

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

**MINUTES**

March 2, 2022

7:30 P.M. – Meeting via Zoom

**MEMBERS PRESENT:** Chair Hileman, C. Matteo, D. Rimsky, S. Gager

**ALTERNATES PRESENT:** J. Averill, S. Mongar, D. Varnish

**ALTERNATES ABSENT:**

**STAFF PRESENT:** S. White, T. Rill, M. Gorra

**PUBLIC PRESENT:** C. Charles, H. Barnet, M. Giaponni

**Call to Order**

Chair Hileman called the meeting to order at 7:32pm.

Chair Hileman, C. Matteo, D. Rimsky, S. Gager and S. Mongar will be seated for this meeting.

**Consideration of the Minutes**

Regular Meeting – February 2, 2022:

**MOTION:** To accept the February 2, 2022 Washington Planning Commission Meeting Minutes as submitted, by D. Rimsky, seconded by C. Matteo, approved unanimously.

**Motion to Include Items Not on Agenda**

**New Applications**

**Pending Applications**

**Committee Reports/Updates**

### Sustainability Committee:

C. Matteo stated that she, along with Chair Hileman and M. Gorra attended a Nature Conservatory Workshop. Discussion included infrastructure and climate events such as drought and wildfires.

### Economic Development Committee:

M. Gorra stated that the Committee has been reviewing their goals for the year, deciding what needs to be a priority. Also, plans for the “Welcome Center” to be located in the Legion Hall are coming together with some improvements to be made to the space.

### **Continued Discussion – 2023 Plan of Conservation and Development**

#### Review of 2014 POCD Goals & Strategies – Chapter 3: Economic Development:

The Commission reviewed Chapter 3: Economic Development and decided which areas were completed, which were being worked on, and which areas were incomplete.

### **Communications**

Chair Hileman read the following letter received by H. Barnet:

“Dear Commissioners: The preservation of its rural character has been one of the defining goals of the citizens of the Town of Washington for at least a hundred years. Its farmlands and woodlands, rivers and hills, continue to draw residents and tourists alike. This goal has therefore been front and center in our Plan of Conservation and Development for decades. It should remain so. There seems to be an idea that Public Act 21-29 requires us to omit this goal from the new POCD. I don’t believe this is true. My admittedly amateur analysis is below. Most importantly, the statutory amendments in question affect only the Town’s “zoning regulations.” As you know, of course, in Washington the zoning regulations are adopted by the Zoning Commission, not the Planning Commission. Public Act 21-29 made no changes to Section 8-23 of Connecticut General Statutes, governing municipal plans of conservation and development. In addition, insofar as it implicates the zoning regulations themselves, the new law did away only with the use of the vague term “character” as a permissible standard in the regulations. It explicitly allows consideration of specific tangible qualities that create the rural character. Therefore, the POCD can and should continue to emphasize preservation of rural character. In turn, the Zoning Commission may need to revise its regulations to conform to the new law, e.g., by specifying in regulations the favorable physical features that contribute to that character (such as those discussed at length in the Town’s 2000 Natural Resource Inventory). Finally, since the role of the Planning Commission, and the uses of the POCD, extend well beyond zoning, it is in any case important that the goal be retained. \* \* \* \* \* The relevant provisions of Public Act 21-29 amended Section 8-2 of Connecticut General Statutes. Section 8-2(a) generally gives authority to the Zoning Commission to regulate the size, 2 density, use, etc., of structures permitted in a zoning district. Section 8-2(b) then provides certain requirements and limits on the Commission’s rule-making under 2(a). One such requirement is that the zoning laws MUST give “reasonable consideration as to the physical site characteristics of the district...” Before Public Act 21-29, this referred simply to the “character” of the district. The second relevant change is in Section 8-2(d), which says that zoning regulations CANNOT do certain things. Section 8-2(d)(10) now provides that the zoning regulations may not “Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other

zoning approval, on the basis of (A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures..." (emphasis added). In sum, Public Act 21-29 disapproves only the use of a district's "character" as a vague standard in the zoning regulations for approval or denial of a particular structure or use. What the law allows, and even requires, is consideration of the "physical site characteristics of the district." (Indeed, Public Act 21-29 also amended Section 8-2(b)(2), to require (at (E)) the zoning regulations to be designed "to protect the state's historic, tribal, cultural and environmental resources.") Therefore, it is incumbent upon the Zoning Commission, and not the Planning Commission, to ensure that its regulations satisfy the new specificity standard. In doing so, however, the Zoning Commission may, and I think should, continue to have as one overall goal the preservation of Washington's rural character. \* \* \* \* There is every reason to think that preservation of the Town's rural character continues to be a major goal of our residents. It should therefore remain as a major element in our 2023 Plan of Conservation and Development. As discussed above, there is nothing in Public Act 21-29 that prohibits or even discourages us from retaining this as an ultimate objective of our zoning laws. If the Planning Commission is unsure that Public Act 21-29 has little or no relevance to its work on the POCD, I would encourage you to seek the advice of counsel, or the Northwest Hills COG. I understand the COG is already assisting land use commissions in other rural towns to comply with the new State law. Thank you for considering these thoughts, and for serving our Town. Sincerely, s/ Howard Barnet."

Chair Hileman explained that the language, "preservation of Washington's rural character" sounds inclusive, therefore the Commission would be removing the phrase from the 2023 Plan of Conservation and Development. This change is not a direct effect from Public Act 21-29. Chair Hileman clarified that just because the language will change, it does not mean that the character and values of Washington will be lost in the 2023 POCD.

### **Administrative Business**

#### **Revision of Subdivision Regulations – final review of Sections 3 and 4:**

The Commission reviewed Chapter 3 of the Subdivision Regulations.

Chapter 3 and Chapter 4 will be reversed in the Revision.

The Commission questioned whether to maintain that the Fire Marshall as well as the Fire Department Chief are to attend the site inspection.

"The Health Department or its Agent" will be edited language, as the Health Department is contracted out by the Town of Washington.

"Archeological Sensitivity Map" – the Commission will be looking into where this can be obtained.

The Application must be submitted at least 15 days prior to the meeting.

Posting a sign on the property prior to the Public Hearing – it was suggested that the sign shall be the responsibility of the Applicant to obtain and post on the parcel to be developed at least 10 days prior to the Public Hearing.

Chapter 4 will be reviewed at the April Planning Commission meeting.

**Adjourn:**

**MOTION:** To adjourn the March 2, 2022 Washington Planning Commission Meeting at 8:40pm, by C. Matteo, seconded by D. Rimsky, approved unanimously.

The recording of this evening's meeting can be found here:

[https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill\\_washingtonct\\_org/EcuWAdUrB9BHzwl2vEioAIBKMvuDwNK50ObqKBzaz3W\\_Q?e=Hsqhst](https://townofwashingtongcc-my.sharepoint.com/:u:/g/personal/trill_washingtonct_org/EcuWAdUrB9BHzwl2vEioAIBKMvuDwNK50ObqKBzaz3W_Q?e=Hsqhst)

Respectfully Submitted,

Tammy Rill  
Land Use Clerk  
March 4, 2022