

June 21, 2010

Special Meeting

5:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Frank, Ms. Gager, Mrs. Jahnke, Mr. Rimsky, Mrs. Roberts

ALTERNATES PRESENT: Mrs. Braverman, Mr. Carey

ALTERNATE ABSENT: Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mrs. Friedman, Ms. Setlow, Mr. Shapiro, Mrs. Solomon, Mr. Solomon

Mrs. Roberts called the Special Meeting to order at 5:10 p.m. and seated Members Frank, Gager, Jahnke, Rimsky, and Roberts. She noted the purpose of the meeting was to discuss and finalize the report to the Zoning Commission regarding its proposed revisions to the Zoning Regulations.

The 6/17/10 discussion draft by Mr. Frank had been circulated prior to the meeting and the commissioners said they were prepared to discuss it. They thanked him for his thorough and detailed work. Mrs. Roberts said Mr. Frank had done a good job to include all of the points that had been raised at the last meeting and all of the reasons the Commission had voted against the proposed revisions concerning inns. Ms. Gager agreed, saying the report provided the details necessary for the Zoning Commission to understand why Planning voted as it did.

Mr. Frank read from the state statutes. He explained they require the Planning Commission to submit a report to the Zoning Commission regarding whether its proposed revisions are consistent with the goals of the Plan of Conservation and Development. This report shall include a statement of the vote on the proposed regulations, the reasons for the vote, and any recommendations the Planning Commission would like to make. He noted since the revisions regarding inns were determined to be inconsistent with the goals of the Plan of Conservation and Development, the Zoning Commission would require a vote of not less than two thirds to approve them.

Mr. Frank briefly reviewed the draft report, noting that proposed revisions regarding approval of applications involving the installation or modification of a septic system and the continuation of Special Permits upon the conveyance or leasing of the subject property, which language had been recommended by the Zoning Commission's counsel, had been unanimously found to be consistent with the goals of the Town Plan of Conservation and Development. The proposed revisions concerning inns, and including definitions, including a definition of "inn," were unanimously voted as inconsistent with the goals of the POCD. He summarized the main reason, which was they were not consistent with the primary goal of the POCD, which is to preserve the Town's rural character. He noted in the last paragraph, the Commission acknowledges the input the Planning Commission received from the public about how inns could be beneficial to Washington, but states that although these are important concerns, they can not be appropriately addressed by the current proposal.

It was the consensus that the report was complete and a motion should be made to adopt it.

MOTION:

That the report (dated 6/21/10) of the Planning Commission in response to the referral from the Zoning Commission filed with the Town Clerk, dated 5/4/10, shall be in the form annexed to the minutes of this meeting.

By Mr. Frank, seconded by Ms. Gager, and passed 5-0.

MOTION:

To adjourn the Meeting. By Ms. Gager.

Mrs. Roberts adjourned the Meeting at 5:19 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator

**REPORT OF THE WASHINGTON PLANNING COMMISSION
PURSUANT TO SECTION 8-3a, CGS**

June 21, 2010

To the Washington Zoning Commission:

Several proposed changes to the Washington Zoning Regulations have been referred to the Planning Commission for a report pursuant to Section 8-3a,CGS, which requires us to report our “findings...on the consistency of the proposed regulation...with the plan of development of [Washington] and any other recommendations the Planning Commission deems relevant.” This is our report pursuant to the statutory requirement.

A. As to the proposed revision of Section 2.3.6 regarding approval of applications requiring installation or modification of sewage disposal systems and corresponding updates, deletion or renumbering in Sections 13.6 13.10, 13.11.2.d, 13.11.3d, 13.14.7, 13.15 and 13.17.5 : These changes, which were recommended by counsel to the Zoning Commission to reconcile the Town’s procedure with the State’s procedure, are approved (by 5-0 vote) as consistent with Washington’s Plan of Conservation and Development (the “POCD”).

B. As to the proposed addition of Section 13.5 regarding conditions for the continuation of Special Permits upon the conveyance or leasing of the subject property: This change, which was recommended by counsel to the Zoning Commission to promote continued observance of Special Permit conditions upon a change of ownership or tenancy of the affected property, is approved (by 5-0 vote) as consistent with the POCD.

C. As to the proposed changes to various sections of the Zoning Regulations, the composite effect of which is to allow “Inns”, as proposed to be defined in Section 21.1.38, to be a permitted use (subject to Special Permit) in all of Washington’s Residential and Business Districts (except for the Marbledale and Woodville Business Districts) on local town roads as well as state highways: The Planning Commission respectfully disagrees with this proposal and finds (by 5-0 vote) that, as presented, it is not consistent with the POCD.

Reasons for the Planning Commission’s Unanimous Vote on Proposal C, above:

While we recognize that the aim of the Zoning Commission has been to craft a functional regulatory system for “inns” and other transient lodging accommodations as Special Permit uses throughout Washington, and we respect its efforts to do so, our responsibility is limited to the examination of the present proposal for consistency with the goals of the POCD.

The pre-eminent goal of the POCD is the preservation of Washington’s rural character. The POCD recognized that “... Washington has a decidedly residential character” (p.1-11). As stated in the POCD (at page 3-1):

“Washington is defined and distinguished by its rural character. Preservation of this encompassing but vulnerable attribute has been the dominant planning theme of the Town of Washington since the first plan of development in 1963. In several surveys over the past decade and during public meetings on this Plan, this continuing objective was strongly supported by Washington residents.

“The extent of that support was also evidenced by the significant efforts undertaken by Town residents over the past ten years to identify and understand the foundation of the Town’s character and to protect it.

“The next ten years may prove crucial for the longer term preservation of Washington’s rural character. Many of the strategies identified in this Plan will lay the foundation for community actions to help retain the qualities that today’s residents clearly value and future residents will cherish.”

Indeed, the paramount significance of that goal has been recognized in the purposes of each of the residential districts as expressly stated in the Washington Zoning Regulations. Thus, development in the R-1 Farming and Residential District (constituting approximately 97% of Washington’s land area) is to “consist primarily of scattered residential, agricultural and related uses, open space, low intensity recreational activities, and ***“other uses which will retain the rural character and natural beauty of the Town.”*** Activities in the R-2 Washington Green District are “restricted to those which are compatible with a residential-historical district.” Uses in the R-3 Lake Waramaug Residential District are permitted “in a manner that will avoid deterioration of the lake’s water quality and minimize runoff and the flow of nutrients and other harmful elements to the lake, groundwater and other wetlands and watercourses in the District.”

Consistent with the preservation of rural character, inns are not presently permitted in the R-2 Washington Green District (but would be a permitted use under the proposal, even though the recommendation of the POCD that highly regulated “General Home Occupations” be considered for that district was not adopted) or in the R-3 Lake Waramaug Residential District (but would be a permitted use under the proposal, although it is now recognized that such an intensive use may adversely affect the lake’s water quality). Present practice allows only for less intensive “Room and Board” and “Bed and Breakfast Establishment” use by Special Permit in those districts. In the R-1 Farming and Residential District, Inns and Tourist Homes are allowed by Special Permit on State highways, while “Room and Board”, “Bed and Breakfast Establishments” and “Boarding Houses” are similarly allowed on local roads. The fundamental difference, we believe, between what is presently allowed and the potential for development under the proposal is one of intensity of use and impact on the residential neighborhoods. The transient accommodation uses presently permitted (with the exception of The Mayflower Inn, on a State highway and with a unique history) are of a traditional mode, small in size and scale, consistent with the preservation of rural character, in the same manner as home occupations are permitted in the residential districts on an appropriate scale and subject to highly detailed conditions to minimize the conflict of such commercial use with surrounding residential uses and to protect residential property values.

The potential maximum size and scale of an “Inn” as expansively defined under the proposed

regulations---a multi-function enterprise of an indeterminate number of rooms, a restaurant and bar with a seating capacity of twice the inn's lodging capacity, a spa, a fitness facility, a retail shop, conference meeting rooms and other like services and facilities open to the public---present a potential for a high intensity of use and the introduction of businesses never independently permitted on the winding local roads of all of our residential districts. We believe that the likely consequences of such development activity---traffic, parking issues, safety issues, noise from events and equipment, lighting of the night sky, and the like---are fundamentally incompatible with the goal of the POCD to preserve rural character. Such a commercial enterprise may be suitable for a business district, but not for our protected residential districts.

We are aware that it is said that additional lodging facilities would be helpful to our local independent schools, an important segment of Washington's life, and for general tourism purposes; that as farming activities disappear in town, the operation of a modest lodging facility by a family might help to avoid subdivision and sale of their property; and that there are various economic and social benefits which may accrue to the town and its residents from such activities. These are important concerns but, in our view, cannot be appropriately addressed in the context of the present proposal, in which the potential size, scale, intensity of use and impact on residential neighborhoods are incompatible with the primary goal of preservation of rural character which is the hallmark of our Plan of Conservation and Development, and the reason why many of our residents have chosen to live in Washington.

Respectfully submitted,

WASHINGTON PLANNING COMMISSION

Adelaide C. Roberts, Chairman

Sarah Gager, Vice Chairman

Paul R. Frank

Susan Jahnke

Dimitri Rimsky

Alternates (not seated for this matter):

Barbara Braverman

Richard Carey

J. Winston Fowlkes III