

PLANNING BOARD MINUTES

SPECIAL MEETING

June 20, 2012

Town Council Chambers

Board members present:

Jan Eckhart, Chairman Ron Wolanski, Town Planner

**Richard Adams, Vice Chairman Frank Holbrook, Assistant Town
Solicitor**

Audrey Rearick

Gladys Lavine

Pete Marnane

Charlene Rose-Cirillo

The meeting was called to order at 3:30 pm.

1. Request of the Town Council for an advisory recommendation on proposed amendments to Zoning Ordinance Article 25A – Wind Turbines.

Mr. Wolanski reviewed a summary, included in his memo to the Board dated June 6, 2012, of the proposed amendments as forwarded by the Town Council. He stated that the Board, at a minimum, must provide a recommendation as to consistency of the amendments with the Middletown Comprehensive Plan, and a statement regarding consistency with the purposes of zoning as defined in RIGL section 45-24-30.

Mr. Adams stated that the proposed amendments, if adopted, would

result in an effective ban on future turbine development. The proposed setbacks would result in a 12 acres minimum lot area for a 120 foot tall turbine. The prohibition on casting a shadow on adjacent property would be impossible to satisfy given the length of shadows during certain parts of the day and year. The proposed environmental impact report requirement is excessive. The cost of completing such a report could result in making a project infeasible.

Mr. Eckhart stated that he had a discussion with someone involved in the URI Renewable Energy Siting Partnership, who indicated that, in his opinion, the state siting guidelines are overkill. Mr. Adams stated that the proposed amendments would result in there being no additional turbines built in Middletown. He suggested that concerns about turbine development could be addressed by instituting a minimum lot area, or considering an overlay district to identify appropriate development locations, without the need for strict setback requirements and environmental studies for each proposed turbine. Mr. Eckhart also suggested that the ordinance should not require that the fall zone exclude occupied buildings that are on same parcel as the turbine. It should be up to the property owner to determine the best location in relation to buildings on the property, and assume such risk. The fall zone and setback requirements proposed could result in additional costs to tie into the grid or a building on the property due to the additional length of wiring needed.

Mr. Adams agreed that the Town could consider identifying specific locations where turbine development would be appropriate, rather the

instituting the proposed restrictions and requirements.

There was discussion of how such parcels might be selected.

Mr. Wolanski stated that such an effort has been discussed in the past. This is not part of the Town Council's current proposal.

There was discussion of the proposed environmental impact report requirement. Some board members expressed concern over the likely costs to complete such work. Mr. Wolanski explained that the requirement is suggested in the draft state siting guidelines. A 100ft turbine height threshold was inserted in the draft amendments recognizing the costs of completing a study. Mr. Wolanski stated that he has heard someone suggest that limiting turbine height to 120 feet is sufficient to address environmental concerns, making an environmental impact report unnecessary.

Ms. Rearick had to leave the meeting, but stated that she is concerned about environmental impacts, and that requiring a study is appropriate.

Mr. Eckhart stated that the town should talk with industry experts to evaluate the proposed 120 foot height limitation. It might not be consistent with industry standards for tower heights.

Ms. Lavine questioned the proposed limitation of turbines to agricultural land only. What difference does the use of the land under the turbine make to the impacts on abutting property?

Mr. Eckhart suggested that the ordinance should allow for flexibility in the imposition of setback requirements.

Mr. Wolanski requested that the board discuss a determination as to the consistency of the proposed ordinance with the Comprehensive

Plan and the purposes for zoning, as required by state law. He read the language regarding wind turbines from the Comprehensive Plan. The consensus of the board was that the proposed amendments are not consistent with the plan's language relative to promoting turbine development. The regulations are excessive to what is required to address impacts of turbines, and would make turbine development infeasible in many situations.

Members recommended several modifications to the amendments that should be considered to address concerns, including: reevaluation of height limit based on industry standards; excluding on-site buildings from the fall zone limits; provide flexibility in imposing setbacks; and eliminate the requirement for an environmental impact report.

Motion by Mr. Adams, seconded by Ms. Cirillo, to find that the proposed amendments are not consistent with the Middletown Comprehensive Plan due the proposed excessive restrictions on turbine development, and to find that the amendments are consistent with the purposes for zoning as defined in RIGL section 45-24-30, and to recommend that the Town Council not proceed with adoption of the amendments as proposed, but to consider the following recommendations: reevaluation of height limit based on industry standards; excluding on-site buildings from the fall zone restrictions; provide flexibility in imposing setbacks from property lines; and eliminate the requirement for an environmental impact report. Vote: 5-0-0, Ms. Rearick had left the meeting.

2. Review and discussion of draft zoning ordinance amendment

regarding solar photovoltaic installations in residential districts.

By consensus this matter was continued to the July 11, 2012 regular Planning Board meeting.

3. Amendments to Article 3 of the Zoning Ordinance, and Article 10 of the Rules and Regulations Regarding the Subdivision and Development of Land relative to the Development Plan Review process.

By consensus this matter was continued to the July 11, 2012 regular Planning Board meeting.

Motion by Ms. Cirillo, seconded by Mr. Adams to adjourn. Vote: 5-0-0

The meeting adjourned at 5:00 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner