



Town of Washington  
Conservation Advisory Commission

September 7, 2023

**To: TOW Town Board**

**Re: Hospitality-Related Zoning Code Amendments and Full Environmental Assessment Form (“FEAF”)**

The Town of Washington (“TOW”) Conservation Advisory Commission (“CAC”) is following up on our letter dated August 8, 2023, regarding a proposed Hospitality Overlay District (the “HOS District”) and other amendments to the TOW Zoning Code being proposed at the same time. Since our August 8 letter, the Town Board has adopted a revised hospitality-related resolution dated August 24, 2023 (the “August Resolution”), and this letter provides the CAC’s comments on the August Resolution. Our comments are consistent with the CAC’s duty, as set forth in the local law establishing the CAC, to “advise the Town Board of the Town of Washington on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the Town insofar as quality, ecological integrity, vistas, and other environmental factors are concerned.” We note that the CAC has a duty to comment on the man-made environment, especially where historic preservation and/or rural architecture are concerned.

We have been advised that the Town Board has denied the request made in the CAC’s August 8 letter for funding for a consultant to advise the CAC on zoning code best practices and specific language pertaining to environmental matters.

The CAC is critical of the Full Environmental Assessment Form, Section F Narrative. Despite the extensive use of environmentally friendly language, the Narrative does not address or even disclose the fact that two of the three HOS areas in the HOS District are in environmentally sensitive locations described in the CPRC Report, as explained below. The TOW had the flexibility to locate the HOS District in non-sensitive areas but chose not to do so. There may be very good reasons for locating the HOS District in environmentally sensitive areas, but the standard language in Narrative F does not provide adequate explanation or justification. Further, the Narrative places the burden of future compliance with environmental laws on developers of properties in the HOS District, which of course is technically correct, but the compliance burden would be smaller and risks would be fewer if the HOS District was only in non-sensitive areas.

As we previously stated in our August 8 letter, the Resolution would create a new HOS District, which is comprised of three parcels: an area including the Cottonwood Motel (the "West HOS Site"), an area across Route 44 from Thorndale (the "Center HOS Site"), and an area across Route 44 from the Bennett College site (the "East HOS Site"). The CPRC Report recommended that one HOS District site be established adjacent to the Village outside the aquifer protection area; however, the East HOS site is in the aquifer protection area. The CAC recognizes that the CPRC Report recommends the creation of the West HOS Site. However, the West HOS Site is in a wetlands and aquifer protection area that is habitat for rare terrestrial animals, as shown on the maps in Appendix F to the CPRC Report. We think that the Narrative should acknowledge that fact and describe plans for environmental protection.

The CAC favorably notes that the August Resolution contains some improvements as compared to the prior version in areas cited in our August 8 letter. A specific size limit has been imposed on the additional rooms or buildings available through the adaptive reuse incentive, and we consider that to be a meaningful improvement over the prior version. In addition, environmental laws do not appear to be superseded by the August Resolution, and a reference to dark sky lighting standards has been included in the lighting section.

The CAC remains concerned that the accessory uses that would be permitted in the HOS District under the August Resolution have no objective size limits; any environmental concerns with the HOS District are compounded accordingly. The restaurant, bar/tavern, and spa/fitness gym accessory uses could serve the general public, not limited to customers staying at an Inn, resulting in significant new restaurant and bar businesses in areas not accustomed to the traffic, noise, and light pollution challenges associated with nightlife.

We continue to believe that the design standards could be revised to require that the Town ensure that adequate water supplies are part of any new development, without disrupting neighboring water supplies, along with adequate septic systems. It should also be possible to develop objective standards for traffic and noise pollution that are written into the Zoning Code.

The CAC appreciates the opportunity to provide these comments.

Sincerely,

Conservation Advisory Commission