**Bryan Memorial Town Hall**

**Washington Depot, CT**

**PLANNING COMMISSION**

**MINUTES**

November 1, 2017

7:30 p.m. Main Level Meeting Room

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

**Members Absent:** Ms. Gager,

**Alternates Present:** Mr. Bedini, Ms. Ryland

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

**Others Present:** 1st Selectman Lyon, Mr. Sherr, Mr. Mathews, Mr. Hubelbank

**REGULAR MEETING:**

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

**PRIVILEDGE OF THE FLOOR:**

No one from the public requested the floor.

**CONSIDERATION OF THE MINUTES:**

Consideration of the Regular Meeting Minutes of October 4, 2017:

**Motion:** To accept the Ocotber 4, 2017, Regular Meeting Minutes as submitted. By Mr. Hileman, seconded by Mr. Carey, approved 5-0 vote.

**PENDING APPLICATIONS:**

There were no pending applications to discuss.

**MOTION TO INCLUDE SUBSEQUENT BUSINESS:**

No subsequent business to add.

**OTHER BUSINESS:**

**CGS 8-24 Referral/Town of Washington/17 East Shore Rd/Sale of the Pavilion Hall:**

First Selectman Lyon was present to discuss the possible sale of the Henry O. Erickson Pavilion Hall and proposed historical easement of this property in New Preston village. He stated that the Town’s goal is to preserve the exterior of the building in its current state and the use of the building will be determined by the existing septic capacity. Mr. Lyon submitted the document Atty. Miles created for the Town titled “Declaration of Preservation Restrictions and Covenants” (on file in the Land Use Office). He informed the Commissioners that the building with the small parking lot was appraised at $200,000.00. They are considering advertising the property for sale for 3-6 months and will entertain offers. The goal is to consider what would be best for the community, no expansion will be allowed and there will be limited uses.

There was a brief discussion regarding preservation of the exterior of the building. The First Selectman noted that the Historic District Commission would have a say in any proposed outside renovations.

Mr. Lyon noted that parties that have shown interest in the property are generally for retail. He stated that when there is a potential sale there would have to be a Town Meeting to vote for or against the sale. He would like to have a Town Meeting to grant the easement and to approve the intent to sell the Pavilion Hall.

**MOTION:** In consideration of a parcel located at 17 East Shore Road in New Preston, a.k.a. the Henry O Erickson Pavilion Hall, the Washington Planning Commission has examined and discussed the potential sale and historical easement of the property by the Town of Washington. In light of the building’s condition, lack of current municipal or community use, and prohibitive cost of rehabilitation, the Commission finds that the proposed sale and historical easement is consistent with the Town’s 2014 Plan of Conservation and Development. The constitutes the Commission’s comment on this matter pursuant to C.G.S. 8-24. By Mr. Hileman, seconded by Mr. Rimsky, passed by 5-0 vote.

**Referral under Section 8-24/Proposed Permanent Septic Easement/13 River Road:**

First Selectman Lyon explained the history of the property. He stated that the septic fields for the 13 River Rd. building are under Town owned property. This septic easement has never been formalized. At this time, there is a buyer for the property and they would like to have a formal easement on the Town records.

The Commissioners looked at the draft document titled “Real Estate Easement Agreement”, between the Town of Washington and Bertram Read, Trustee and Clare T. Read, Trustee, written by the property owner’s attorney.

The Commissioner’s and Mr. Lyon looked at the Survey titled “Property/Boundary Survey,” prepared for Bertram Read Revocable Trust, by T. Michael Alex, dated February 2014. It was noted that the grease trap and septic tank are on the property and the leaching fields are under the Town property which is used as the parking area.

There was a brief discussion regarding what would need to be done if the system failed and who would be responsible for the repairs. Mr. Lyon stated that the owner of 13 River Rd would be responsible for the repairs. It was recommended that the easement language includes that the property owners are responsible for the maintenance of the system.

Ms. Ryland asked what if the fields end up full of toxic materials.

Mr. Lyon stated that he wanted to formalize an agreement that the Town has had with this property owner for years and he did not want to argue hypothetical scenarios but would like to move forward with easement language what that the Planning Commission feels is consistent with the POCD.

Mr. Hileman stated that the Town has had this informal agreement with the property owner for close to 70 years without compensation and if this was a consideration it would have to be decided at a Town meeting because this is not something that the Planning Commission would decide. The Planning Commission must decide if what is being proposed tonight is consistent with the Town 2014 POCD.

Ms. Ryland asked if giving a permanent property interest to a third party who does not reside in the town for zero consideration is consistent with the Plan of Conservation and Development? She stated that she does not feel that giving the property to a person that does not reside in the Town benefits the residents of this Town.

Mr. Hileman stated that there are two questions: 1. Is having an easement better than not having an easement as that case has been for the past 70 years? He stated that the Town Meeting would be the place to discuss the details. 2. Does the Town want to have this property in a compromised situation so close to the Shepaug River?

Mr. Rimsky stated that this written easement will allow this property to continue house a viable business and available commercial space in Town. He feels that to put this property in jeopardy is not in the best interest of the Town.

Ms. Ryland stated that the questions for her are: 1. For POCD purposes, is having an easement better than not having an easement? and 2. For POCD purposes, is it proper to give away Town property interests to a single private individual without any evidence in the record that the transaction would not go through without some compensation to the Town?

Mr. Hileman responded that the use of this land has been a 70 year course of conduct.

Ms. Ryland agreed that having the amendment of maintenance required in the easement is better than having no easement but she questions whether the Town should not require compensation.

Mr. Hileman stated that he feels that is a Town Meeting question.

**MOTION:** In consideration of a parcel located at 13 River Road in Washington Depot, the Washington Planning Commission has examined and discussed a potential easement for septic field use from this parcel onto property owned by the Town of Washington. The Commission finds that the proposed easement, amended by the inclusion of a regularly scheduled inspection regimen, is consistent with the Town’s 2014 Plan of Conservation and Development. The constitutes the Commission’s comment on this matter pursuant to C.G.S. 8-24. By Mr. Hileman, seconded by Mr. Rimsky, passed by 5-0 vote.

**Plan of Conservation and Development:**

**Economic Development Advisory Committee Report:**

Mr. Sherr was present to represent the Economic Advisory Committee. He stated that the committee has been preparing updates for the Economic Development chapter of the POCD for each passing year. Mr. Sherr reminded the Commission that the original POCD called for recruiting an Economic Development Director. He stated that this has been a two-year project and now funding has been approved by the Town for a third year.

Mr. Sherr asked the Commission if the Committee has demonstrated value and if they were in the position to think about making this committee a more substantive part of the ongoing budgeting and planning for the community.

Mr. Sherr asked if the Commission had any questions regarding the EAC’s Annual Update.

Ms. Ryland asked if there were any metrics showing the difference about the economic health of our community in the last three years.

Mr. Sherr responded that the best estimate of the current occupancy rate in Town in contrast to what is was in 2014 (high 80%) is 95%. He briefly discussed the methods of how they arrived at these numbers.

Mr. Mathews confirmed that 4 new units of office space has been added to the Titus building and he has a wait list for retail space.

Mr. Sherr explained how the EAC will be collecting data regarding retail space over the next year to determine what the commercial side of the Town thinks is the current state.

Mr. Sherr stated that the Committee has been measuring the amount of people moving into and out of Town and the data shows very little change.

There was a brief discussion regarding the decline of the State.

Mr. Hileman asked about the data on jobs in the Town of Washington. He noted that the POCD mentions this in some detail and recommends to improve economic development by focusing on the sectors that the Town is doing well and has an advantage such as education, accommodation and food service, arts and recreation and technical and professional services.

Mr. Sherr stated that the focus has been building the infrastructure that would enable the Town to target those sectors. He noted that the EDC has been working on encouraging the development of programs in support without the data. He said that 1st Friday, Increasing the availability for out of town people so that they could increase activity that would drive retail. Mr. Sherr requested that Mr. Hileman continues his trend analysis and share it with the EDC.

There was brief discussion regarding concentrating on activities that will bring people and business into Washington. First Selectman Lyon stated that the Town is looking into fiber optics for commercial centers of the Town.

Mr. Mathews stated that a healthy mix of retail and services would benefit the Town.

Mr. Hubelbank asked how the recommendations of the POCD are being monitored and how are the town commissions making sure that these recommendations are addressed. He stated that somehow awareness needs to be raised.

A brief discussion regarding how the Town could reach the goals that are stated in the POCD.

**Sustainability Subcommittee Report:**

Ms. Jahnke stated that she gave her information to Ms. Gager. Since Ms. Gager was not present this agenda item was not discussed.

**Plaza Improvement Committee:**

There was a brief discussion regarding the continuing progress that has been made over the last month at Bryan Memorial Plaza.

**Revision of the Subdivision Regulations:**

Mr. Hileman stated that he received feedback from Fire Marshall Mr. Osborne and Volunteer Fireman Mr. Wright regarding the fire protection chapter in the subdivision regulations. He informed the members that the Conservation Commission has be considering a possible revision to the set aside requirements for proposed subdivisions.

There was a brief discussion regarding affordable housing.

**Administrative Business:**

There was no administrative business to discuss

**Adjournment:**

**Motion:** To adjourn the meeting at 9:22 p.m. By Mr. Hileman, seconded by Ms. Ryland, approved 5-0 vote.

**FILED SUBJECT TO APPROVAL**

Respectfully Submitted,

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

Shelley White, Land Use Clerk

November 8, 2017