



Providing information, education and assistance  
to land use decision makers, in support of  
balancing growth and natural resource protection.

# Land Use Commissioner Training Webinar – Module 4

<https://landusecommissionertraining.org/> | Center for Land Use Education and Research ([uconn.edu](https://uconn.edu))

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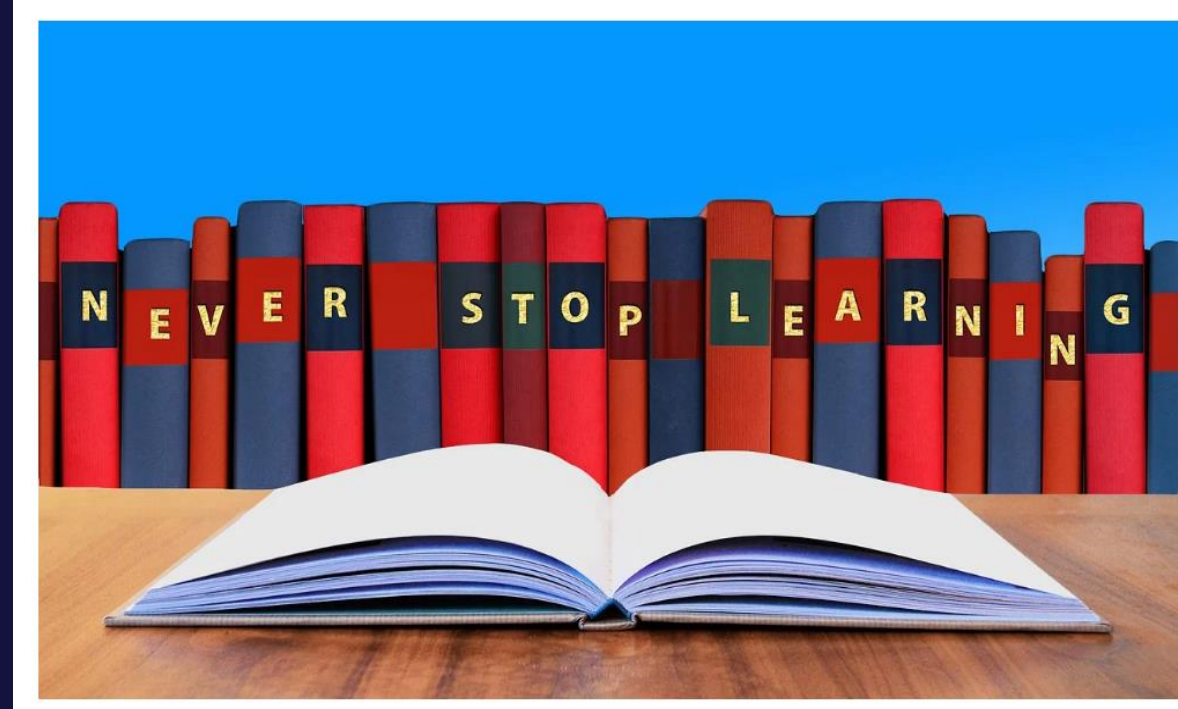


# Basic Training for Connecticut Land Use Commissioners



# Important Information

- Training is not legal advice
- More training at:  
<https://clear.uconn.edu/training/land-use-commissioner-training/>
- Training is recorded
- Slides and recording will be posted  
<https://clear.uconn.edu/lua/>
- Interactive / use polling and chat
- Let's have fun!



- Attendance will be confirmed via email after each webinar  
**Please keep copy of the email for your records**

# About This 2024 Webinar Series

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- Third Thursday of each month except for August
- 30-40 min duration
- Attendance will be confirmed via email after each webinar / **Please keep copy of the email for your records**
- Completing Basic Training (such as CLEAR LUA) is strongly recommended by the OPM to new members



# Recap

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## March 21 , 2024 –

Legal Basis for Land Use Regulations

Commissioner Training Requirements (Planning, Zoning, ZBA, Inland Wetlands and Watercourse and Aquifer Protection Commissions)

## April 18 , 2024 –

Types of Power of Land Use Commissions

Zone Change and Regulation Amendments v. Special Permit v. Site Plan

## May 16 , 2024 –

Responsibilities / Fundamental Fairness

Running a Meeting

# Upcoming Webinars -

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July 19, Sept 20 , Oct 18, 2024 –

Public Hearings

FOIA

Conflict of Interest

Bias and Predisposition

Representation by

Commission Members

Social Media

August – Break!

No mini-webinars in August

Nov 15, Dec 20, 2024 –

Fundamentals of Site Plan Reading

# Webinar Overview: Topics Covered Today

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- Role and Participation of Alternate Commission/Board Members
- Best Practices when Conducting Site Walks

# Polling Instructions



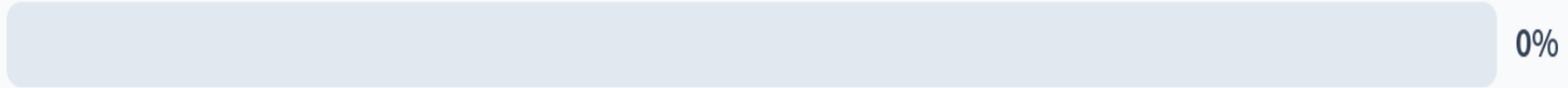
**[pollev.com/snazzytree942](https://pollev.com/snazzytree942)**

**Once logged in you will be prompted to next question  
automatically each time a new question is asked**

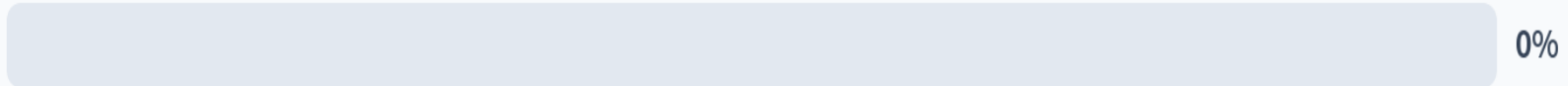


The Chairperson of a zoning commission or combined PZC can appoint whomever he/she chooses to be an alternate.

TRUE



FALSE



**The Chairperson of a PZC or zoning commission appoint whomever he/she chooses to be an alternate**

1. TRUE

2. FALSE

## Which of the following statements are generally true?

(1) An alternate who has not been seated should not participate in deliberations

0%

(2) A commissioner who was replaced by an alternate for a public hearing cannot vote

0%

(3) A commissioner cannot replace a seated alternate after the deliberations have started

0%

(4) The chairman may not vote except in case of a tie

0%

(5) An abstention counts as a no vote

0%

# Organizational Statutes Planning, Zoning and Combined P&Z

C.G.S. § 8-1b

**Sec. 8-1b. Alternate members of zoning commission or combined planning and zoning commission.**

Any town, city or borough, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment or election of alternate members to its zoning commission or combined planning and zoning commission. Such 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 such municipality for such commission and its members. Such alternate members shall be electors and shall not be members of the zoning board of appeals or planning commission. Such ordinance shall provide for the manner of designating alternates to act.

C.G.S. § 8-19a / as amended by SSB 1002  
PA 23-173

(Effective October 1, 2023)

**Sec. 8-19a. Alternate members of planning commission.**

Sec. 2. Section 8-19a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023): Substitute Senate Bill No. 1002 Public Act No. 23-173 2 of 3 Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment or election of alternate members to its planning commission. Such alternate members shall be electors, and, when seated as herein provided, have all the powers and duties set forth in the general statutes or any special act relating to such municipality for such commission and its members. Such alternate members [shall be electors and shall not be members of the zoning commission or zoning board of appeals. Such alternates] may attend all meetings and executive sessions of said commission. Any alternate member who also serves or served on the zoning commission or zoning board of appeals in such municipality shall recuse himself or herself from participation in any appeal before the zoning board of appeals from a decision of the planning commission if such alternate member participated in such decision. Such ordinance shall provide for the manner of designating alternates to act.



# Organizational Statutes ZBA

## C.G.S. § 8-5 (a)

**Sec. 8-5. Zoning board of appeals. Alternate members.** (a) In each municipality having a zoning commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as “the panel of alternates”, shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members. The regular members and alternate members of such zoning board of appeals shall be electors and shall not be members of the zoning commission, any provision of any special act to the contrary notwithstanding. Such board and such panel of alternates shall, unless otherwise provided by special act, be elected or appointed in such manner and for such terms as is determined for each by ordinance adopted by the municipality. Any vacancy in such board, including any vacancy in the panel of alternates, unless otherwise provided by ordinance or special act, shall be filled for the unexpired portion of the term, by the board of selectmen of towns or the chief executive officer of cities and boroughs. Such board by vote of its regular members only shall elect a chairman from among its members, unless otherwise provided by special act, and all meetings of such board shall be held at the call of the chairman and at such other times as the board determines and shall be open to the public. Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record.

## C.G.S. § 8-5a

**Sec. 8-5a. Designation of alternate members to act.** If a regular member of a zoning board of appeals is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the chairman of the board shall designate an alternate from such panel, 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.

# Organizational Statutes IWWC

C.G.S. § 22a-42 (c)

**Sec. 22a-42. Municipal regulation of wetlands and watercourses. Action by commissioner.**

(c) On or before July 1, 1988, each municipality shall establish an inland wetlands agency or authorize an existing board or commission to carry out the provisions of sections [22a-36](#) to [22a-45](#), inclusive. Each municipality, acting through its legislative body, may authorize any board or commission, as may be by law authorized to act, or may establish a new board or commission to promulgate such regulations, in conformity with the regulations adopted by the commissioner pursuant to section [22a-39](#), as are necessary to protect the wetlands and watercourses within its territorial limits. The ordinance establishing the new board or commission shall determine the number of members and alternate members, the length of their terms, the method of selection and removal and the manner for filling vacancies in the new board or commission. No member or alternate member of such board or commission shall participate in the hearing or decision of such board or commission of which he is a member upon any matter in which he 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 such board or commission and replacement shall be made from alternate members of an alternate to act as a member of such commission in the hearing and determination of the particular matter or matters in which the disqualification arose. For the purposes of this section, the board or commission authorized by the municipality or district, as the case may be, shall serve as the sole agent for the licensing of regulated activities.

# Which of the following statements are generally true?

1. An alternate who has not been seated should not participate in deliberations
2. A commissioner who was replaced by an alternate for a public hearing cannot vote
3. A commissioner cannot replace a seated alternate after deliberations have started
4. The chairman may not vote except in case of a tie
5. An abstention counts as a no vote

# Site Walks

- Site walks are “meetings” and are subject to all of the FOIA requirements pertaining to meetings, including posting of agendas in advance and allowing the public to attend
- “Meetings” may include gatherings of less than a quorum of the agency if the participating members have the ability to act on behalf of the agency (specifically the ZBA)
- Even if a non-quorum gathering of members is not a “meeting,” doing this still can potentially raise questions about ex parte communications
- Site walks that occur after the commencement of a public hearing must be recorded



## Site Walks – Best Practices

- Must be noticed. It is a meeting.
- No comments or questions, take notes
- Public and applicants may attend
- Stay together
- Do not conduct site walks after public hearing has closed
- Does everyone have the same information?



# Questions?

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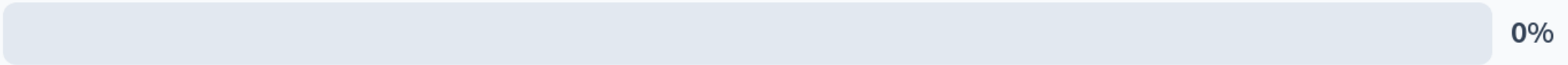
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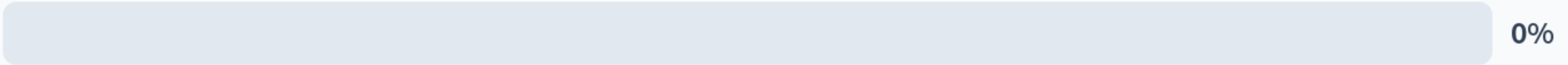
**Please keep copy of the email for your records!**

## My knowledge on Alternate Commission/Board Members Roles and Participation:

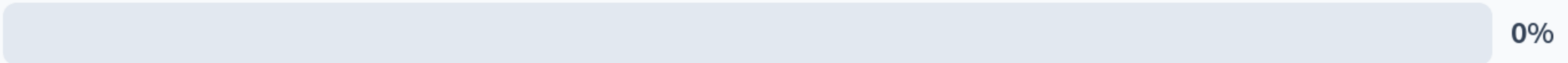
(A) Significantly improved



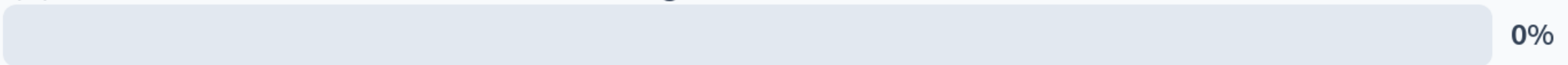
(B) Somewhat improved



(C) Did not change



(D) WOW - now I know less than I did this morning



# My knowledge of Best Practices when Conducting Site Walks

