

December 8, 2009

Subcommittee Meeting

9:30 a.m., Land Use Meeting Room

COMMISSIONERS PRESENT: Mr. Averill, Mr. Fitzherbert

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Adams, Mr. Bedini, Mrs. Canning, Mrs. Friedman, Mr. Klauer, Mr. Rogness, Mrs. Solomon, Press

Mr. Fitzherbert handed out a seven page document, dated 12/8/09, (attached) which he said responded to points raised by Mr. Averill at the last Zoning Commission and included a statement at the end. Mr. Averill took a few minutes to read it.

In response, Mr. Averill made several points including:

- 1) Regarding Section 4.4.1, he stated the purpose of the meeting was to define “inn” as opposed to “resort,” “hotel,” and “motel,” which are prohibited uses. He recommended these prohibited uses be defined as well. He said these definitions were needed if the Commission was to retain control rather than letting developers define the terms for it.
- 2) He noted he had previously submitted his recommended definition for “inn.”
- 3) He agreed with Mr. Fitzherbert that the Town Plan changes and so, too, the Zoning Commission should review and update its Regulations.
- 4) He said the Zoning commissioners had taken an oath to uphold the Regulations and when they had not been clear, they had sought to clarify them.
- 5) It was Mr. Averill’s opinion that if the Town wanted to allow inns on Town roads, regulations written specifically for that purpose should be adopted to prevent personal agendas. He thought it imperative that these specific regulations include a definition of “inn.”
- 6) He noted the difficulty of making comparisons with the Mayflower Inn, since the Mayflower is “grandfathered” and had been in Town in 1912.
- 7) Mr. Averill stressed that any decisions made by the Commission about inns and their definition and requirements would not be about one particular application on Wykeham Road, but would affect the whole Town and would be precedent setting.

Mr. Fitzherbert’s comments included the following:

- 1) He agreed the consideration of inns was absolutely not related to the Wykeham Road application.

- 2) He believed the Commission already has the tools with which it can discuss what is best for the community. He said these are the Special Permit standards and so more specific regulations are not needed. He said the common sense, wisdom, and experience of the commissioners are used to determine how these standards are applied.
- 3) He did not think a definition of “inn” was needed because historically, Zoning has always worked well without one. He also noted that few of the uses permitted now under the Regulations are defined and he saw no need to make an exception in this case.
- 4) Mr. Fitzherbert noted the Regulations already state one of its purposes is to encourage the construction of safe business buildings and that they say, too, that the provisions of the Regulations are minimum standards.
- 5) He said the more regulations written down in black and white, the more is taken from the townspeople because the ability to discuss and debate to come up with what is best in each specific case is lost.
- 6) Mr. Fitzherbert said he had gotten some general definitions from the internet and dictionary, but said he would not agree to a specific definition for “inn” because the specifics are already addressed in the Special Permit standards and he viewed the request to define “inn” as an attempt to address a hot topic.

Mr. Averill explained that his definition of “inn,” that is, what he thinks of when he considers “inn,” is not even close to what had been proposed as an inn in the Wykeham application. He said that putting a name on something does not make it so, and thought this illustrated the need for the definition. He agreed with the definition of “resort” that Mr. Fitzherbert had included in his 12/8 document in that it stated it was a destination for vacations and recreation and said the definition he had proposed for “resort” was similar.

Mr. Fitzherbert disagreed, saying a resort was a destination like the Bahamas or Disneyland and so did not apply to Washington. He said there were many kinds of inns just as there are many types of schools and that is the reason they are not defined.

Mr. Averill responded that the Zoning Commission had considered inns to be small scale operations as it had included them in the same section of the Regulations as tourist homes and had eliminated larger scale operations such as hotels. He again said it was important to define the term, especially in regards to size and scale.

Mr. Fitzherbert disagreed, saying there were already regulations that promoted what is good for the Town and the commissioners had been elected to make those judgments.

Mr. Averill said if that were the case, we would not need regulations because all decisions could be based on the opinions of the commissioners. He stressed that a definition for “inn” was needed as the basis of discussion, pointing out that now the commissioners did not know whether they were all talking about the same thing whenever they discussed inns. He also noted that Mr. Fitzherbert had often referred to “what’s good for the Town,” but said there were many different opinions about what is good for the Town.

Mr. Averill stated size and scale had to be an integral part of the definition of “inn” and were necessary to differentiate inns from hotels.

Mr. Fitzherbert again stated that most other uses in the Regulations were not defined and so it was not necessary to define this one.

Mr. Averill said the other uses in the Regs would be defined if there was a disagreement about what those terms meant. He also said he did not propose to include specifics such as size and scale in the definition in order to eliminate it, but to include them in order to differentiate “inn” from other uses. He noted the Griswold Inn met his definition of “inn.”

Mr. Fitzherbert noted how the Mayflower Inn had been built and rebuilt and now includes a world famous spa, store, and restaurant and the majority of people think it is wonderful. He said the Commission has found no problem with any of those components of the Mayflower Inn and he questioned why the Commission would not want another similar operation in Town because it would be wonderful for Washington.

Mr. Averill and Mr. Fitzherbert shook hands and agreed to disagree.

The meeting lasted approximately half an hour.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator

A copy of Mr. Fitzherberts handout is available [HERE](#) in *.pdf* format. (seven pages)