

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, Connecticut 06794  
Planning Commission Regular Meeting

**MINUTES**

April 1, 2020

7:30 P.M. – Meeting via Zoom

**MEMBERS PRESENT:** Chairman Hileman, Ms. Matteo, Mr. Rimsky

**MEMBERS ABSENT:** Mr. Carey, Ms. Gager

**STAFF PRESENT:** Ms. White, Ms. Rill

**PUBLIC PRESENT:** Ms. Gorra, Mr. Charles, Mr. Barnett, Ms. Branson

Chairman Hileman called the meeting to order at 7:33pm. He then seated himself, Mr. Rimsky and Ms. Matteo.

**CONSIDERATION OF THE MINUTES (32sec.):**

**MOTION:** To accept the March 4, 2020 Regular Meeting Minutes as submitted, by Ms. Matteo, seconded by Mr. Rimsky, passed 3-0 vote.

**OTHER BUSINESS (1min. 16sec):**

**Economic Development Committee –**

There were no updates at this time.

**Sustainability Committee –**

There were no updates at this time.

**Plan of Conservation and Development: 5- year Update –**

There were no updates at this time.

**Referral from the Zoning Commission Re: Section 12.8 – Temporary Uses (3min. 51sec.) –**

Chairman Hileman presented the Commission with the following:

"April 1, 2020

To: Nick Solley, chair Washington Zoning Commission

Fr: Wayne Hileman, chair Washington Planning Commission

Re: Referral of Proposed Revisions to Zoning Regulations – Section 12.8

Mr. Solley -

The Washington Planning Commission has reviewed and discussed the proposed revisions to the Washington Zoning Regulations (as of 27 February 2020) regarding Section 12.8 – Temporary Uses.

The Planning Commission unanimously finds that the proposed revisions are inconsistent with Town of Washington's 2014 Plan of Conservation and Development (POCD). The revised Sections 12.8.1 and 12.8.2 are not inconsistent with the POCD, as the plan does not address temporary structures or trailers. However, portions of Sections 12.8.3, 12.8.4 and 12.8.5, which address temporary events, impose limits on arts, cultural and recreational activities that conflict with the POCD, and portions of Section 12.8.3 pose threats to the "harmonious use" of our commercial and institutional properties.

Specific issues of concern are noted below; this is not an exhaustive list:

- 12.8.3.B – This clause is arbitrary at best and exclusionary at worst. The Planning Commission believes that grandfathering previously held temporary events by setting a minimum tenure for their existence is discriminatory. There is no purpose in exempting some temporary events over others based solely on longevity that could be considered consistent with the POCD.
- 12.8.3.D – Codifying unlimited and unpermitted temporary events in the business districts could have unintended consequences. Section 2.3.2 of Washington's Zoning Regulations stipulates that "all uses not specifically permitted...are prohibited", and temporary events are not cited as a by-right, permitted or special permit use in any business district. This clause would allow a property owner in a business district to stage multiple temporary events without regard to "incidental or customary use", number of days, time constraints, or permitting requirements. Exempting the business districts from the permitting process in this manner would conflict with the existing "uses in harmony with the purpose of this district" clauses in the current Zoning Regulations (Sections 7.7.1, 8.7.1, 9.7.1, 10.5.1.A).
- 12.8.4 – This clause would have a chilling effect on future cultural and recreational events. For example, the Steep Rock Association—not covered by proposed Sections 12.8.3.C and 12.8.3.D—would be restricted to two additional temporary events per year going forward. This would effectively act as a regulatory constraint on their cultural and recreational growth.

- 12.8.5 – Limiting temporary events subject to a Special Permit to seven consecutive days eliminates the possibility of any event occurring over two weekends. Presenters of arts and cultural events typically offer programming during the weekends to accommodate the availability of their patrons and the general public. In reality, this clause restricts events to three consecutive days— unless they occur under Sections 12.8.3.C or 12.8.3.D, in which case there are no restrictions as to the number of consecutive days.

The 2014 Plan of Conservation and Development clearly and repeatedly indicates that the Town of Washington should support and encourage arts, cultural and recreational activities because (i) the Town has a long history in doing so, (ii) these events promote economic and community vitality, and (iii) they make Washington an attractive place to visit and live. It is difficult to imagine a scenario where the Planning Commission would approve curtailing, limiting or otherwise restricting these activities without a clear rationale.

At the other extreme, it is irresponsible to grant the unrestricted use of temporary events to select entities without regard to the “general welfare” of the community or without intent to “promote effectively the Town’s Plan of Conservation and Development” (Zoning Regulation 1.3).

Taken in their entirety, these proposed revisions to the Zoning Regulations create more problems than they solve. The Washington Planning Commission urges their rejection.

Best Regards,

Wayne Hileman, Chair – Washington Planning Commission”.

Chairman Hileman then asked the Commissioners if they had any thoughts or suggestions to add to this letter.

Ms. Matteo stated that she was in agreement with Chairman Hileman’s letter, explaining that she felt the proposed language of Section 12.8 had a chilling effect on the town overall, and felt that these regulations were unenforceable, vague, and arbitrary.

Mr. Rimsky agreed with Ms. Matteo and felt that Chairman Hileman’s letter was well written and to the point.

**MOTION: To submit and file, as drafted by Chairman Hileman, a letter to the Washington Zoning Commission for the Public Hearing regarding the referral of Zoning Regulation Section 12.8 – Temporary Uses, by Chairman Hileman, seconded by Mr. Rimsky, passed 3- 0 vote.**

**Communications (10min. 36sec.):**

There were no communications this evening.

**Administrative Business (11min. 40sec.):**

There was no Administrative Business this evening.

**Privilege of the Floor (11min. 56sec.):**

Ms. Gorra stated that she felt it would be useful if the Planning Commission were to approach the Zoning Commission and have a conversation with them regarding Section 12.8 – Temporary Uses, as well as sending a letter.

Chairman Hileman explained that the letter is a formality, however he has and will attend the Public Hearing to explain or answer any questions the Zoning Commission may have. Ms. Matteo and Mr. Rimsky confirmed that they will attend the Zoning Public Hearing as well, whether it be via a Zoom virtual meeting or at some point later on.

Mr. Charles questioned whether or not the Planning Commission has reviewed the job description for the Economic Development Director position. Chairman Hileman explained that they had not reviewed it as of yet because to his understanding, it had not been finalized. Also, the line item for the position had not yet been approved in the town budget.

Ms. Gorra explained that the line item is being presented at the Board of Finance meeting that will be held on Monday, (April 6, 2020), that the intent is for the position to be under 30 hours per week, however could not be a 1099 position because it does not meet the description of an independent contractor.

Mr. Rimsky asked the Commission if they would consider sending the Lyon Family their condolences on the loss of former First Selectman, Mark Lyon. Chairman Hileman stated that he would do so.

Mr. Rimsky then asked if there had been any word on possible new members for the Planning Commission. Chairman Hileman stated that he did in fact receive a call from Washington Republican Town Committee Chairwoman, Ms. Lodsine, but had not had a chance to speak to her as of yet. Chairman Hileman stated that he would be reaching out to her soon.

**MOTION: To adjourn the April 1, 2020 Washington Planning Commission Meeting at 7:56pm, by Ms. Matteo, seconded by Mr. Rimsky, passed 3-0 vote.**

Respectfully Submitted,

*Tammy Rill*

Tammy Rill  
Land Use Clerk

April 6, 2020

**\*All documents on file in the Land Use Office**

**\*\*Minutes subject to approval**

**\*\*\*A recording of this meeting is available upon request**