

RULES AND PROCEDURES FOR THE TRANSACTION OF BUSINESS
BY THE SIMSBURY PLANNING COMMISSION
Approved July 13, 1993

These rules record generally the procedures of the Planning Commission. The rules may be varied in any specific instance as circumstances dictate. No action taken or decision made by the Planning Commission shall in any way be compromised or invalidated merely because these rules were not strictly followed.

The Commission derives its authority from Section 8-18(a) through 8-30 (a) of the 1958 Connecticut General Statutes, as amended, and other Connecticut General Statutes as noted.

The Commission consists of six regular members and three alternate members elected pursuant to Chapter III, Section 302, of the Charter of the Town of Simsbury. The regular members and any alternate members designated to act at a particular meeting are hereafter referred to as "members." Alternate members, when designated by the Chairman to act at a particular meeting, will be chosen in rotation with a reasonable effort made to provide an opportunity for each alternate member to participate. The First Selectman and the Town Engineers are non-voting members in accordance with Section 8-19 of the Connecticut General Statutes.

The Town Planner serves as staff assistant to the Commission in accordance with those administrative and technical responsibilities described in the Town of Simsbury Classification Manual.

The Commission Technician is responsible for the minutes of the meeting and performing other administrative duties described in the Town of Simsbury Classification Manual.

Section I Election of Officers

- A. The Commission shall elect a Chairman and a Secretary from its regular members to serve at the pleasure of the Commission. The affirmative vote of at least four members shall be required to elect a Chairman and a Secretary.
- B. At each meeting at which the Chairman is not present, the Secretary will serve as Acting Chairman. In the event the Secretary is not present, the Commission shall elect from its members an Acting Chairman for the meeting by a majority vote of those members present. All reference to Chairman in these rules shall include the Acting Chairman as to a particular matter.
- C. The election of officers shall be noticed in two successive agendas prior to the election.

Section II Meetings and Executive Sessions

- A. Regular meetings of the Commission shall be held in accordance with the meeting schedule for the year filed with the Town Clerk in September of the prior year and at a time and place specified in the notice of that meeting. A regular meeting scheduled for a future date may be cancelled upon the vote of a majority of members at a regular meeting.
- B. Special meetings shall be held on the call of the Chairman or Secretary, or at the request of three regular members.
- C. A quorum for the conduct of business shall be four members, except that a lesser number may adjourn the meeting to a time and place at which it is expected a quorum will be present.
- D. The Planning Department shall notify members and others of each regular, special, and emergency meeting as required by Connecticut General Statutes.
- E. An Executive Session, at which the public is excluded, may be held at any time upon the affirmative vote of four members. The reasons for such executive session shall be stated in the minutes of the Commission.
- F. Field trips are considered to be special meetings and may be called by the Commission for the purpose of inspecting the physical location of an application.

Section III Agendas

- A. The Chairman, with the assistance of the Town Planner, shall be responsible for setting agendas.
- B. The Planning Department shall distribute the agenda for each meeting, and when possible relevant resource material, to regular members, alternates, and non-voting members prior to the meeting. Pursuant to Sec. 1-21 of the Connecticut General Statutes, the Planning Department shall file with the Office of the Town Clerk the agenda for a Special Meeting twenty-four (24) hours before the meeting and the minutes for an Emergency Meeting within seventy-two (72) hours after the close of the meeting.
- C. The Commission may consider and act upon items not listed on the agenda of a regular meeting or delete or change the order of items on the agenda upon the affirmative vote of at least two-thirds (2/3) of those members present.
- D. Persons other than regular, alternates, and non-voting members wishing to have matters placed upon the agenda of a regular meeting must file a request with the Planning Department at least seven (7) days before the date of such meeting.

Section IV Minutes

- A. Minutes of meetings of the Commission shall be taken by the Commission Technician or, in the absence of the Commission Technician, by the Secretary or by another person designated by the Chairman.
- B. Amendments or corrections to the minutes and approval of the minutes shall be by action of the Commission.
- C. Approved minutes shall be entered promptly into the minutes book of the Commission and signed by the Secretary.

Section V Applications

- A. The Commission shall make available an application form for subdivision, resubdivision, scenic road(s), and rear lot subdivision or other submissions.
- B. All applications shall be filed with the Planning Department.

- C. A complete application shall be deemed received in accordance with Connecticut General Statutes, Section 8-26(d), when it is presented to the Commission at the next regularly scheduled meeting or has been on file with the Planning Department at least thirty-five (35) days. In no case shall an application be received by the Commission at a regular meeting unless it was received by the Planning Department at least twenty-four (24) hours prior to such meeting.
- D. The Planning Department is authorized to sell to the public copies of the Commission's regulations and collect all fees for applications in accordance with a fee schedule established by the Board of Selectmen.

Section VI Notice of Public Hearing and of Decision

- A. When it is determined that a public hearing is required or will be held, the Commission shall fix a time for said public hearing, give public notice thereof, notify the parties of interest, and make a decision within appropriate time limits, all as defined by the Connecticut General Statutes.
- B. With regard to public hearings concerning applications, the Planning Department shall:
 - 1. Send notice to the party who has made the application.
 - 2. Send notice by mail to abutting property owners.
 - 3. Give notice in a newspaper of general circulation in accordance with the time periods established in Connecticut General Statutes.
 - 4. Give notice to adjoining municipalities, certain local agencies, public utilities, and/or state agencies as required by Connecticut General Statutes.
- C. With regard to a decision by the Commission on such application, the Planning Department shall send notice by certified mail to the applicant and give notice in a newspaper of general circulation, in accordance with Connecticut General Statutes.

Section VII Conduct of Public Hearings

- A. Any person may appear and speak at a public hearing either in person or by an authorized agent or attorney.

- B. The Chairman may prescribe procedures for the conduct of a public hearing at the commencement thereof.
- C. The Chairman may continue a public hearing to another time and date.
- D. If a public hearing has been opened, public testimony has been received, and there is cause for continuation of the public hearing, no further notice shall be given if the public hearing is continued to a specific date and time.
- E. The Commission shall vote to close a public hearing.
- F. When a public hearing is closed by a vote of the Commission but action is deferred until a future date, no further notice shall be given prior to action being taken.

Section VIII Format of Public Hearings

All public hearings on applications shall adhere generally to the following format:

- A. Reading of the Call of the Public Hearing.
- B. Receipt of verified petition from intervenor (if applicable) regarding effect of application on natural resources (Connecticut General Statutes, Section 22a-19).
- C. The Chairman may explain format of hearing, including any time limitations on speakers and with each speaker being subject to questioning by Commission members.
- D. Presentation by applicant.
- E. Presentations by intervenor, if applicable.
- F. Statements from interested persons, both in support of or in opposition to.
- G. Reports from town officials and agencies.
- H. Close of public hearing or continuation to a specific date.

Section IX Process for Commission Decisions

- A. In making their decisions, members shall rely upon their own knowledge, application documents, staff reports, testimony or information presented, minutes, and records of public hearings and public meetings.
- B. Following general discussion, members present, who participated in the public hearing or who have otherwise familiarized themselves with the record of the public hearing, may vote on the application.
- C. The decision letter shall be transmitted to the applicant by certified mail, a copy filed with the Town Clerk for the records, and a legal notice posted in the Town Offices and advertised in a local newspaper in accordance with Connecticut General Statutes, Section 8-7d.

Section X Reasons for Decisions

When it is required by Connecticut General Statutes and Regulations, the Commission shall record in its decision the reasons which form the basis thereof.

Section XI Records

A record of the proceedings of the Commission shall be maintained by the Planning Department. The record of the Commission shall contain all of the information submitted as part of the application and submitted through the public hearing process.

Section XII Communications Pending Application

When an application is pending, members shall refrain from discussing the application with parties. An outside consultant retained by the Commission for technical advice only shall be considered "staff" for the purpose of this Section. After a public hearing has been closed, members may consult with staff for the purpose of clarifying matters within the scope of the documents or evidence received during the application and public hearing process.

Section XIII Conflict of Interest

All members shall conduct their activities in accordance with the provisions of Chapter XII, Section 1203, of the Charter of the Town of Simsbury and any Code of Ethics Ordinance of the Town of Simsbury then in effect.

Section XIV Amendments

These Rules may be amended at any regular meeting by the affirmative vote of four members, provided that at least ten (10) days written notice shall have been given in writing to all members of the Commission to amend the same.

Section XV Effective Date

These Rules shall be effective July 13, 1993.

