

September 8, 2021

To: Nick Solley, chair
Washington Zoning Commission

Fr: Wayne Hileman, chair
Washington Planning Commission

Re: Referral of Proposed Revisions to Zoning Regulations – Sections 3.2, 7.5, 7.6, 7.8.1, 7.9, 7.9.9, 8.5, 8.6, 8.8, 8.8.1, 8.9, 8.9.1–9, 9.5, 9.5.1–4, 9.6, 9.6.1–4, 9.6.9, 9.8, 9.8.1–3, 9.9, 10.5, 10.5.1–4, 10.6, 10.6.1–4, 10.8, 10.8.1, 10.9, 10.9.1–9

Dear Nick -

The Washington Planning Commission has reviewed and discussed the proposed revisions to the Washington Zoning Regulations (as of 3 August 2021) for the sections listed above, which pertain to lots located within the business districts and split lots partially located within a business district and an adjacent district.

The Planning Commission finds the proposed revisions to be inconsistent overall with Washington’s 2014 Plan of Conservation and Development (POCD). Unlike other referrals, where the Plan’s intent may be vague or open to interpretation, the POCD specifically addresses village-based economic development and in particular the issue of split lots; the relevant section (from page 17) reads as follows:

Washington’s Zoning Regulations should be reviewed to determine whether they promote or hinder creative and dynamic economic development. The regulations should be revised as necessary to assure a clear and concise pathway for appropriate development projects while still protecting the Town’s unique village centers, residential districts, and overall character.

For example, numerous parcels in the village areas are presently divided by commercial and residential zone boundaries. Under present regulations, a lot that lies within two zones is governed by the more restrictive zone. This issue prevents denser yet appropriate levels of development in the village centers. Expanding the existing business district boundaries on a case-by-case basis to include these lots in their entirety—or permitting them to be used for commercial purposes by Special Permit—would be a relatively straightforward step to promote greater economic vitality in the village centers.

Because the village business districts are vital to Washington’s local economy and quality of life, the Planning Commission used the provided criteria—promoting versus hindering, assuring a clear and concise pathway—to evaluate the proposed revisions in terms of economic development. A summary of this evaluation follows:

3.2 – This revision provides clarity for split lots in the business districts but lacks clarity for split lots in the Washington Green (R-2) and Lake Waramaug (R-3) residential districts. Neither the original nor revised language addresses these properties, which makes district jurisdiction unclear in these cases. It is unclear whether this is intended or an editing oversight.

7.5 and 8.5 – Compared with the present regulations, these revisions limit the Zoning Commission’s ability to approve an increase in lot coverage in these districts. This could hinder economic development in the New Preston and Washington Depot business districts.

7.6 and 8.6 – Compared with the present regulations, these revisions limit the Zoning Commission’s ability to approve a reduction in setback and yard dimension requirements in these districts. This could hinder economic development in the New Preston and Washington Depot business districts. In addition, the last sentence in the revised language for these sections, along with revised Sections 9.6 and 10.6, is superfluous because Sections 7.7, 8.7, 9.7 and 10.7 already state that the conditions contained therein “shall be met.”

7.8.1 and 9.8.1 – These revisions limit business use to the portion of a lot lying within these business districts. The present regulations allow consideration of an entire lot for business use in these districts. This could hinder economic development in the New Preston and Marbledale business districts.

7.9, 8.9, 9.9, and 10.9 – These revisions provide the Zoning Commission with more flexibility in the Special Permit process and could serve to promote economic development.

8.8.1 and 10.8.1 – These revisions could promote economic development in the Washington Depot and Woodville business districts, as the present regulations forbid the consideration of split lots for business use (unless grandfathered).

9.5 and 10.5 – The last sentence in these revised sections should be deleted because it refers to setbacks rather than lot coverage. This may have been an editing oversight.

The other subsections contain language meant to provide consistency in the Zoning Regulations among the four business districts, which is desirable. However, as a whole, the proposed revisions achieve consistency by promoting development in some districts while hindering development in others, in effect “robbing Peter to pay Paul.” Admittedly, consistent regulations has been a repeated request from the Planning Commission. That said, Washington’s primary economic development goal in the 2014 POCD (page 21) is to *create additional economic development and stimulate the economic value of existing businesses, particularly in the village centers, by modifying the Zoning Regulations in the business districts to allow commercial development of multiple-zoned parcels, encourage compact mixed-use development, and promote new housing options where practical and feasible to increase economic activity in the affected villages.*

In the end, a POCD goal trumps a Planning Commission request. Thus, although there are aspects we find consistent with the Plan, the overall impact of these proposed revisions is inconsistent with the POCD.

As always, I am available to answer any questions or appear before the Zoning Commission to address any concerns the commissioners may have regarding this matter.

Best Regards,



Wayne Hileman
Chair – Washington Planning Commission

cc: Board of Selectmen; Land Use Administrator; Economic and Community Development Coordinator;
Washington Business Association; NWHCOG