

Howard Barnet
33 Sabbaday Lane
Washington, CT 06793

January 17, 2023

Zoning Commission
Town of Washington
Bryan Memorial Plaza
Washington, CT 06794

Re: 101 Wykeham Road—Illumination Plan

Dear Commissioners:

The site plan that you approved on August 28, 2018, as part of the modified special permit for the Wykeham hotel, did not include an illumination plan. Such a plan was presented only on May 29, 2019. I understand that you will retain Cardinal Engineering to determine whether that plan, III.1, satisfies Zoning Reg. 12.15 (“Outdoor Lighting in Residential Districts”). That is good, but it is not sufficient.

Your attorney, Michael Zizka, informed you at your meeting on January 9 that, because you have not previously approved the illumination plan, you are free to examine it on the basis of the special permit regulations. The requirements of Zoning Reg. 12.15, in other words, are the *minimum* requirements. Inasmuch as Section 12.15 was presumably written to apply to lighting of *residences*, it is reasonable to think that they may not be adequate to address the lighting impact on its neighbors of a huge commercial project such as the Wykeham hotel.

Under the special permit regulations, the Zoning Commission retains the right to apply additional lighting restrictions to special permit uses. More than this, under the Connecticut Supreme Court ruling in Barberino, the Commission is actually *obligated* to review the lighting plan under the special permit standards: “... to conclude otherwise would only thwart the purposes of the specially permitted uses but also the general purposes of zoning . . . [under General Statutes § 8-2.]”

Section 13.1 of our zoning regulations provides in relevant part: “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 use.” (emphasis added) The Zoning Commission must now impose whatever lighting restrictions are necessary to ensure that the Wykeham hotel will be “appropriate, harmonious and desirable” in its residential neighborhood. The illumination plan should minimize the volume and intensity of all artificial light that is visible beyond the property boundary. As several Commissioners observed at your recent meeting, the large main building is on elevated ground, on a town

road, and surrounded by many private homes. This makes it essential to limit both the exterior lighting (including tented events) and the interior lighting from the restaurant and function rooms facing Wykeham Road.

Therefore, Cardinal Engineering should be asked not only to evaluate technical compliance with Section 12.15. They should in addition provide a report, understandable to the Commissioners and the general public, regarding the practical impact of the lighting plan on the hotel's neighbors, e.g., in the form of "glare," "light trespass" and "sky glow." This will enable you to exercise your obligation to ensure conformity of the lighting plan with the special permit standards that are applicable in this situation.

Thank you for your continued attention to this worrisome commercial project.

Sincerely,

A handwritten signature in black ink, appearing to be "John A. [unclear]". The signature is fluid and cursive, with a large initial "J" and "A" followed by several loops and a long horizontal stroke at the end.