TOWN OF WASHINGTON

**Bryan Memorial Town Hall**

**Washington Depot, CT**

**PLANNING COMMISSION**

MINUTES

November 5, 2014

7:30 Upper Level Mtg Room

**Members Present:** Mr. Rimsky, Mr. Carey, Mr. Frank, Ms. Gager

**Members Absent:** Ms. Jahnke

**Alternates Present:** Mr. Bedini,

**Alternates Absent:** Ms. Tibbatts

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

**Also:** Attorney Manasse, Attorney Fisher, residents

Mr. Frank called the meeting to order at 7:35 pm.

**Seated:** Rimsky, Carey, Frank, Bedini, Alt.

Consideration of the Minutes:

The commissioners considered the minutes of the October 7, 2014 Planning Commission Meeting.

**Motion:** to accept the October 7, 2014 Meeting Minutes of the Planning Commission as submitted, by Mr. Carey, seconded by Mr. Rimsky, passed by 4-0 vote.

**Motion:** to add Subsequent Business to the Agenda to place the matter concerning 8 Perkins Road as the first item for discussion by Mr. Frank, seconded by Mr. Carey, passed 4 – 0.

Other Business: Legal Status of 8 Perkins Road

The Commission had received a communication from Attorney Manasse, representing the owners of a 1.171 acre lot located at 8 Perkins Road (“Lot B”), requesting that the Commission confirm that Lot B is an existing approved subdivision lot pursuant to Commission action in 1967 and that erection of a dwelling and other improvements thereon would not violate the Commission’s regulations.

Mr. Frank raised the question of access to Lot B, since it appeared from the subdivision map and related deed that the western boundary was the proposed 50 foot road which was never built and the private Perkins Road shown on the map did not enter Lot B. Attorney Fisher, representing the present owners of the adjacent lot, presented a letter to the Commission stating his view that failure of the subdivision developer to improve the 50 foot right of way as incorporated in his subdivision plan meant that there was no legal access from West Shore Road to Lot B and that therefore Lot B was not a legal subdivision lot. Attorney Manasse stated that the owner of Lot B had a right to use the existing Perkins Road, which granted sufficient access to Lot B. Attorney Fisher also raised the question of limitation of access to multiple properties over a substandard road.

Discussion followed concerning the action of the Commission in 1967 and the nature of access to the property. Mr. Frank stated that the Commission had sought the advice of its counsel on these questions. Counsel had advised the Commission that a review of the relevant documents showed that the subdivision had been approved and the lot created in 1967, that no action had been taken over the intervening 47 years with respect to the developer’s failure to make road improvements, that the time for challenging the lack of such action had long since passed, and that the Town had assessed and collected taxes on Lot B for many years. Accordingly, counsel advised the Commission to confirm that Lot B is an approved subdivision lot. The matter of what improvements, if any, may be built on such property in light of the road issues there are for the Zoning Commission to determine.

**Motion:** The Washington Planning Commission confirms that Lot B, 1.17

acres, as shown on the two-lot subdivision map prepared for John

Cavallaro, approved by the Washington Planning Commission on

November 3, 1967 and recorded in the office of the Town Clerk on

November 7, 1967 as Map No. 190a, is an approved subdivision lot.

By Mr. Frank, seconded by Mr. Rimsky, passed 4 – 0.

**Seated:** Ms. Gager at 7:45 pm.

## Plaza Improvements Updates

Mr. Rimsky said he got an email from Mr. Lyon, First Selectman, that the state has reviewed the Town’s documentation and is now in the process of negotiating a fee with one of the contractors, TPA (Technical Planning Associates).

*Plan of Conservation and Development (POCD)*

Ms. Gager had developed an outline for the upcoming public hearing. She recommended that each person limit his/her talk to two minutes, then open the floor to comments. Ms. Gager also contacted Mike Louney. She was not sure if M & M will be attending the public hearing on the 13th nor was she sure who might be providing the “roll out” talk because Mr. Louney left the company. The commissioners talked in detail about how to present information at the public hearing. Mr. Rimsky and Mr. Bedini read their presentations. It was agreed the Power Point presentation would be brief and to the point and that after each presentation there would be a brief amount of time for the public to ask questions. Ms. Gager will act as moderator to keep the program moving.

Since time is limited prior to the hearing, each commissioner was asked to prepare his/her topic for discussion and send it to Mrs. Hill via email **BEFORE 10:00 am** on **November 10**, 2014. She will email them to all commissioners for review.

Communications:

Ms. Hill reported the 9/10/2014 notice from the Federal Communications Commission that had been received at the last meeting did not concern a new cell tower proposal.

#### Administrative Business:

There was no Administrative Business to discuss.

Public Comment:

No one from the public was present at this time.

Adjournment:

**Motion:** to adjourn at 9:00 pm, by Mr. Carey.

Ms. Gager adjourned the meeting.

**SUBMITTED SUBJECT TO APPROVAL:**

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Linda Nelson, Land Use Clerk 10-8-14

**A recording of this meeting is available to the public in the Land Use Office.**