

Town of Thurmont

Planning and Zoning Commission Rules of Procedure

I. Purpose

These procedures are issued as a guide to assist the Thurmont Planning and Zoning Commission and its staff in the orderly and efficient conduct of all matters that come before the Commission.

II. Officers

The Commission shall organize annually in January and elect a Chair and vice-chair who shall serve in those positions for that calendar year. The chairman, or in his/her absence the vice-chair, shall preside at all meetings or hearings of the Commission. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present. A designated member of the Commissioners of Thurmont shall be a liaison of the Commission and shall serve in an ex-officio capacity (without voting power) concurrent with his/her official term. The commission shall be composed of five (5) regular members, one (1) alternate member and the Commissioner liaison, each to serve for five (5) years or until his/her successor takes office, except that the term of the Commissioner of Thurmont named as liaison shall correspond to his/her official tenure.

III. Meetings

- A. Generally, the Planning and Zoning Commission will conduct regular monthly meetings held on the fourth Thursday of each month at 7:00 p.m. unless amended by the published Planning and Zoning Commission schedule. Adjustments are routinely made to avoid common public holidays. At a minimum, the Planning and Zoning Commission shall hold its regular meetings no less frequently than quarterly. Meetings may be cancelled by the Chair if there is no business to be brought before the Commission. Special meetings or workshops may be called by the Chair or in his/her absence the Vice-Chair. In the event of a need for a special meeting, the Planning Staff shall notify each member of the special meeting and shall notify the public via radio, website or public access television of the time and date of special meeting.
- B. It shall be the duty of all members to attend all meetings of the Commission. Should any member be absent for more than three (3) meetings in a calendar year the Commission may recommend to the Commissioners of Thurmont that the member's resignation be requested. The Commission, however, by a majority vote of its members may make a finding that there is sufficient excuse for non-attendance.
- C. All meetings of the Commission shall be subject to the Maryland Open Meetings Act and anyone shall be entitled to appear before and be heard by the Commission.
- D. When the Commission holds public workshops, they shall be open to the public. No votes will be taken at public workshops and no public input is required to be heard. Town staff, professional/ legal experts, representatives of another Town board, agency or department and/ or official position of that entity, as well as an applicant and/ or representative may participate in open discussions.

- E. All meetings shall be recorded, and the recording may be accepted as the official record until the minutes are prepared and approved by the Commission.

IV. Voting

- A. Three members shall constitute a quorum.
- B. Questions put to a vote are decided by a majority of the members present and voting, assuming a quorum is present. No decision shall be made in the absence of a quorum.
- C. A tie vote by the Commission shall be interpreted as a defeat of a motion upon which the vote was taken.
- D. The Chair may participate in all discussions and may introduce, second, and vote on all matters before the Planning & Zoning Commission.

V. Conduct of Business for Applications, Plans and related Review Items

- A. The Chair shall administer the following oath to all witnesses testifying in any matter coming before the Commission: "Do you solemnly swear or affirm that the responses given, and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth? If so, answer "I do."" The Chair may administer the oath in masse at the outset of the hearing to all prospective witnesses intending to testify for that case. Before giving testimony, each witness shall state his or her name and whether he or she has been sworn. The presiding officer will administer the oath individually to any witness who has not been sworn before that witness gives testimony. Any person refusing to be sworn will not be permitted to testify.
- B. Staff presents the staff report, providing a summary of the application and/or plan as proposed as well as summary of the issues addressed during the review of the application and plan. Staff should highlight specific recommended conditions of approval, if any, and provide any relevant information that has become available since the staff report was issued.
- C. A representative of another Town board, agency, or department may present comments and/or the official position or recommendation of that entity.
- D. The Commission asks clarifying questions of the staff at any time.
- E. The applicant and/or representatives should present the project proposal and explain the application. The Planning and Zoning Commission may also question the applicant(s). After questioning by the Chair and Members of the Commission, the applicant and its representatives may be cross-examined.
- F. Cross-Examination – The Chair will allow reasonable cross-examination of witnesses at a time and in a manner allowed by law and considered reasonable by the Chair under the circumstances.
 - 1. Cross-examination is designed to permit a full and true disclosure of the facts of the case, with due regard for the circumstances of each particular case, the nature of the proceedings, and the character of the rights which may be affected by it. The Commission shall allow cross-examination, in a manner best calculated to afford all parties an opportunity to present their positions and to serve the ends of justice and fairness.
 - 2. The right to cross-examine witnesses shall be extended to those persons who are parties to the proceedings before the Commission or who have a cognizable interest in the outcome of the proceedings as determined by the Chair.

3. A person or party wishing to cross examine a witness or panel of witnesses shall make the request known prior to or immediately after the time that the witness or panel of witnesses has concluded their testimony; the failure to make such a timely request shall be deemed a waiver or the right to cross examine.
4. Cross-examination must be: brief; in the form of a question; and relevant to the testimony given by the witness.
5. The questions must not: be argumentative; be preceded or followed by a speech or testimony; or discuss personality or motives.
- G. Parties interested in addressing the Commission on the matter shall be given an opportunity to do so after the close of applicant's presentation and any cross-examination. The Chair may wish to impose a reasonable time limitation on comments and by otherwise regulate the time and manner in which comments are made. Citizen questions should be directed to the Chair.
- H. The Commission may ask pertinent questions of the applicants, members of the public, or staff.
- I. The Commission engages in discussion and deliberation amount its members and then votes.
- J. Questions put to a vote are decided by a majority of the members present. A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No-Recommendation". If a motion cannot be approved on non-advisory matters (i.e., subdivision, site plan) then the matter shall be deemed "not approved" but may be brought back before the Commission on another date at the request of the applicant. As required by law, decisions of the Commission will be made based on the evidence and information presented at the Commission's public meeting or hearing, and evidence submitted.

VI. Conduct of Commission Members

- A. A member will not appear to speak for the Commission except as authorized by the Commission. In any statement concerning Commission affairs, members will indicate whether they are speaking for the Commission or for themselves.
- B. Members shall not accept gifts or compensation from any persons involved in matters that have come or may come before the Commission.
- C. Members shall conduct themselves at Commission meetings in a fair, understanding, and gracious manner. They shall be considerate of all individuals, attitudes, and differences of opinion involved in official Commission business.

VII. Conflicts of Interest

Any member of the Planning and Zoning Commission who has a personal or financial interest potentially sufficient to create a conflict or potential conflict between the interest in serving the public good and the other interests shall refrain from participating in the proceedings pertaining to the matter. The member shall publicly indicate that a potential conflict exists then step down, abstaining from all proceeding, deliberations, and voting on the matter. The minutes shall show that the member recused him/herself. The "other interests" that tend to present conflicts typically fall under the category of potential private gain, financial, or personal, which may relate to the member directly or to a relative, friend, or employer of the member. A member's relationship with an applicant or with a party directly affected by an applicant's project may also present a conflict of interest for a member.

VIII. Amending the Rules of Procedure

These Rules of Procedure may be amended at any regular meeting of the Planning and Zoning Commission by a majority vote of the appointed members, provided the publicized agenda for that meeting includes discussion of the Rules of Procedure and the members have had at least two weeks to review the proposed amendments.

IX. Rules are Guidelines

These Rules of Procedure serve to guide the operation of the Commission. They do not constitute legal requirements and do not confer rights or impose obligations not otherwise conferred or imposed by law. Failure of the Commission, Town staff, or any party to comply with any provision of these rules shall not invalidate any otherwise valid decision or action of the Commission.

These Planning Commission Rules of Procedure were approved and adopted by the Commission on August 22, 2002. Revised 03/26/2020, 01/26/2023.