

Sub-committee meeting *handout (Gary Fitzherbert)*

December 8, 2009

Gary Fitzherbert

1.3¹ **Purpose.** It is the purpose of the Regulations to promote the health and safety of the community; to encourage the most appropriate use of land; to prevent overcrowding of land; to lessen congestion in the streets; to secure safety from flood; to protect the ecology and prevent pollution and defilement; and to promote the general welfare of this rural community by sustaining harmonious residential development and **encouraging the construction of safe, convenient business buildings attractively and conveniently located** with adequate provision for parking. **These Regulations are intended to promote effectively the Town's Plan of Conservation and Development.**

State law gives the responsibility of setting policy to the planning commission and is reflected in the Town's Plan of Conservation and Development. The vision is the result of many surveys, meetings with town officials, discussions with active members of all commissions, and many, many public hearings where the proposed plan is reviewed and revised until a final document is developed to serve as the official guide for the whole community and all of its officials. As times and needs change the plan is to be updated as needed.

2.1 Interpretation. The provisions of these Regulations shall be held to be minimum requirements adopted for the purpose stated in Section 1 above. It is not intended by these Regulations to repeal, abrogate, annul, or in any way impair, conflict, or interfere with any existing provision of law or ordinance or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law, relating to the present use of buildings or premises; nor is it intended by these Regulations to interfere with or abrogate or nullify any easements, covenants, or other agreements between parties, provided, however, that where these Regulations impose a greater restriction upon the use of land or buildings or premises or upon the heights of buildings, or require larger yards or other open spaces than are imposed or required by existing provisions of law or ordinance or by such rules, regulations, or permits, or by such easements, covenants, or other agreements between parties, the provisions of these Regulations shall control.

¹ Sect. 1.3 amended 4/22/02.

SECTION 4 - FARMING AND RESIDENTIAL DISTRICT

- 4.2² **Uses Permitted/No Permit Required.**
- 4.2.1 Home office or studio per Section 12.6.1.a.
 - 4.2.2 Traditional home enterprise per Section 12.6.1.b.
- 4.3³ **Uses Permitted.**
- 4.3.1 Single family dwelling.
 - 4.3.2 Farming.
 - 4.3.3 Farm stand for the sale of farm products, the major portion of which is derived from the same premises.
 - 4.3.4 Swimming pools, ponds, fences.
 - 4.3.5 Public dump, sanitary landfill, and other facilities for the disposal of sewage, garbage, and waste materials only if operated or controlled by the Town of Washington.
 - 4.3.6 Registered family day care homes.
 - 4.3.7 Patios.
 - 4.3.8⁴ Unilluminated tennis, basketball, and other outdoor sports courts.
 - 4.3.9 Generators, air conditioners, pool filters, and other noise generating equipment.
 - 4.3.10 Accessory buildings or structures not used for residential purposes provided that the Town Health Officer approves any well or septic connection.
 - 4.3.11 Accessory apartment, attached, per Section 13.11.
- 4.4⁵ **Uses Permitted by Special Permit.** The following uses are permitted provided they meet the conditions of Sections 13 and 14 of these Regulations.
- 4.4.1 **Inn or Tourist home.**
 - 4.4.2 Cemetery.
 - 4.4.3 Commercial horseback riding establishment.
 - 4.4.4 Convalescent home.
 - 4.4.5 Kennel.
 - 4.4.6 Room and Board or Bed and Breakfast establishment.
 - 4.4.7 Residential conversion of older home.
 - 4.4.8 Accessory apartment, detached, per Section 13.11.
 - 4.4⁶.9 Buildings, uses, and facilities of the Town of Washington.
 - 4.4.10 Church, parish house, school, library, museum, registered group day care home.
 - 4.4.11 Shop and storage use by contractors and building tradesmen.
 - 4.4.12 Town of Washington or non-profit sponsored affordable housing.

² Revisions to 4.2, 4.2.1, 4.2.2, 4.3.2, 4.3.3 effective 4/15/96

³ Revisions 4.3.7 and 4.3.8 effective 2/18/97; addition of 4.3.9: Generators, etc. effective 11/26/99; revisions 4.3.10, 4.3.11: accessory apartments and structures effective 12/26/2000

⁴ Revision Section 4.3.8 re: unilluminated sports courts effective 4/14/07.

⁵ Revision to 4.4.5 effective 9/25/96; revision to 4.4.16 effective 4/15/96; revision to 4.4.17 effective 1/15/98; revision to 4.4.8 effective 12/26/2000

⁶ Effective date: 12/25/06

- 4.4.13 Town landmark site.
- 4.4.14 Boarding house.
- 4.4.15 General home occupation.
- 4.4.16 Telecommunications antennae, facilities, and antenna towers including personal wireless facilities and towers.
- 4.4.17 Accessory structures used to operate or maintain a pre-existing golf course.
- 4.4.18⁷ Outdoor wood-burning furnaces.

13.1⁸ **Procedure.** In accordance with the procedures, standards, and conditions hereinafter specified, the Commission may approve a **Special Permit** in a district where such uses are listed.

- a. **Purpose.** Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special Permit uses that may be permitted in a district are unusual cases that, under favorable circumstances, will be appropriate, harmonious, and desirable uses in the district, **but that possess such special characteristics that each use should be considered as an individual case.**
- b. **Standards.** After the conclusion of a public hearing, the commission may approve an application to permit the establishment of one or more of the uses for which a Special Permit must be secured if it shall find that the proposed use and any building or other structure in connection therewith will conform to the following general standards in addition to any specific standards set forth in these Regulations for particular Special Permit uses:
 1. That the proposed use and any building or other structure in connection therewith are consistent with the objectives of the Plan of Conservation and Development for the Town of Washington, and the intent and requirements of the Zoning Regulations as such documents may be amended.
 2. That the location, type, character, size, scale, proportion, appearance, and intensity of the proposed use and any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof.
 3. That the nature and location of the proposed use and any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes and other emergency services.
 4. That the Town's existing rural street network, which includes state

⁷ Addition of Section 4.4.19: outdoor wood-burning furnaces effective 4/14/07

⁸ Revisions to 13.1.B.1-4 effective 6/20/99; revisions to 13.1.B.1-8 effective 9/23/02

highways and Town streets serving the proposed use and any building or other structure in connection therewith are adequate, including without limitation, in width, grade, alignment, *capacity*, and sight lines to carry prospective traffic; that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created; and that adequate off-street parking and loading facilities are provided.

5. **That the lot on which the use is to be established is of sufficient size and adequate shape, dimension, and topography to permit conduct of the proposed use and any building or other structure in connection therewith in such a manner that will not be detrimental to the neighborhood or adjacent property.**
6. That provision is made for suitable landscaping to protect the neighborhood and adjacent property with a permanent landscaped buffer of evergreens, natural topography, stonewalls, or other appropriate screening material.
7. That the proposed plans have provided for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.
8. That the proposed use and any building or other structure in connection therewith will not create a nuisance such as noise, fumes, odors, bright lights, glare, visual obstructions, vibrations, or other nuisance conditions at or beyond the property line.

SUMMARY OF ABOVE

- Encouraging the construction of safe, convenient business buildings
- Promote effectively the town's plan of conservation and "development"
- The provisions of these regulations shall be held to be minimum requirements adopted for the purpose stated in section 1 above
- R-1 district
 - 19 allowable uses
 - 25 special permit uses
- Allowable special permit use INN
- But possess such special characteristics that each use should be considered as an "Individual case"

Standards and hearing review topics for decision making

- Location, type, character, size, scale, proportion, appearance, intensity
- Appropriate and orderly development of the town
- Lot is sufficient size and adequate size, dimension, topography

Accepted definition of Inn
Dictionary and internet

inn n. **hostel**: a hotel providing overnight lodging for travelers
inn n. A public lodging house serving food and drink to travelers; a hotel. A tavern or restaurant.
noun. any dwelling or lodging. an establishment or building providing lodging and, usually, food and drink for travelers; hotel or motel, ...

2. A house for the lodging and entertainment of travelers or wayfarers; a tavern; a public house; a hotel.
[1913 Webster]

Note: As distinguished from a private boarding house, an inn is a house for the entertainment of all travelers of good conduct and means of payment, as guests for a brief period, not as lodgers or boarders by contract.

inn

n 1: a hotel providing overnight lodging for travelers [syn: hostel, hospelry, inn, lodge, auberge]

Definition of resort

- a hotel located in a resort area
- **haunt**: a **re·sort** / ri'zôrt/ n. 1. a place that is a popular destination for vacations or recreation, or which is frequented for a particular purpose: a seaside resort a health resort.frequently visited place

Consequently, another characteristic of a destination resort is that it offers food, drink, lodging, sports, entertainment, and shopping within the facility so that guests have no need to leave the facility throughout their stay. Commonly these facilities are of higher quality than would be expected if one were to stay at a hotel or eat in a town's restaurants. Some examples are Atlantis in the Bahamas, Costa do Sauipe in the Northeastern Brazil, Laguna Phuket in Thailand and Sun City near Johannesburg

A **luxury resort** is an expensive vacation facility which is fully staffed and has been rated with five stars. Luxury resorts often boast many visitor activities and attractions such as golf, watersports, spa and beauty facilities, skiing, natural ecology and tranquility. Because of the extent of amenities offered, a luxury resort is also considered a destination resort.

EXAMPLES: world of Disney, casinos(foxwoods), sandals,Caribbean hotels, ski resorts around the world,etc.

Statement by Gary Fitzherbert

The town of Washington has a long interesting history including to be named after George Washington traveling through the town at least two times staying in local Inns and enjoying the taverns located within. The natural beauty of the town has always drawn visitors from afar and this dramatically increased with the railroad coming to Washington. The long established Inns expanded including on the most beautiful lake in the state, in Washington and in the others towns bordering it.

More and more people were exposed to the natural beauty and slowly grew to what we know today. Long established families using their wisdom and experience and a thing called common sense managed very successfully our 12 districts, each having its own schools and character with many of the districts named after the families.

Zoning, established in 1939, was installed because of changing times and needs. The current regulations serve as a good base, to make decisions and allow elected members to utilize their experience, wisdom, and common sense to make good decisions for the current community. Washington will continue to be special place and will continue attract people to visit and to live here. There will be many issues that will be new to us, but we should never forget why the town has attracted people to it and not destroy the very reasons why people love to visit or live here. The history shows that the citizens handled this very well, what about now and in the future.

Only a few people are charged with seeing the whole picture versus special interests. This of course is the elected leadership and the various commissions served by dedicated people giving of their personal time for the benefit of the whole.

Over time the plan for the town, the established vision will change. Zoning must adapt to the plan to carry out our purpose. This will always mean that past regulations should be reviewed to see if they need to be changed as not to hinder the future, and to develop the minimum new regulations to carry out the current plan for its citizens.

Listening to each other and to the community is critical. The danger is that we as individuals can develop an attitude that we know best, that we absolutely believe in. The community from time to time can evaluate our performance and replace us if they wish, usually because their belief system and ours are not on the same page. That recently happened and

everyone should at least reflect on why. It will happen again and each time the commission members need to reflect on why.

My belief system is that installing specific black and white regulations is sometimes needed. But overall the system of uses and special uses and the use of common sense in reviewing the critical areas listed in the different sections is very good, and allows for making the best decisions for the community.

My very strong feelings are that isolating out Inn for more specific black and white regulations is the wrong direction to move in, eliminating the historical common sense approach to making the right decisions for the community. The horror would be to do the same for all 44 uses in the r-1 district and then for all the other districts.

A further belief is that the majority of our work should not be on restrictions but rather on promotions. Restrictions, in many cases, have been shown to cause on-going problems, because they are put in place for a specific reason and are not part of the big picture. The more effective approach is to decide what we do want and how to accomplish the plan.

I will point out that this commission and past commissions had no problem with the Mayflower being built, re-built, and expanded as a modern and luxury Inn. Nor did the commission have any problem with its restaurant or tavern. Nor did it have any problem with its in-house store. Nor did it have any problem with the expansion with a large and now world famous spa. It has been a source of pride for its owner and for the community as a whole.

I have a very hard time seeing why now we need to define Inn as to not allow the Mayflower as it exists today.

All property owners have the right to propose uses or permitted uses of their property as our regulations define them. Changing regulations on any property owner, as we have done and are now looking to do again, is simply wrong. There is no rational or justification that is good enough.

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