

# **PLANNING BOARD MINUTES**

## **SPECIAL MEETING**

**October 26, 2009**

**Board members present: Town Council Members Present:**

**Art Weber, Chairman Richard Cambra, Vice President**

**Dick Adams M. Theresa Santos**

**Frank Forgue Frank Bozyan**

**Gladys Levine Barbara Von Villas**

**Audrey Rearick**

**Members absent:**

**Jan Eckhart**

**Betty Jane Owen**

**Staff Present:**

**Shawn Brown, Town Administrator**

**Ron Wolanski, Planning Director**

**Wendy Marshall, Town Clerk**

**Karen Clancey, Deputy Town Clerk**

**Mike Miller, Town Solicitor**

**Roland Chase, Assistant Solicitor**

**The meeting was called to order at 5:00 pm.**

**1. Consider request of the Town Council for further review of the proposed Zoning Ordinance amendment related to wind turbines.**

**Mr. Wolanski distributed a memo dated October 26, 2009 which discusses minimum lot area requirements under various wind turbine**

development scenarios. It also offers potential revisions to the draft ordinance to address some concerns that have been raised regarding the current draft.

Mr. Weber stated that the meeting was for discussion among Planning Board and Town Council members. Public comments will not be received. He expected that a revised ordinance will be considered by the Planning Board at its November 12, 2009 meeting, at which time public comment will be accepted.

Mr. Weber stated that the Town Council has requested that the Planning Board identify appropriate locations for turbine development in town. He stated that without further guidance from the Town Council regarding the criteria that should be used to identify such areas, and areas to be protected, it is not possible for the Planning Board to complete this task.

Mr. Weber referenced the potential revisions provided by Mr. Wolanski in his memo of October 26th. He requested input on each of the items.

There was discussion of the proposal to require a special use permit (SUP) for the development of all wind turbines.

Mr. Adams stated that providing for abutter notification of proposed turbines is a good idea. Other Planning Board members agreed.

Mr. Cambra expressed concern over the additional cost and time that would be needed to complete the SUP process.

Mr. Miller discussed the standards of proof for a special use permit in comparison to a variance.

Mr. Weber stated that he agreed that the abutter notification afforded

by the special use permit process is desirable.

Mr. Weber requested input on the proposed revision to prohibited tower-mounted turbines in the R-10 and R-20 zoning districts, and limit roof-mounted turbines to 10' above the roofline in those districts.

Mr. Forgue stated that the development of tower-mounted turbines in the R-10 and R-20 districts is unlikely due to the fall zone requirements.

Mr. Wolanski referenced Mr. Miller's discussion of the standards of proof for SUP, which could allow for reduction of fall zone requirements through the SUP process.

After additional discussion, the consensus of planning board members present was to support the revision to limit tower-mounted turbines in the R-10 & R-20 districts.

There was discussion of the proposed limit of 10' for roof mounted turbines in the R-10 & R-20. Some Planning Board members expressed support of the proposal, while others wished to stay with 15'. MR. Weber suggested that the draft retain the 15' limit.

Mr. Wolanski described the proposed revision that would require that all turbines address the design requirements of the ordinance.

There was general consensus that the proposed revision is appropriate.

Mr. Miller stated that the Board could consider other options, such as identifying areas where turbines should not go, and consider allowing tower-mounted turbines in R-10 & R-20 subject to minimum lot size requirements.

**Mr. Chase added that under zoning, the town could identify certain locations that are of particular concern for view protection.**

**Mr. Adams questioned the standards that would be used to identify these areas.**

**Mr. Weber stated that limiting development based on the R-10 and R-20 zoning districts was appropriate.**

**Ms. VonVillas stated that the Town Council has rejected the concept of view protection on the case of the Ocean View Dr. zoning amendment request.**

**Ms. Lavine stated that the difference is public view protection vs. private view protection.**

**Mr. Weber stated that he is not comfortable with attempting to enact view protection without guidance from the Town Council on what is to be protected.**

**Mr. Cambra stated that that is larger issue that would take some time to address.**

**Ms. Santos requested clarification of the provisions in the ordinance addressing abandonment of turbines.**

**Mr. Wolanski described the provisions requiring the removal of turbines, and the ability of the town enter the property to remove the turbine and place a lean on the property to recover cost if needed.**

**Mr. Weber requested that the Solicitor's office prepare a revised draft of the ordinance incorporating revisions discussed during the meeting. The revised draft will be considered at the Planning Board's November 12th meeting.**

**Motion by Mr. Forgue, seconded by Ms. Rearick, to adjourn. Vote**

**5-0-0.**

**The meeting adjourned at 5:40pm.**

**Respectfully submitted:**

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**Ronald M. Wolanski**

**Town Planner**