

BY-LAWS
ZONING BOARD OF APPEALS



TOWN OF WATERTOWN
CONNECTICUT

ZONING BOARD OF APPEALS

Regular Members:

Rick Sarandrea, Chairman
Phil Roger, Vice Chairman
Edwin Dalton, Secretary
Roger Mitchell
Vincent Giannetto

Alternate Members:

Gary Swingle
Jeff Franson
Marie Genovese

Adopted April 26, 1995
Revised February 28, 1996
Revised March 27, 1996
Adopted April 24, 1996
Revised March 27, 2013
Revised March 26, 2014
Revised June 24, 2015
Revised April 26, 2017
Revised July 25, 2018

ARTICLE I
PURPOSE AND AUTHORIZATION

The objectives and purposes of the Zoning Board of Appeals of the Town of Watertown, Connecticut, Are those set forth in Chapters 124 (Zoning) of the Connecticut General Statutes, latest revision, as amended, and those powers and duties delegated to the Zoning Board of Appeals by the Watertown Charter.

ARTICLE II
NAME

The Board shall be known as the Zoning Board of Appeals, Town of Watertown, Connecticut.

ARTICLE III
OFFICE OF AGENCY

The Office of the Zoning Board of Appeals shall be located within the Planning and Zoning Office, Watertown, 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.

ARTICLE IV
MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members who shall be electors of the Town of Watertown. The Town Council shall appoint regular members and alternate members for a term of five (5) years. Any vacancy shall be filled by appointment of the Town Council to serve the unexpired term of the member whose office has been vacated.

Alternate members shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes or any Special Act relating to Watertown for the Zoning Board of Appeals and its regular members. Members of the Zoning Board of Appeals shall not be members of the Planning and Zoning Commission. If a regular member is absent or disqualified, the Chairman of the Board shall designate an Alternate to so act, choosing Alternates in rotation so that they shall act as nearly equal a number of times as possible. If any Alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. All Alternates may be involved in discussions included on the agenda, but may not vote unless designated to act as a regular member by the Chairman. If an Alternate is seated for a Public Hearing on an application, that Alternate must complete that hearing and application for decision.

The Board will request that the Watertown Town Council seek the resignation of any Board member who fails to attend three (3) successive regular meetings without good cause. Such request will be made only after a 2/3rd vote of the entire Board.

A recording stenographer shall be appointed by a majority vote of the Board.

ARTICLE V
OFFICER AND THEIR DUTIES

- Section 1. The Officers of the Board shall consist of a Chairman, a Vice-Chairman and a Secretary.
- Section 2. The Chairman shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such Officers. The Chairman shall have the authority to appoint committees, certify expenditures of funds up to \$100 without prior approval of the Board, calls Special Meetings, and generally perform other duties as may be prescribed in these By-Laws.
- Section 3. The Chairman shall be one of the Board members, and shall have the privilege of discussing all matters before the Board and of voting thereon.
- Section 4. The Vice Chairman shall act for the Chairman in the absence of the Chairman and have the authority to perform the duties prescribed for that office. The Vice Chairman shall be a Board Member.
- Section 5. The Secretary, with staff assistance, shall keep the minutes and records of the Board, shall prepare the agenda of Regular and Special Meetings under the direction of the Chairman, shall provide notice of all meetings to Board members, shall arrange proper and legal notice of hearings, shall attend to correspondence of the Board, and shall perform other duties as are normally carried out by a Secretary.
- Section 6. In the absence of the Secretary, due to illness, personal, or disqualification reasons, the Chairman shall appoint a Secretary pro tem.
- Section 7. In the absence of elected Officers of the Board, the senior member of the board shall preside as chairman at a duly called meeting and shall have the duties normally conferred by parliamentary usage of such Officer.
- Section 8. The Zoning Board of Appeals shall have all powers and duties set forth in Connecticut General Statutes or any Special Act relating to the Town of Watertown with respect to Zoning Board of Appeals matters.

ARTICLE VI
ELECTION OF OFFICERS

- Section 1. An organization meeting shall be held on the first meeting date in February, at which time Officers shall be elected. Two-thirds of members must be present before election of officers can take place.
- Section 2. Nominations shall be made from the floor at the 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 voting membership of the Board shall be declared elected and shall serve for one year or until a successor shall take office.
- Section 4. Vacancies in offices shall be filled by regular procedure as prescribed in the ordinance establishing the Board.
- Section 5. Resignations from the Board shall be in written form and transmitted to the Watertown Town Clerk, Watertown Town Council and the Chairman of the Zoning Board of Appeals.

ARTICLE VII
MEETINGS

- Section 1. Regular meetings will be held on the fourth Wednesday of each month at 7:00 P.M. at a place voted by a majority of members of the Board. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting. The Secretary shall notify the membership of Regular meetings not less than 48 hours in advance of such meeting.
- Section 2. Four voting members of the Board shall constitute a quorum and the number of votes necessary to transact business. The notice of such a meeting shall specify the purpose of such a meeting and no other business may be considered except as provided by the General Statutes of Connecticut. The Secretary shall notify all members of the Board in writing, not less than 48 hours in advance of such meeting.
- Section 3. All Board meetings shall be open to the public when in session and shall be open to the public when in Executive Session when so voted by the majority of the Board members present and voting.
- Section 4. Unless otherwise specified, ROBERT'S RULES OF ORDER (latest revision) shall govern the proceedings at the meeting of the Board.

Section 5. The Planning and Zoning Office will provide each member a printed packet that includes all necessary applications, maps, correspondence and other documents needed to fully understand the existing conditions and variances requested. The packet will be provided at least five (5) days before the meeting and this packet will be provided if virtual meetings are necessary.

ARTICLE VIII **PUBLIC HEARINGS**

Section 1. The Board must hold Public Hearings on all applications presented to them as required by the Connecticut General Statutes. The Board may also hold Public Hearings, in addition to required hearings, when it decides that such hearings will be in the public interest.

Section 2. All Public Hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in Chapter 124 (Zoning) of the Connecticut General Statutes.

Section 3. A competent stenographer shall take the evidence, or the evidence shall be recorded by a sound-recording device, at each hearing before the Board in which the right to appeal lies to the Court of Common Pleas. Proceedings of the hearing shall be incorporated into the minutes book of the Board to be a permanent part of that record located in the office of the Watertown Town Clerk.

ARTICLE IX **CONDUCTING THE PUBLIC HEARING**

Section 1. The Chairman of the Board shall preside at the Public Hearing, or if absent, the Vice Chairman, or a duly appointed board member shall act as a presiding officer.

Section 2. The Secretary shall read the legal advertisement and note the dates and newspapers in which the advertisement appeared. Any correspondence pertaining to the application will be read into the minutes.

Section 3. The applicant or his representative will make their presentation regarding the purpose of the application. The applicant, or his representative, shall state his hardship for the record. Following the presentation, the Board members shall have the opportunity to ask questions of the applicant.

Section 4. The Chairman shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, the discretion of the Board prevailing. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comment pro or con. However, at the Chairman's discretion, he may allow an intermixture

of comments if he feels that it is beneficial to gaining knowledge about an application.

Section 5. The Chairman shall then allow the Zoning Enforcement Officer to comment on the application and/or the proposed variances. In the case of an appeal where it is alleged there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer the Chairman shall allow the Zoning Enforcement Officer to comment on all applicant statements.

Section 6. It shall be made clear to the hearing that all questions and comments must be directed through the Chair only after being properly recognized by the presiding officer.

Section 7. All persons recognized shall approach the hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the hearing, each person shall give his name and address.

Section 8. The presiding officer 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 the hearing becomes unruly or unmanageable, the presiding officer shall reserve the right to act in accordance with Section 1-2h of the Connecticut General Statutes to restore order or 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 at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations of the Regular meeting of the Board.

ARTICLE X

ORDER OF BUSINESS FOR REGULAR MEETING

Section 1. Unless otherwise voted by the majority of the members of the Zoning Board of Appeals, the order of business at Regular meetings shall be:

1. Call meeting to order
2. Roll call
3. Action on minutes *
4. Old business
5. New business
6. Communications and bills
7. Reports from committees
8. Adjournment

*Minutes shall be sufficiently detailed to insure accuracy of meeting discussions

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda or change the order of business.

Section 3. The concurring vote of four members of the Board is necessary.

- (1) to reverse any order, requirement or decision of the official charged with the enforcement of the Zoning Regulations;
- (2) to decide in favor of an applicant any matter upon which the Board is required to render a decision under Connecticut General Statutes or regulations.
- (3) to vary the requirements of the Zoning Regulations of the Town of Watertown.

ARTICLE XI **PUBLIC RELATIONS**

Section 1. The Chairman or a duly appointed Board member or staff personnel shall act as public relations or publicity director for the Board. His duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect the thinking of the majority of the Board.

ARTICLE XII **Use of Electronic Devices**

Except as provided below, cell phones and all other electronic devices should be turned off or at least silenced during the meeting and should not be used or consulted except in case of a family or other emergency. It is preferable if all electronic devices are turned off entirely during the meeting. Texting, emailing or conversing on any social media or other media platform during a meeting is to be avoided and any electronic communications with anyone whether a member of the commission or not about matters before the commission at the meeting are forbidden entirely. If a Board Member must take a phone call or a text he should excuse himself from the room. Notwithstanding the foregoing, the use of a tablet or other device for purposes of keeping one's personal notes is permissible.

ARTICLE XIII **AMENDMENTS**

These By-Laws may be amended by a two-thirds vote of the entire membership of the Board, only after the proposed change has been read and discussed at a previous Regular meeting except that the By-Laws may be changed at any meeting by the unanimous vote of the entire voting membership of the Board.