**Bryan Memorial Town Hall**

**Washington Depot, CT**

**PLANNING COMMISSION**

**MINUTES**

April 5, 2017

7:30 p.m. Main Level Meeting Room

**Members Present:** Mr. Hileman, Mr. Rimsky, Mr. Carey,

Ms. Gager

**Members Absent:** Ms. Jahnke

**Alternates Present:** Ms. Ryland

**Alternates Absent:** Mr. Bedini

**Staff Present:** Mrs. Hill**,** Ms. Pennell

**Others Present:** Mr. Fairbairn, Mr. Charles, Mrs. Ceric, Mr.

Armstrong

**PUBLIC HEARING:**

**Washington Community Housing Trust/181 New Milford Turnpike/3 Lot Subdivision:**

Mr. Hileman called the Public Hearing to order at 7:35 p.m.

**Seated:** Mr. Hileman, Mr. Rimsky, Mr. Carey, Ms. Gager, and Alt.

Ms. Ryland

Mr. Bill Fairbairn, President of Washington Community Housing Trust, Inc., presented the application. Mr. Hileman read all documents received from the applicant for the file. Mr. Fairbairn showed plans for “Existing Conditions Map” dated March 24, 2008, “Subdivision Record Map” dated January 24, 2017, “Proposed Sanitary Disposal System Plan” dated January 24, 2017, “Proposed Sedimentation & Erosion Control Details” dated January 24, 2017. All plans were prepared by Arthur H. Howland and Associates.

Mr. Fairbairn explained the proposed plan. He stated this property currently has one existing house on it that they have purchased and the plan is to construct two more houses on the property as well. Mr. Fairbairn stated the plan is to subdivide the property into three lots. He explained that this will be affordable housing according to State requirements and stated that one home will be priced at 60% of median income, one at 80% and one at 100%. He noted that the average median income for Washington is about $89,300.00 for a family of four. Mr. Fairbairn stated the original plan for this project was for the Washington Community Housing to own the land and lease the lots out with a 99 year lease. He stated there are restrictive covenants on the homes with regard to profit when they are to be sold. Mr. Fairbairn stated they received a state grant in the amount of $480,000.00 to do this project. He stated that about three months ago the State decided that they wanted them to sell the homes in fee rather than doing a lease, and they will put the restrictive covenants on the homes in terms of resale.

Mr. Fairbairn stated that the Zoning Commission has already approved this application. He then asked if there were questions from the Commission.

Ms. Gager asked where the driveways will be located. Mr. Fairbairn stated two driveways will be on Mygatt Road and one will be on New Milford Turnpike. He stated First Selectman Mark Lyon approved the driveway permit on 04-05-17. Mr. Fairbairn explained that in terms of the Zoning Regulations, 8-30G supersedes the local Zoning Regulations and the only thing that is looked at by the Town are public health and safety. He noted that the Health Department has approved this application.

Mr. Fairbairn stated that they have requested four waivers for this application. Those being one, Section 3.4.3 requirement of a sign to be posted on the property to advertise public hearing, two, Section 4l.4 requirement that the state plane coordinates be shown on the Record Subdivision Map, three, Section 5.8 request for open space requirement and four, Section 10.0 fire protection plans as this property is located adjacent to the New Preston Firehouse. Mr. Hileman stated regarding the sign, the Town no longer requires this so that should not be an issue. He stated that the state plane coordinates has been waived in the past and this is possible. Mr. Hileman also stated that with respect to the Open Space waiver, Planning Commission can consider this waiver of this, as well as the request for fire protection plan considering the location of this property to the fire house.

Mr. Hileman stated for the record that under normal circumstances the Planning Commission could not approve this subdivision because the Planning Commission by statute is not allowed to approve a subdivision that does not conform to the Town Zoning Regulations. He stated that the exception is when an applicant comes in under an 8-30g and can then bypass the Town’s local Zoning Regulations provided they meet the standards for public health and safety.

Mr. Hileman asked if there were any questions from the public.

Mrs. Ceric of 64 Mygatt Road stated that she is concerned that if she chooses to sell her home in the future, this subdivision would cause her home’s value to decrease. She is not in support of this subdivision.

Mr. Armstrong of 70A Mygatt Road asked how many square feet these homes will be. Mr. Fairbairn stated about 1700 sq. ft. Mr. Armstrong inquired as to the wells and septic systems to which Mr. Fairbairn explained that each home would have their own well and septic system.

After questions from public and Commission members, Mr. Fairbairn explained that the applicant would own the property, restrictive covenants would be in place, and sale would be administered by the Washington Community Housing Trust, Inc. (WCHT). He further noted the HUD Regulations and how they will determine what the applicant pays for the home. Mr. Fairbairn stated that one of the homes will be sold at 60% of average median income (which is $89,300.00 for Washington, CT), which will mean the applicant can’t earn more than $53,580.00, the home sold at 80% can’t earn more than $71,440.00. He stated that the HUD requirement is that an applicant can’t pay more than 30% of their income on public housing (including principal, taxes and insurance). Mr. Fairbairn added that the cost of the homes would include one of the homes selling at $165,000, one at $180,000.00 and the third home at $200,000.00.

Mr. Armstrong voiced concerns on the septic systems and the concern for Mygatt Road’s drainage problem that exists during winter season, causing serious icing. He is concerned for public safety due to the poor drainage on the road.

Mr. Hileman explained State Statutes state that when a Municipal Board makes a decision to reject an application under 8-30g due to public health and safety concerns, the applicant has the right to sue to override those concerns, which they always do. Mr. Hileman stated that when this happens, the burden falls upon the municipality to prove there is a health and safety concern and this concern outweighs the need for affordable housing in the community.

Mr. Armstrong questioned the location of this affordable housing and why it is all put in the same location. He expressed concern that his house will depreciate in value as a result of this affordable housing. Mr. Fairbairn expressed disagreement with this and discussion continued on this matter, along with why other locations were not chosen.

Ms. Ryland asked what Mr. Armstrong’s concerns were outside of public safety concerns or that there are too many homes being put up around him. Mr. Armstrong stated he feels the POCD was not followed and other alternatives were not looked at or discussed. He voiced his concern that other locations for affordable housing are not looked and that the Washington Depot area should be considered.

Mr. Rimsky added that similar concerns being expressed have been expressed in the past for other affordable housing that has been put in place. He noted that with regard to alternatives within walking distance to the Depot, the only available space is where the former Town garage site was, which is in a flood plain. Mr. Rimsky explained the difficulty with the typography and the flood plain of the Shepaug River in the Depot area.

Mr. Hileman explained that the Planning Commission is considering approval on a subdivision in which the Zoning Commission had previously approved with these three houses on this parcel in 2014.

Further discussion continued on above matters.

Mr. Hileman asked if there were any further questions and none were noted.

**Motion:** To Continue the Public Hearing for Washington Community Housing Trust/181 New Milford Turnpike/3 Lot Subdivision to the next Planning Commission Meeting scheduled for May 3, 2017 at 7:30 p.m. in Town Hall Main Floor Meeting Room. By Mr. Hileman, seconded by Mr. Rimsky. Passed 5-0 vote.

**REGULAR MEETING:**

Mr. Hileman called the Regular Meeting to order at 8:40 p.m.

**Privilege of the Floor**:

N/A

**Consideration of the Minutes:**

Consideration of the Regular Meeting Minutes:

**Motion:** To accept the March 1, 2017 Regular Meeting Minutes as submitted. By Mr. Carey, seconded by Mr. Rimsky, passed 5-0 vote.

Consideration of the Special Meeting Minutes:

**Motion:** To accept the March 25, 2017 Special Meeting Minutes as submitted. By Mr. Hileman, seconded by Mr. Rimsky, passed 5-0 vote.

**OTHER BUSINESS:**

**Plan of Conservation and Development:**

**Sustainability Subcommittee Report:** No report.

**Economic Development Advisory Committee Report:**

Mr. Hileman stated they have not met since last meeting and are planning to meet on April 11, 2017.

Ms. Ryland asked Mr. Hileman for an update as to what the Committee is currently planning and what they are focused on. Mr. Hileman stated that several things being pursued, including a volunteer marketing committee working on a branding campaign. He stated he will learn more about this committee on 04-11-17. Mr. Hileman noted that there was an inclusion of another $50,000.00 line item in the Town budget for the next fiscal year. He stated that there is still discussion as to how this money will be spent and he will learn more regarding this at the next scheduled meeting.

**Plaza Improvement Committee Report:**

No report.

**Revision of the Subdivision Regulations:**

Mr. Hileman has sent all proposed revisions to Commission members for review and a meeting will be scheduled in the near future for discussion.

**Communications:**

N/A

**Adjournment:**

**Motion:** To adjourn the meeting at 8:47 p.m. By Mr. Hileman, seconded by Mr. Rimsky, passed 5-0 vote.

**FILED SUBJECT TO APPROVAL**

Respectfully Submitted,

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Pennell, Land Use Clerk

April 13, 2017