**TOWN OF WASHINGTON**

**Bryan Memorial Town Hall**

**Washington Depot, CT**

**PLANNING COMMISSION**

**MINUTES**

June 1, 2016

7:30 p.m. Main Level Meeting Room

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

**Members Absent:** Ms. Jahnke

**Alternates Present:** Ms. Ryland

**Alternates Absent:** Mr. Bedini

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

**Others Present:** Atty. Kelly, Atty. Coploff, First

Selectman Mark Lyon, Mr. and Mrs. Ralph

D’Agosta

Mr. Frank called the public hearing to order at 7:32 p.m.

**Seated:** Mr. Frank, Mr. Hileman, Mr. Carey, Mr. Rimsky,

Ms. Ryland

**Public Hearing**:

**Scenic Road Designation/Portions of New Preston Hill and Findley Roads:**

Mr. Frank noted for the record that Legal Notice was published in Voices on Wednesday May 18, 2016 Saturday and May 28, 2016. Mr. Frank read the notice aloud for the record.

Mr. Frank noted there is a list of documents in the file regarding this application and stated he would read the list aloud if anyone present would like him to do so. No one requested this. Documents in the file are available for any individual interested in reviewing them.

Atty. Coploff presented the application. He stated that this application is for portions of New Preston Hill and Findley Roads where they intersect at Gun Hill and go back down Findley. Atty. Coploff stated this is the “epitome” of a scenic road designation with its scenic views, stonewalls and narrow roads. He stated not of the road widths are under 20 ft., but some of them are. Atty. Coploff pointed out that this area is on the National Register of Historic Place as well. Mr. Frank noted that such designation related to historic buildings, not scenic attributes. Mr. Frank asked Atty. Coploff if he had a map showing this. First Selectman Lyon had a larger sized map which was used for members and the public to view. Mr. and Mrs. Ralph D’Agosta, agents for abutting property owners were present, and introduced themselves for the record. Mr. and Mrs. D’Agosta stated they are present on behalf of Mr. and Mrs. Tollman who in fact actually own the substantial abutting property. Mr. D’Agosta stated that he submitted a letter to the Land Use office requesting a continuance of this public hearing as the Tollmans live out of the country. Discussion followed concerning the address to which notices relating to this application had been mailed. The Tollmans are asking for a continuance of this hearing so that they are able to review and better understand this application. A letter is on file from Mr. and Mrs. Tollman giving Mr. D’Agosta permission to act as their agent.

Ms. Ryland asked what percentage of road frontage approval is required to apply for a Scenic Road Designation. Atty. Coploff replied 50%. Atty. Coploff explained that the application has approval of the owners of 62-63% of the affected road frontage. If the Tollmans approve, there will be 98%. Mr. Rimsky stated that legally, the applicant has secured the legal percentage necessary to file this application. Mr. Frank stated that the D’Agosta’s request for a continuance of the public hearing has been noted and will be considered at the end of the hearing.

First Selectman Mark Lyon stated that when applications for Scenic Road designations are submitted he has asked Mrs. Hill to advise him of such. Mr. Lyon commented on his concerns for the application and the ordinance, specifically Findley Road’s drainage issues. He stated that there have been preliminary engineering projects for this drainage concern, for which Mr. Lyon has applied for grants twice to help with this project. He noted that in the Scenic Road Ordinance (SRO), the issue of guard rails is another concern as the SRO speaks of wooden guardrails. Mr. Lyon stated that due to current code regulations, wooden guardrails are no longer allowed and would need to be replaced with the new metal guardrails. He further stated that the Scenic Road Designation (SRD) would hinder Town’s ability to properly maintain and improve these roads. Mr. Lyon stated that a majority of scenic roads are gravel which makes them very difficult and expensive to maintain. Mr. Lyon noted that the town cannot do everything that is necessary to protect designated scenic roads. Another concern Mr. Lyon has is that although the SRO does have language stating that if there is a hazardous condition on a designated scenic road, the Town does have the right to address it. However, he explained that this would be costly and involved, necessitating public hearings, legal notices sent, etc. to have these conditions addressed. Mr. Lyon stated that the Tollmans have 40% of the frontage with respect to this scenic road application and he believes they should have the opportunity to weigh in on this application.

Mr. Lyon stated that a concern into the future is the considerable amount of roadwork to be done on Findley Road and he believes that the possibility of designating it a scenic road will make it more difficult for the town to have this road repair work completed. Mrs. D’Agosta expressed her similar concerns with the Findley Road repairs being completed as there are very dangerous areas that need to be addressed, including a four foot ditch along the side of the road. Mr. Lyon explained that he has reviewed this with the Highway Director and was told that routine maintenance would not be affected. However, Mr. Lyon restated the concern for other improvements needed such as drainage issues on Findley Road, outdated guardrails that will need to be replaced with current up to code guardrails, etc.

Mr. Hileman asked Mr. Coploff what are the concerns of his client sought to be addressed by this request for Scenic Road Designation. Mr. Coploff stated that his client, First Ecclesiastical Society of New Preston (owner of the Stone Church at the location), would like to protect the area from further development and to promote preservation of stonewalls, trees, etc. Discussion took place amongst members and the public with regard to the possibility of further development in this area, as well as the condition of both the roads involved with this application. Mr. Frank pointed out his concern with New Preston Hill Road that it is 22 wide and is a very busy road. Mr. Rimsky suggested the applicant look into having this area considered for a town historic district designation, which may better suit the applicant’s need. Mr. Hileman concurred.

The consensus of the Commission was to continue the hearing so that the Tollmans have an opportunity to review and comment on this application.

**MOTION:** To Continue the Public Hearing for Scenic Road Designation/Portions of New Preston Hill and Findley Roads to Wednesday, July 6, 2016 at 7:30 p.m. in Town Hall Main

Floor Meeting Room. By Mr. Frank, seconded Mr. Carey. Passed 5-0 vote.

**Regular Meeting:**

Mr. Frank called the Regular Meeting to order at 8:12 p.m. Seated Mr. Frank, Mr. Hileman, Mr. Carey, Mr. Rimsky and Ms. Ryland.

**Privilege of the Floor**:

N/A

**Consideration of the Minutes:**

The Commission considered the minutes of the May 4, 2016, Planning Commission meeting.

**MOTION:** To accept the May 4, 2016 Regular Meeting Minutes as written. By Mr. Frank, seconded by Mr. Rimsky, passed by 5-0 vote.

**Ingrassia/292 Bee Brook Road/6 Lot Subdivision:**

Ms. Ryland had attended the Conservation Commission meeting earlier in the day. She informed members that the Conservation Commission has concerns that not all of the Wetlands in the northwest corner of the subdivision will be preserved and was concerned about possible encroachment on this area.

Mr. Frank noted that a letter from Atty. James Kelly dated May 4, 2016 is in file regarding the “Commission’s request for a proposal regarding a mixed offer of conservation easement and fee in lieu of” listing what the applicant is offering (a conservation easement along Bee Brook as recommended by the Conservation Commission, together with a cash in lieu payment of $66,250, based upon 10% of the purchase price paid by the applicant for the parcel two years ago).

Mr. Hileman stated the proposal from the applicant to offer land as an easement as well as a fee in lieu of is very generous. Mr. Rimsky agreed with Mr. Hileman. There was discussion concerning the location of the proposed easement and its lack of connection with other areas of preserved open space. It was pointed out that one advantage of the proposed easement was that it would prevent further crossings of Bee Brook that might be proposed for access to subdivision lots in the future.

Mr. Frank noted that with regard to the fee in lieu of, the Commission’s counsel had advised that the fee must be based on an appraisal of the pre-subdivision fair market value of the property. Mr. Frank stated that the appraiser is chosen by the Commission and the applicant. The Commission members discussed provisions of the State statute and the Subdivision Regulations concerning when the cash in lieu payments would be made.

Mr. Frank noted there are still open questions from the Fire Marshal and Fire Chief regarding this application. Atty. Kelly had written a letter expressing his objection to certain items being made a condition. Atty. Kelly did note for the record that applicant will full comply with the fire code.

Discussion followed regarding the proposed Driveway Easement and Maintenance Agreement. Atty. Kelly noted that this is a private driveway and it will be the responsibility of the lot owners. Mr. Frank was concerned that an appropriate standard be required for maintenance of the bridge. Reference was made to engineer, Mr. Brian Neff’s, letter of March 28, 2016 which detailed the current condition the bridge and details of its construction. Mr. Hileman suggested that Mr. Neff’s letter be used as a standard to include in the maintenance agreement. Mr. Frank noted that the Commission should be ready at the next scheduled Planning meeting to discuss final scope of open space and fee, as well as approval and conditions of approval. He will also make contact with Fire Marshal and Fire Chief to see if they have anything to discuss regarding this application, as they were not present.

**Smith/279 New Milford Turnpike/2 Lot Re-subdivision:**

Mr. Frank noted that no one was present to proceed with this application. Questions have been asked of the applicant and have not yet been addressed. Mrs. Hill noted that she had sent the applicant a letter advising them of the date of this meeting. Mrs. Hill stated that an engineering inspection of the rebuilt access bridge had been submitted and read the report to the Commission members. Mr. Frank stated the applicant has been advised to clarify who the engineering agent is for this project and to provide a complete application that is accurate. Mr. Frank noted that a report of a professional engineer on his letter head was required stating that he had inspected the bridge, giving details of its reconstruction, and stating his conclusion as to its adequacy and safety, including its load capacity. Mr. Rimsky stated he believes Fire Marshall should also inspect this bridge.

**Other Business**:

**Sustainability Subcommittee Report/Economic Development Advisory Committee:**

Ms. Ryland met with Economic Development Advisory Committee and stated they are doing a very good job in responding to assignments of what they have been asked to do in the POCD.

Ms. Ryland attended the Conservation meeting this afternoon. She stated they have taken up the Plan of Conservation and Development (POCD) and what they need to do under it. Ms. Ryland advised them on what other groups are doing with respect to the POCD, and offered her assistance, which they appreciated.

Ms. Ryland believes those involved are moving things along, working together and encouraging one another. She had spoken to Dan Sherr who informed her about the Clean Energy Communities program. This is a project that looks into municipal use of electricity and other energy sources. Ms. Ryland stated that the Town of Washington signed up for this in 2013. She noted that a software system will be installed for this program to monitor the Town utility bills and they will be working with the Building and Property Commission. She also added that they are moving forward with plans for an electric car charging station and have been looking into a possible location for this.

**Plaza Improvement Committee Report:**

No updated report to the Commission.

**Economic Development Advisory Committee:**

Mr. Hileman stated that EDAC met with representative of the Connecticut Economic Resource Center (CERC) last week and has agreed to utilize their services. He stated that CERC has put together proposal emphasizing a sense of place for the Town. . Mr. Hileman stated they will be doing a comprehensive survey of part time residents to gain knowledge from them on things they would like to see, how to get them to stay here more, etc. The fee for CERC services is estimated to be $20,000.00. He feels CERC was very inquisitive as to what will work best for this unique town.

Mr. Hileman discussed the Nutmeg Network, which is high speed internet access network that currently is utilized by Region 12, emergency services, Gunn Library, The Gunnery and soon the Town Hall. Access to a high speed network is essential to the progress of economic development in town. He stated Nutmeg Network is in the process of expanding its membership and is very interested in working with the Town of Washington.

**COMMUNICATIONS:**

N/A

**ADMINISTRATIVE BUSINESS:**

N/A

**ADJOURNMENT**:

**Motion:** To adjourn the meeting at 9:39 p.m. By Mr. Rimsky, seconded by Mr. Hileman, passed by 5-0 vote.

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

Donna Pennell/Land Use Secretary

June 6, 2016