**Bryan Memorial Town Hall**

**Washington Depot, CT**

**PLANNING COMMISSION**

**MINUTES**

September 6, 2017

7:30 p.m. Main Level Meeting Room

**Members Present:** Mr. Hileman, Mr. Rimsky, Ms. Gager

**Members Absent:** Mr. Carey, Ms. Jahnke

**Alternates Present:** Ms. Ryland

**Alternates Absent:** Mr. Bedini

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

**Others Present:**

**REGULAR MEETING:**

Mr. Hileman called the Regular Meeting to order at 7:30 p.m. and seated himself, Ms. Gager, Mr. Rimsky, and Ms. Ryland.

**Privilege of the Floor:**

No one from the public was present.

**Consideration of the Minutes:**

Consideration of the Regular Meeting Minutes of August 2, 2017:

**Motion:** To accept the August 2, 2017, Regular Meeting Minutes as submitted. By Ms. Gager, seconded by Mr. Rimski, approved 4-0 vote.

**Pending Applications:**

There were no pending applications to discuss.

**Motion to Include Subsequent Business:**

**Motion:** To add a discussion regarding the request for a CGS § 8-24 report for a proposed easement at 13 River Road. By Ms. Gager, seconded by Mr. Rimski, approved 4-0 vote.

**OTHER BUSINESS:**

1. **CGS 8-24 Referral/Town of Washington/17 East Shore Road**

**Sale of Pavilion Hall:**

Mr. Hileman stated that there was nothing to report. He noted that he has communicated with First Selectman Lyon who informed him that the Town is waiting for an appraisal.

1. **Plan of Conservation and Development:**

**Sustainability Subcommittee Report:**

No report, as Mrs. Jahnke was absent.

**Economic Development Advisory Committee Report:**

No report, as the Committee did not meet last month.

**C. Plaza Improvement Committee:**

Mr. Rimsky reported that there are plans to break ground the week of September 10. 2017.

**Subsequent Business:**

The Planning Commission received a letter, dated 9-6-17, from the Town’s Attorney, David Miles, regarding a request to review the proposed easement to Bertram and Clare T. Read, Trustees, property owners of 13 River Rd.

The property owners are looking to sell the property in which the septic system serving the building is under the existing parking lot, which, is Town owned property. There are also two wood deck entry ways which encroach on the Town property.

Atty. Miles explained in his letter that because this request of easement involves the transfer of an interest in town property, it is required that the Town Planning Commission review it and provide a report under General Statutes § 8-24 which, would indicate that it is consistent with the Town of Washington’s 2014 Plan of Conservation and Development.

Mr. Hileman explained that the building is basically the size of the property and Washington Pizza has had a long-standing, unofficial arrangement with the Town for an easement in which the leaching fields for the pizza restaurant are under the parking area/Town property. A purchaser interested in this property is requesting that a more formal arrangement is made with the Town. This easement will allow the new owner the continued use the two entry ways and maintain, repair or replace the leaching field on an as-needed basis.

Ms. Gager asked which party would be responsible if something goes wrong with the grease trap or it is not maintained. She suggested the need for limits of liability.

Mr. Hileman read the Grantor’s rights and the Grantee’s rights and duties.

The Commissioners discussed whether there easement language that would provide indemnity for the Town if an issue should occur. Ms. Gager stated it would be an expense to the Town to have to go after the property owners.

There was continued discussion regarding liability to the Town.

The Commissioners discussed the possibility of the Town selling the small piece of property to the property owners.

It was noted that this proposal was a draft. The Planning Commissioners feel that the easement needs to be “tightened up” to decrease the Town’s liability should anything occur in the easement and that whatever arrangement is made it should be no cost to the Town.

The Commissioners looked at the reduced size map titled “Property/Boundary Survey,” prepared for Bertram Read Revocable Trust by T. Michael Alex, dated February 2014 and revisited the subject of selling the small parcel to the property owner.

The Commission agreed that a recommendation should come from the Board of Selectmen that benefits the Town and is consistent with the 2014 POCD. Mr. Hileman stated that he would talk to First Selectman Lyon and let him know that the Planning Commission is concerned about the liability to the Town and recommends that the Town researches the possibility of selling the parcel and coming to an agreement with the property owner regarding legal fees, cost of the parcel, etc.

**Regular Agenda cont.:**

**E. Regional Plan of Conservation and Development:**

Mr. Hileman stated that he had sent all of the members of the Commission a draft letter to the Northwest Hills Council of Government highlighting things that he had found in the Regional POCD. He noted that he had met with the Conservation Commission earlier today and they are planning to submit a letter of their own to the NHCOG.

The Commissioners discussed Mr. Hileman’s requested revisions. The Planning Commission agreed to move ahead and with emailing the response letter to Ms. Ayer at the NHCOG.

**F. Revision of the Subdivision Regulations:**

The Commissioners discussed how they would move forward with revising the Subdivision Regulations.

**Communications:**

There weren’t any communications.

**Administrative Business:**

There wasn’t any administrative business.

**Adjournment:**

**Motion:** To adjourn the meeting at 8:15 p.m. By Ms. Ryland, seconded by Ms. Gager, approved 4-0 vote.

**FILED SUBJECT TO APPROVAL**

Respectfully Submitted,

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

Shelley White, Land Use Clerk

September 13, 2017