.

ARTICLE XI CONDUCTING THE PUBLIC HEARING

Section 1. The Chairman shall be the Presiding Officer at the public hearing. In the event of the Chairman's absence, the Vice Chairman and/or the Secretary, shall act as presiding officer. In the absence of all three, the next senior commission member shall act as presiding officer.

Section 2. The Chairman, Secretary or acting secretary shall read the legal notice into the record including dates of publication and name of newspapers in which the notice appeared.

Section 3. Prior to the opening of a public hearing, the Chairman shall describe the method of conduct of public hearings consistent with these by-laws.

Section 4. The applicant, or his duly authorized representative shall present the application. In the case of self-initiated items, the Clerk to the Commission or other duly authorized town staff member shall present the application to the extent necessary. Comments at a public hearing shall be limited to the subject noticed for hearing.

Section 5. All questions and comments shall be directed to the Chairman only after being properly recognized by the Presiding Officer. At any time the Chairman may recognize a point of order or point of information. All Commission members shall have the floor at any part of the public hearing.

Section 6. The intended order of the Public Hearing presentation shall be as follows and may be otherwise modified at the discretion of the Chairman:

A. Applicant and Representatives

The Chairman shall recognize the applicant or its duly appointed representative. The applicant or said representative shall introduce himself, his representatives, and then briefly summarize the application followed by a full presentation.

B. Commission Members and Staff

Commission members and staff may ask questions to all except the public for the purpose of clarifying the presentation. Commission members and staff should make every effort to refrain from stating their opinions or positions developed during this Phase of the hearing. The applicant and representatives may answer questions from Commission members and staff. The public may not ask questions or comment during this phase of the hearing.

C. Public

The Chairman shall call for statements and/or questions from the public. Only the person from the public recognized by the Chairman to be at the hearing table may comment and ask questions. The Chairman may request a speaker to expeditiously conclude or limit their comments to the subject matter of the hearing. The Chairman may establish initial speaking time limits. All members of the public shall be given an opportunity to speak before anyone is recognized by the Chairmen to speak again.

D. Applicant and Representatives

The Chairman shall call for rebuttal from the applicant and representatives.

E. Commission Members and Staff

The Chairman shall call from Commission members and staff. Commission members may respond to matters raised by the applicant and representatives, staff, and to those who made public comment.

F. Applicant and Representatives

The Chairman shall call for final statements from the applicant and representatives.

G. Closure or Adjournment

The Commission shall determine if the public hearing is to be adjourned or closed.

Section 7. All persons recognized shall approach the hearing table to facilitate proper recording of comments. Before commenting on the matter before the hearing, each person shall be requested to give their name and address so same may be accurately included in the official hearing minutes. Anyone may appear in person or by agent; however, any agent shall state their name and address and shall be requested to disclose the name and address of the entity, person or persons they represent.

Section 8. 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 the event that the hearing becomes unruly or unmanageable the Chairman has the authority to act in accordance with §1-232 of the Connecticut General Statutes to restore order by clearing the room, except for the media (excluding those of the media participating in the disturbance), and then readmitting those not responsible for the disturbance. The Commission may adjourn the hearing to another time or place.

Section 9. The show of hands by those persons present shall not be allowed on any general question presented to the Commission or applicant at the public hearing.

Section 10. The hearing shall be conducted only for the purpose of taking testimony to be considered during ensuing deliberations.

Section 11. The Chairman may limit a presentation when comments or questions are derogatory, repetitive, not relevant to the public hearing, or not helpful for the Commission to understand the application.

ARTICLE XII RELATIONSHIP TO THE PLANNING AND ZONING DEPARTMENT

Section 1. The business office of the Commission shall be in the Planning and Zoning Department.

Section 2. The Planning and Zoning Administrator shall serve as the “Clerk of the Commission.”

Section 3. The Clerk of the Commission shall act as a point of contact for the Commission. The Clerk of the Commission shall act in an administrative and advisory capacity to the Commission and prepare recommendations, reports and draft documents for its information and action.

Section 4. The responsibilities of the Clerk of the Commission, in conjunction with the Clerk’s relationship to the Commission, and with the assistance of such staff as is available, shall include but not be limited to the following:

- Maintain the minutes and records of the Commission as required by law or other regulation.
- Prepare the agenda of all meetings under the direction of the Chairman.
- Prepare legal notices of hearings.
- Provide notice of all meetings to Commission members.
- Distribute to Commission members meeting minutes for adoption prior to next scheduled meetings (as is practical).
- Distribute to Commission members documentation of applications to be considered at public hearing at least 7 days prior to such hearing.
- Make available copies of agendas.
- Receive, log and date stamp application materials and exhibits to the Commission upon receipt, maintained in the record file of the Commission.
- Attend to all correspondence and communication, other administrative and clerical needs, and other duties or responsibilities as may be deemed necessary by the Commission to fulfill its responsibilities.
- Post on the Town of Monroe website such information as required by law and such other information as may be helpful or beneficial to the Town’s residents and parties doing business with the Commission.

Section 5. Minutes shall be distributed in electronic form to Commission members upon their request. Other information relevant to business of the Commission may also be forwarded by the Department electronically.

Section 6. The Clerk of the Commission may prepare an annual operating budget recommendation for the Commission, when requested, for the Commission's formal submission under standard budget procedures.

Section 7. The Clerk of the Commission may prepare a planning program for the Commission, when requested, based upon the Commission's budget request.

Section 8. The Zoning Enforcement Officer shall provide to the Commission status reports as may be requested, such as status of work in progress, zoning violations, permit compliances and such other information that may be requested.

ARTICLE XIII COMMITTEES

Section 1. The Chairman may appoint committees for purposes and terms that the Commission approves.

Section 2. Vacancies of Committees and sub-committees shall be filled promptly by appointment by the Chairman.

Section 3. The Chairman shall terminate the Committee once it has performed its function and reported to the Commission.

ARTICLE XIV CONSULTANTS AND VENDORS

Section 1. In accordance with the CGS §8-22, as amended, the Town of Monroe Zoning Regulations, Town of Monroe Subdivision Regulation, and the provisions of Chapter III and Chapter VIII of the Town of Monroe Charter, the Commission may request assistance as is necessary for its work.

ARTICLE XV PUBLIC RELATIONS

Section 1. No member is deemed to speak for the Commission unless authorized by a majority of the Commission.

Section 2. The Chairman or a duly appointed Commission member or staff shall be authorized as spokesman for the Commission upon a majority vote of the Commission. Duties may include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect a consensus of the views and opinions of the majority of the Commission.

ARTICLE XVI TRAINING

Section 1. All Commission members are encouraged to attend training related to Planning and Zoning, issues.

Section 2. Commission Staff and Commission members attending training are urged to make a presentation of their training to the Commission at the next Regular meeting.

Section 3. The Clerk of the Commission may provide training to the Commission.

ARTICLE XVII FEES

The Commission shall periodically review and recommend changes to existing fees related to Planning and Zoning matters.

ARTICLE XVIII AMENDMENTS

These By-Laws may be amended by a four-fifths vote of five (5) commissioners or four (4) commissioners and one (1) alternate only after the proposed change has been reviewed and discussed at a previous Regular meeting except that the by-laws may be changed at any Regular meeting by the unanimous vote of the aforesaid combination of membership.

ARTICLE XIX CONSISTENCY

These by-laws are intended to be consistent with the applicable State and Local Laws. In the event of inconsistency of any part thereof with applicable State and Local Laws, such laws shall supersede such part and prevail.