

TOWN OF CANAAN
FALLS VILLAGE TOWN HALL
108 Main Street, Falls Village, CT. 06031
35 RAILROAD STREET SALE COMMITTEE
Meeting Wednesday, March 1, 2023, 12:00 PM (noon)

Present: Dave Barger (Selectman), Greg Marlowe (Selectman), Fred Laser (P&Z Chair, via phone), Vincent Inconiglios (P&Z), Ruth Skovron (P&Z)

Also present from public: Doug Cohn, Sue Sweetapple

AGENDA:

1. Call to Order
 - a. Meeting March 1, 2023: called to order by Chairman Greg Marlowe at 12:02 p.m.
2. Old Business
 - a. Engineering Update
 - i. Plan to proceed with soil testing, additional test hole drilling may be required.
 - b. Ruth Skovron reported that attorney Chuck Andres had informational conversation with George Johannesen and had also reached out to Falls Village Inn to speak with their attorney but received no response to date.

3. New Business —

- a. Chairman's public confirmation of process performed by this Committee

- i. The following statement was made by Chairman Greg Marlow:

To the Firehouse Sale Committee, comprised of the three selectmen and three members of the P&Z, it was clear that selling a town-owned property would require legal help. Since Salisbury had recently sold its firehouse we reached out to both Salisbury's P&Z Commission and its BOS for a legal counsel recommendation. Charles Andres of the firm Barclay Damon, New Haven was highly recommended to us based upon the legal services he provided to Salisbury for the sale of the town's firehouse in Lakeville.

The Falls Village Board of Selectmen sought the involvement of the Falls Village Planning and Zoning Commission because, in the context of the town's zoning regulations and its Plan of Conservation and Development, the commission will have to consider and plan for the future use and ownership of the firehouse.

According to the firm's website Charles Andres concentrates on land use matters representing towns, cities and land developers.

On October 13, 2022 the Committee meet with Mr. Andres at the town hall, we also showed him the firehouse on Railroad Street. Before First Selectman Henry Todd signed a Letter of Engagement with Mr. Andres the Committee checked with the Falls Village Assessor's office to make sure neither Andres nor anyone in his firm represented any of the property owners on Railroad Street.

Charles Andres will work with the Firehouse Sale Committee until the town has sold the firehouse.

- b. Executive Session moved to later in the meeting

- c. Discussion of current month-to-month rental of 35 Railroad Street to Jack Scott
 - i. Committee by unanimous consensus agreed that the building should be vacant and clean to facilitate sale.
 - ii. Motion by Inconiglios and seconded by Skovron to recommend to Board of Selectman (BOS) to give 30-day notice of termination of lease by April 15, 2023.
- d. Results of RFP for Soil Testing on Existing Parking Lot
 - i. Marlowe reported that three proposals were received. Steve Dean's was the most reasonable cost for work to be done to support Allied Engineering.
 - ii. Motion by Barger, seconded by Inconiglios, to accept Dean's excavating bid not to exceed \$800 for test holes.
- e. Parking Lot Status
 - i. Discussion in order to do general sales presentation and testing the Committee recommends to BOS to notify all parties in close proximity to 35 Railroad Street requesting removal of all property from 35 Railroad Street by April 15, 2023.
- f. Architectural Brief
 - i. Creation of an "architectural brief" was discussed by Laser and Inconiglios. It is in development with photographs and concept renderings to be completed by end of April 2023 assuming BOS acts on other Committee recommendations.
 - ii. An update on this brief will be covered in the next meeting.
- g. Property Appraisal
 - i. Committee expressed the need for a current and legal appraisal. Motion made by Marlow, seconded by Inconiglios, to recommend to BOS to have a legal and current appraisal completed by the end of April 2023.
- h. Letter from P&Z dated March 14, 2022 regarding 35 Railroad Street and the facts to consider when planning for the future use and ownership of the Old Firehouse (see attached)
 - i. In the interest of an informed process, the Committee by consensus agreed to post this letter.
- i. Executive Sessions and the Connecticut Statute
 - i. By unanimous consensus the Committee agreed to post CT State Freedom of Information Commission Section 1-200 – Definitions
<https://bit.ly/CTStateDefinitions6B> Item (6) "Executive sessions": (6) *"Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions*

concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

- j. Expenses regarding sales preparation and process of 35 Railroad Street Property
 - i. The Committee discussed and re-confirmed that monies allocated from ARPA funds and town meetings will be added on to the final selling price of the 35 Railroad Street property.
 - ii. Legal expenses are covered by the Board of Selectman.
- 4. Executive Session
 - a. Motion by Marlowe, seconded by Skovron to begin Executive Session at 12:42 p.m. to discuss possible real estate transactions. Motion by Marlowe, seconded by Barger to end Executive Session at 1:24 p.m.
- 5. Next Meeting Date: March 14, 2023, 2:00 p.m. at Town Hall.
- 6. Any other Business to come before the Committee: None
- 7. Adjournment: **MOTION** by Barger, seconded by Inconiglios, to adjourn the Meeting; approved unanimously. Chairman Marlowe adjourned the Regular Meeting at 1:30 p.m.

Respectfully submitted, Vincent Inconiglios, Secretary

Attachments: Town of Falls Village Planning & Zoning Commission March 14, 2022 letter titled The Old Firehouse Property

March 14, 2022

The Old Firehouse Property

To: The Falls Village Board of Selectmen

Dear Board of Selectmen,

The Old Firehouse Property, located at 35 Railroad Street and currently owned by the Town, has been the topic of conversation around town both formally and informally. At this stage in the discussion, the Planning & Zoning Commission would be involved only to the extent where it can serve as an informative resource to fellow town officials as well as town residents. Based on the current Town of Falls Village (Canaan) Zoning Regulations, the Commission offers the following facts to consider when planning for the future use and ownership of the Old Firehouse:

- The size of this lot according to Town's Assessment records is 0.34 acres or approximately 14,810 sf. According to an A-2 quality survey prepared by Matt Kiefer dated January 9, 2007, the total lot area is 0.378 acres or ~ 16,466 sf.
- The subject lot is located within the Village Business Zone. Within this zone, the minimum lot size is 20,000 sf for a single family and 30,000 for a two-family, which means this lot is non-conforming due to the fact that it does not meet current size requirements.
- A discussion around "carving out" a Town-owned lot from the 35 Railroad Street property has been put forward. However, a non-conforming lot cannot be further reduced in size legally. A central goal of zoning is to minimize non-conformities, not to increase them.
- Additionally, parking is not a stand alone use. It is an accessory use to a primary use as provided for in the permitted uses section of the Village Business Zone (*Town of Falls Village (Canaan) Zoning Regulations, pg 18*)
- Permissible uses on this property by zoning permit include: single-family dwellings, retail stores (of less than 2,500 sf), office or financial institutions, personal service establishments, restaurants, inns, or mixed usess.
Permissible uses on this property by Special Permit include: retail stores of more than 2,500 sf, two-family dwellings or duplexes, municipal buildings or uses, and post offices. (*pg 18*)
- Not only is the lot itself non-conforming, but the structure on the lot is also non-conforming . This is because it does not satisfy current setback requirements which are 30 feet in the front yard, 10 feet in the side yard, and 10 feet in the rear year.
- It is important to note that statutorily, non-conforming buildings are not to be further expanded.
- It is understood that the existing building encroaches onto the abutter's property as confirmed on the survey map. This encroachment would likely need to be rectified in the form of a legal boundary line agreement prior to a sale. Any alteration of the building as a possible solution to this issue would require a zoning permit.
- Informal access through 35 Railroad Street onto 33 Railroad Street is observed to be common practice. A formal easement could better manage and legitimize the use of the land by its neighbor(s). Furthermore, a formalize easement may better serve the day-to-day operations of the Town Center as well as ensure the safety of its users. For example, by formalizing the use of a centralized Village Center "loading zone" at this specific location, commercial trucks would not stand idling within a public roadway or block visitors from parking when making a delivery nearby.
- Associated with every permissible use is a parking requirement. For example, a single-family dwelling requires two spaces as does an accessory apartment. An art gallery requires 1 space per 300 ft of gross floor area. These parking requirements and provisions for accessibility (pg 44-46) should be kept in mind when making future plans for this site.

As demonstrated by this list of items to consider, the building blocks of local zoning laws are important, tangible factors of real property. We hope this letter serves as the starting place from which discussions about the future of the property can ensue. We are here to help facilitate and serve as a resource.

Respectfully submitted,

The Town of Falls Village Planning & Zoning Commission