

ZONING BOARD OF APPEALS

BYLAWS

TOWN OF SALISBURY

CONNECTICUT

Revised January 13, 2015

TOWN OF SALISBURY
BYLAWS
of the
ZONING BOARD OF APPEALS

ARTICLE I

Purpose and Authorization

The objectives and purposes of the Zoning Board of Appeals of Salisbury, Connecticut are those set forth in Section 8-5 and 8-6 and other pertinent sections of the Connecticut General Statutes, 1958 Revision, as amended (hereafter "C.G.S."), and those powers and duties delegated to the Zoning Board of Appeals by Town of Salisbury Ordinance No.77, dated June 24, 1993, as amended. Proceedings of, and appeals to, the Zoning Board of Appeals shall be in accordance with Sec. 8-7 and other pertinent sections of the C.G.S.

ARTICLE II

Name:

The Board shall be known as the Zoning Board of Appeals (ZBA) of the Town of Salisbury.

ARTICLE III

Office of Agency:

The office of the Zoning Board of Appeals (sometimes hereafter the "Board") shall be at the Salisbury Town Hall, 27 Main Street, Salisbury, Connecticut, where all Board records will be kept. Copies of all official documents, records, maps, etc., will be filed or recorded in the office of the Town Clerk. The mailing address of the agency is Zoning Board of Appeals, P. O. Box 548, Salisbury, CT 06068.

ARTICLE IV

Membership Established by Town of Salisbury Ordinance No. 77:

Section 1. The Zoning Board of Appeals shall consist of five regular members, each of whom shall be an elector, and shall be elected for a term of four years. The terms of office have been classified pursuant to Ordinance No. 77 : one class of three regular members expires in 2011 and every four years thereafter, and another class of two members whose term expires in 2013 and every four years thereafter. Not more than four members shall be members of the same political party. A regular member shall not be a member of the Planning and Zoning Commission in accordance with C.G.S. 8-5(a).

Section 2.

a. There shall be three alternate members of the Board, also known as the panel of alternates. Each alternate member shall be an elector and shall be elected for a term of four years and serve until each successor has been duly qualified. The terms of office for alternate members have been classified pursuant to Ordinance No.77. The term of office of two alternate members expires in 2013 and every four years thereafter and one alternate member expires in 2011 and every four years thereafter. No more than two alternate members shall be members of the same political party. An alternate member shall not be a member of the Planning and Zoning Commission in accordance with C.G.S. 8-5(a).

b. Unless an alternate member is appointed by the Chair to sit in the place and stead of a regular member, no alternate member may be part of the deliberation at a public hearing, (or any adjournment thereof), but may participate in discussion at regular meetings or public hearings whether or not such alternate member is voting at that meeting or hearing.

Section 3. Resignations from the Board shall be in writing and delivered to the Town Clerk of Salisbury with a copy transmitted to the Chair, who will then forward same to the Board of Selectmen.

Section 4. If a vacancy occurs among the regular members of the Board, or on the panel of alternates during the term for which any member, or alternate member was elected, the Board shall appoint a successor to serve for the remainder of said term.

Section 5. Pursuant to C.G.S. Sec. 8-5a, if a regular member of the Board anticipates being absent from any meeting or hearing of the Board, such member may designate in writing, an alternate member from the panel of alternates to act in his or her place. If such regular member fails to make such a designation, or if such member is disqualified, the Chair shall designate an alternate member from the panel of alternates to act instead, at such meeting or hearing. The Chair shall choose alternates in rotation so that all alternate member shall act as nearly equal a number of times as possible in filling absences. If any alternate member is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting or hearing.

ARTICLE V

Officers and Their Duties:

Section 1. The officers of the Zoning Board of Appeals shall consist of a Chair, a Vice Chair, and a Secretary, and shall have the duties normally conferred by parliamentary usage on such officers. All officers shall serve until their respective successors have been elected and duly qualified. All officers shall be regular members of the Board.

Section 2. The Chair shall preside at all meetings and hearings of the Board. The Chair may participate in all discussions of all matters before the Board and may vote thereon, notwithstanding being the Chair of any meeting or hearing. The Chair shall have authority to appoint committees from all of the membership of the Board, certify expenditures of funds up to \$500.00 without prior approval of the Board, call special meetings, and perform other duties as may be prescribed in these bylaws, or by resolution of the Board.

Section 3. The Vice Chair shall act for the Chair in the event of the absence, recusal or disqualification of the Chair at any meeting or hearing of the Board and have the authority to perform all the duties prescribed for that office.

Section 4. The Secretary shall keep the minutes and records of the Board and, with the assistance of such staff as is available, shall prepare the agenda for regular and special meetings under the direction of the Chair; provide notice of all meetings to members and alternate members; arrange proper and legal notice of hearings and decisions; attend to correspondence of the Board, and perform such other duties as are normally carried out by a Secretary.

ARTICLE VI

Election of Officers:

Section 1. An annual organizational meeting of the Zoning Board of Appeals shall be held on the second Tuesday in December, at 5:00 p.m. at the Town Hall, following the state election day prescribed in C.G.S. 9-1 (s), at which time officers will be elected, a meeting schedule for the ensuing year established and these bylaws reviewed. The Secretary shall record such proceedings and make them a part of the minutes of the annual meeting. Three regular members must be present before election of officers can take place.

Section 2. Nominations shall be made by members of the Board at the annual meeting and election specified in the preceding Article shall follow immediately thereafter.

Section 3

a. The candidate for Chair receiving a majority vote of the regular members voting shall be declared elected and shall serve a term of one year, and until a successor shall take office. No member may serve as Chair for more than four consecutive years.

b. The candidates for Vice Chair and for Secretary receiving a majority vote of all the members (including alternate members) voting shall be declared elected and shall serve a term of one year, and until a successor shall take office.

Section 4. A vacancy in any officer position shall be filled by members of the Board at any meeting warned for that purpose who shall vote for a successor following the election procedure set forth in the preceding Sections 2 and 3 of this Article.

ARTICLE VII

Meetings

Section 1. Regular meetings of the Zoning Board of Appeals shall be held on the second Tuesday of each month (with the exception of March and November when there will be no meeting; and the second Tuesday of December when there will be the annual organization meeting), at 5:00 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. The membership shall be notified of regular and special meetings not less than 24 hours in advance of such meeting. All meetings, including special and emergency meetings, shall comply with the Freedom of Information Act, C.G.S. Chapter 14, Sec. 1-200 and following.

Section 2. Three members of the Board shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of those members of the Board present and voting at the meeting. The notice of the meeting shall include the proposed Agenda of the meeting.

Section 3. All Board meetings shall be open to the public. Executive Sessions may be held upon an affirmative vote of two thirds of the members of the Board present and voting taken at a public meeting and stating the reasons for the executive session, as defined in the Freedom of Information Act.

ARTICLE VIII

Order of Business at Regular Meetings

Section 1. Unless otherwise determined by the Chair, the order of business at regular meetings shall be:

- a. Call to order, roll call and seating of alternate members if appropriate
- b. Amend the proposed Agenda if additions, deletions, or other changes are to be made
- c. Approve the Agenda, which shall also include the following items d. through h.
- d. Approve minutes of previous meeting(s) and public hearings
- e. Continue action on old business
- f. Receive and schedule action upon applications, appeals and other items of new business
- g. . Receive communications and bills
- h. Adjourn

Section 2. No other business may be added to the approved Agenda except by two thirds vote of the Board. No item of the approved Agenda may be dispensed with or deleted except by a majority vote of the Board.

ARTICLE IX

Public Hearings

Section 1. All public hearings prescribed by law shall be held in accordance with the provisions of Chapter 124 of the Connecticut General Statutes and shall be conducted in conformity with the Freedom of Information Act. The Board will publish their public hearing legal notices in the Lakeville Journal, unless a holiday prohibits proper notification, in which case such notices shall be published in the Waterbury Republican.

Section 2. Evidence and testimony at all hearings shall be recorded as provided in C.G.S. Sec. 8-7a. Proceedings of the hearing shall be incorporated into the minute book of the Board to be a permanent part of that record.

ARTICLE X

Conduct of the Public Hearing

Section 1. a. Five members of the Zoning Board of Appeals including alternate members seated from the panel of alternates shall constitute a quorum in order to conduct the public hearing.

b. The Chair of the Board shall act as presiding officer of the public hearing.

c. If the Chair is unable to preside at the public hearing, then the Vice Chair shall act as presiding officer of the public hearing.

d. If neither the Chair nor Vice Chair is able to preside at the public hearing, then the membership of the Board seated for the hearing shall select one from among its number, who shall act as presiding officer of the public hearing.

Section 2. The Secretary shall read the legal notice and note the dates and newspaper in which the legal notice was published.

Section 3. A summary of the Application shall be stated by the presiding officer at the opening of the public hearing. The presiding officer shall describe the method of conduct of the hearing.

Section 4. The presiding officer shall:

- a. First recognize the applicant or appellant to testify and give evidence in support of the application or appeal.
 - b. Next, proponents supporting the applicant or appellant shall be given a fair opportunity to give testimony and present evidence in favor of the application or appeal.
 - c. Then, the presiding officer shall recognize those opposed to the application or appeal and allow them a fair opportunity to testify and present evidence against the application or appeal.
 - d. At any time the presiding officer shall recognize any Board member who shall be given the opportunity to question and seek information from any person who has been recognized to speak or testify at the hearing.
- And finally prior to the close of the hearing, the applicant or appellant shall be given an opportunity to rebut any testimony or evidence given previously by others at the hearing.

Section 5. The presiding officer may require that all questions and comments at the public hearing must be directed through the presiding officer after a speaker is properly recognized by the presiding officer in accordance with usual parliamentary procedure.

Section 6. All persons recognized to speak shall approach the hearing table in order to facilitate proper recording of comments. Before commenting or giving testimony on the matter before the hearing each person so recognized shall give his or her name and address for the record.

Section 7.

- a. The presiding officer shall conduct an orderly hearing and shall take steps necessary to maintain the order and decorum of the public hearing at all times. The presiding officer has the right to postpone and continue the hearing to a date certain in the event the public hearing becomes unruly and unmanageable in the sole opinion of the presiding officer.
- b. The presiding officer shall declare the public hearing to be closed when all proceedings before the Board have been completed.

Section 8. Any member of the Board, including any alternate member, may participate in discussion and ask questions of all who appear at the public hearing until the close of the hearing. However, after the close of the public hearing (or any continuation thereof), only regular members and alternate members who are seated in the place of regular members may participate in the deliberations of the Board leading to its decision and vote upon the matter before the Board.

Section 9. Hearings and decisions of the Board upon the matter before it shall be made in compliance with the requirements and time limits of C.G.S. Sec. 8-7, 8-7a and 8-7d.

ARTICLE XI

Administrative Matters

Section 1. Employees. Within the limits of the funds available for its use, the Zoning Board of Appeals may employ such staff personnel and/or consultants as it sees fit to aid the Board in its work. Appointments and engagements shall be made by a majority vote of the membership.

Section 2. Spokesperson. The Chair or a duly appointed Board member or staff person shall act as public spokesperson for the Board. Such duties include the preparation of any news releases to be distributed to the communications media. All releases shall reflect the thinking of the majority of the Board.

Section 3. Media Matters. Admission of the press and communications media to all meeting and hearings of the Board shall be conducted in conformity with the Freedom of Information Act

Section 4. Attendance. Members and alternates shall notify the Chair or appointed designee of any absence prior to any meeting or hearing.

ARTICLE XII

Amendments:

a. These bylaws may be amended by a majority vote of the Zoning Board of Appeals, only after the proposed change has been introduced, read and discussed at a previous regular meeting of the Board.

b. If there be any conflict or inconsistency between the term of these bylaws and the laws of the State of Connecticut, then such laws shall control and prevail over the terms of these bylaws.

ADOPTION CLAUSE:

These bylaws have been duly approved and adopted as “Bylaws of the Zoning Board of Appeals of the Town of Salisbury” at a meeting called to approve the same on July 12, 2011. These bylaws are a public record described in C.G.S. Sec 8-5 and are filed in the records of the Board.

These bylaws have been duly amended and adopted by the Board in the form set forth above at a meeting held for that purpose on January 13, 2015

Signed and dated at Salisbury, Connecticut, this 13th day of January, 2015.

Chair

Attest:

Secretary