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BY-LAWS OF THE **KILLINGLY PLANNING AND ZONING COMMISSION**

Article I

Purpose and Authorization

The objectives and purposes of the Planning and Zoning Commission of the Town of Killingly are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, 1958 Revision, as amended, and those powers and duties delegated to the Killingly Planning and Zoning Commission by the aforementioned statutes, by Section 804 of the Charter of the Town of Killingly, adopted November 4, 1969, and by ordinance adopted September 13, 1973 by the Town Council of the Town of Killingly in accordance with the above enabling laws.

Article II

Name

The Commission shall be known as the Killingly Planning and Zoning Commission.

Article III

Office of the Commission

The office of the Commission shall be the Planning and Development office (Amend. of 9/17/12) at the Killingly Town Hall, 172 Main Street, Danielson where all Commission records will be kept. Copies of all official documents, records, maps, commission minutes, agendas and legal notices, etc. will be filed or recorded in the office of the Town Clerk as required by Connecticut General Statutes.

Article IV

Membership

Section 1. The membership and terms of office shall be as specified in the aforementioned ordinance, Town Charter and General Statutes.

Section 2. The number of regular members shall be five (5). There shall be three (3) alternate members. All regular members or their seated alternates, including officers, shall be entitled to vote.

Section 3. Members of the Planning and Zoning Commission shall be appointed as described in the Town Ordinance and Charter.

Section 4. Vacancies on the Planning and Zoning Commission shall be filled as per Town Ordinance and Charter.

Section 5. The Town Manager and Director of Public Works shall serve as member(s) of the Planning and Zoning Commission ex officio, without voting privileges.

Section 6. Each member shall notify designated Town staff of his or her inability to attend a regular or special meeting.

Section 7. The Commission shall forward to the council for appropriate action the name of any member who is absent without excuse for three consecutive meetings.

Section 8. Resignations from the Commission shall be in written form and submitted to the Town Clerk and the Town Manager (Amend. of 9/17/12), who will forward notice of such resignation to the Town Council, the Commission and the designated Commission staff.

Section 9. In the event of the absence or a disqualification of a regular member of the Commission, the Chair shall appoint an alternate member to act in place thereof. Alternates shall generally be chosen on a rotational basis, so that all serve as equal a number of times as possible. The minutes shall record when each alternate sits. When so appointed, the alternate member shall have all the duties and privileges of a regular member.

Article V

Officers and Their Duties

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

Section 2. The duties of the Chair shall be as follows:

- to preside at all meetings and hearings of the Commission;
- to call special and emergency meetings of the Commission;
- to sign documents of the Commission;
- to appoint a Vice-Chair Pro Tem in the absence of the Vice-Chair;
- to appoint a Secretary Pro Tem in the absence of the Secretary;
- to act as one of the Commission members having the privilege of discussing all matters before the Commission and of voting thereon.

Section 3. The duties of the Vice-Chair shall be as follows:

- shall act for the Chair due to absence, disability or disqualification of the Chair;
- when acting as Chair, shall appoint a Vice-Chair Pro Tem.
- shall sign official documents of the commission

Section 4. The duties of the Secretary shall be as follows:

- shall act for the Chair due to absence, disability or disqualification of both the Chair and Vice-Chair
- when acting as Chair, shall appoint a Vice-Chair Pro Tem and Secretary Pro Tem.
- shall sign official documents of the Commission.

Section 5. In the absence of all officers, the Commission members who are present shall elect a Chair Pro Tem and Vice-Chair Pro Tem.

Article VI

Administrative Staff

Section 1. A Recording Clerk shall be appointed to keep the minutes of the Commission and shall file those minutes in the Commission's Office

Section 2. In the absence of the Recording Clerk, due to illness or personal reasons, the Chair, with the assistance of available staff, shall appoint a Recording Clerk pro tem.

Section 3. The Director of Planning and Development shall serve as staff to the Commission and shall oversee preparation of the agenda of regular and special meetings under the direction of the Chair, prepare meeting information, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings and other notice requirements, attend to general correspondence of the Commission and other administrative actions necessary to assist the Commission in the exercise of its power, duties, and functions as prescribed by the Connecticut General Statutes.

Article VII

Annual Meeting

Section 1. An Annual Organizational Meeting of the Planning and Zoning Commission shall be held on the evening of the regular meeting in January of each year, or at the next regular meeting that follows (Amend. of 9/17/12). At each Annual Organizational Meeting, the Commission shall elect officers for a one (1) year term, review by-laws and attend to other organizational business as the Chair deems appropriate.

Section 2. A quorum must be present before the election of officers can take place. Elections of officers shall occur as follows: Nominations shall be made from the floor, beginning with nominations for Chair, and elections shall follow immediately upon the

close of nominations for each office. A candidate for each office receiving a majority vote of those present shall be declared elected for one year. (Amend. of 2/19/13)

Section 3. Should any vacancy occur among the officers of the Planning and Zoning Commission, the vacant office shall be filled by a special election to be held at a regular meeting, following the same procedure as outlined above. Such officer shall serve the unexpired term of office in which the vacancy has occurred.

Article VIII

Regular Meetings

Section 1. Regular meetings of the Planning and Zoning Commission shall be held on the third Monday of each month at 7:00 PM in the Town Meeting Room, Killingly Town Hall, 172 Main Street, unless otherwise designated in the yearly filing of meetings with the Town Clerk under Connecticut General Statutes Section 1-225(b) or as posted for another location.

Section 2. At such meetings, the Commission shall consider all matters properly brought before the Commission. Items may be added to the agenda by a two-thirds (2/3) majority vote of the Commission members present and voting. A regular meeting may be canceled by the Commission at a prior meeting or by the Chair. Commission meetings shall be open to the public when in session.

Section 3. The Commission may, by a two-thirds (2/3) (Amend. of 9/17/12) majority of those present and voting, enter into executive session in accordance with Connecticut General Statutes.

Section 4. (Amend. of 9/17/12) Citizens' Comments shall be heard by the Commission at any regular meeting. A citizen's statement may be presented orally or in writing on items not subject to a public hearing (Amend. of 2/19/13). All presentations by citizens under this Section shall be limited to an aggregate of twenty-one (21) minutes for each meeting, and each citizen's presentation shall not exceed three (3) minutes unless otherwise indicated by a majority vote of the Commission. These time limits shall be shown on the agenda and shall be announced by the Chair at each meeting. Each citizen recognized shall state his/her name and address. Following Citizens' Comments, the Commission/Staff shall have time to respond. In the event that an item is added to the agenda after the Citizens' Comments portion of that meeting, then there shall be additional citizen comments and Commission/Staff responses limited to that item.

Section 5. (Amend. of (6/20/22) No Regular Meeting shall run past the time of 10:00 PM unless the Chair entertains a motion to extend the meeting until the hour of 11:00 PM. The motion shall be made at or before 9:45 PM to make the public aware of the Commission's intentions. Once extended, the meeting shall promptly end at or before 11:00 PM and any business not reached shall be continued to the next regular scheduled meeting.

Article IX

Special Meetings

Section 1. Special meetings of the Planning and Zoning Commission shall be held at a time and place designated by the Chair. The notice shall specify the time and place of the special meeting and the business to be transacted. No business other than that listed on the agenda shall be discussed.

Section 2. In addition, such written notice shall be delivered to the usual place of abode of each member of the Commission so that the same is received prior to such special meeting. Emailed notices with "delivery receipt" and "request for read receipt" shall be considered acceptable "written notice" for this section (Amend. of 9/17/12). The requirement of delivery of such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the Commission a written waiver of delivery of such notice. Such waiver may be given by telegram. The requirement of delivery of such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Section 3. Citizens' Comments shall be heard by the Commission at any special meeting. The statements shall be limited to the subject(s) which is (are) included in the call of the special meeting and shall follow the time limits as for regular meetings in Article VIII. Following citizens' comments, the Commission/Staff shall have time to respond. (Amend. of 9/17/12)

Section 4. (Amend. of (6/20/22) No Special Meeting shall run past the time of 10:00 PM unless the Chair entertains a motion to extend the meeting until the hour of 11:00 PM. The motion shall be made at or before 9:45 PM to make the public aware of the Commission's intentions. Once extended, the meeting shall promptly end at or before 11:00 PM and any business not reached shall be continued to the next regular scheduled meeting.

Article X

Quorum

At any meeting of the Commission, a quorum shall consist of three (3) members of the Commission (Amend. of 6/15/09). No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date until a quorum is obtained.

Article XI

Disqualification

Section 1. No member of the Planning and Zoning 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. A member of the Commission shall disqualify himself or herself from participating in the hearing or decision of the Commission upon

any matter in which he or she 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 the member shall leave the room. Replacement shall be made from alternate members to act as a member of such Commission in the hearing and determination of the particular matter or matters in which the disqualification arose.

Section 2. No member shall be deprived of the opportunity to comment on a matter which directly impacts the member's property provided the member shall disqualify themselves from any participation as a commission member.

Section 3. When disqualification is questionable and the member has not recused him- or herself, a two-thirds (2/3) majority of those present and voting shall make the final decision as to disqualification.

Article XII

Voting

Section 1. At all meetings of the Commission, each member attending shall be entitled to cast one vote. Commission officers shall be entitled to debate and vote on all matters before the Commission. Voting shall be by voice and show of hands. At the discretion of the Chair or upon request by a Commission member the vote shall be by roll call. All roll call voting shall be by voice, with the order of voting rotating alphabetically by the Commission Members' last name, except that the Chair shall have the final vote. (Amend. of 9/17/12)

Section 2. An affirmative vote of the majority of the members present shall be necessary for the adoption of any resolution or other voting matter except as required otherwise by Connecticut State Statutes.

Section 3. The commission must ensure it takes action on all applications and other voting matters before it. In the event of a tie vote, no action has been taken.

Article XIII

Order of Business

Section 1. Unless otherwise determined by the Chair, the order of business shall be as follows:

- a. Call to Order/Roll Call
- b. Seating of Alternates (Amend. of 9/17/12)
- c. Agenda Addendum (Amend. of 9/17/12)
- d. Meeting Conduct and Orientation (Amend. of 9/17/12)
- e. Citizens' Comments on items not subject to public hearing
(Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission) (Amend. of 9/17/12)

- f. Commission/Staff Responses to Citizens' Comments (Amend. of 9/17/12)
- g. Public Hearings
- h. Unfinished Business
- i. New Business
- j. Adoption of Minutes
- k. Correspondence
- l. Other
- m. Economic Development Liaison
- n. Council Liaison
- o. Adjournment

Section 2. Each formal action of the Planning and Zoning Commission required by law, charter, rule or regulation shall be embodied in a formal motion duly entered in full upon the Minutes Book after an affirmative vote.

Article XIV

Rules of Procedure

All meetings of the Planning and Zoning Commission shall be conducted in accordance with the procedures contained herein, and Roberts Rules of Order, or a widely recognized and accepted text based on Robert Rules of Order, shall govern the proceedings at the meetings of this Commission.

Article XV

Conducting the Public Hearing

Section 1. The Chair of the Commission shall preside at the public hearing.

Section 2. The Chair (Amend. of 9/17/12) shall call for the public hearing by reading the agenda item (Amend. of 9/17/12).

Section 3. The Chair shall describe the method of conducting the hearing. It shall be made clear that all questions and comments must be directed through the Chair only after being properly recognized by the Chair. All persons recognized shall approach the Commission in order to facilitate proper recording of comments and shall give his/her name and address prior to commenting. The hearing shall be conducted only for the purpose of taking testimony, which shall be later considered by the Commission during the application deliberations portion of the meeting of the Commission. The Commission may neither deliberate nor take a substantive vote during the hearing.

Section 4. Unless otherwise determined by the Chair, the Chair shall direct the following order of comments:

- presentation by the applicant
- public comments in support of the application
- public comments opposed to the application

- questions by the Commission
- response by the applicant or appropriate party
- second round of public comments at the discretion of the Chair
- Comments and questions to and by staff
- final questions by the Commission
- final response by the applicant
- closure or continuance of the hearing

Section 5. Parties intervening under the Connecticut Environmental Protection Act (CEPA) CGS Section 22a-19 shall receive all the rights and privileges as the applicant.

Section 6. The Chair or presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Chair or presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 7. Proceedings of the public hearing shall be incorporated into the Minutes Book of the Commission to be a permanent part of the record.

Article XVI

Suspension of the Rules

Any of these rules may be suspended by a two-thirds vote of the Commission Members voting, provided that such action is not inconsistent with any provisions of the Connecticut General Statutes or Commission regulations (Amend. of 9/17/12).

Article XVII

Consultants and Outside Employees

Payment for services by other than town employees shall be made in accordance with Section 12.5-103(b) of the Town's Land Use Application Processing Fees Ordinance.

Article XVIII

Amending the By-Laws

These By-Laws and all future amendments shall be adopted only with the approval of at least four (4) members of the Commission provided that written notice of said proposed amendment(s) is given to all members of the Commission at least seven (7) days prior to the said meeting of vote thereon.