

**DRAFT  
WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
DECEMBER 13, 2011**

Chair Sturdevant called the continuation of the public hearing to order at 7:30 p.m. Permanent Board members, Anderson, Brewer, Brezina, and Kemp were in attendance. Alternate Board member Dennis Hoops was also in attendance. Other individuals in attendance: Ron Oiler, The Kerrs, Bill Thombs, John Miller, and Zoning Inspector Witmer.

The Commission acknowledged the resignation of Secretary Ferencz effective December 31, 2011. The members thanked Ms. Ferencz for her service to the Township.

Chair Sturdevant acknowledged a letter dated November 18, 2011 from Trustee Harris and passed out a copy to each board member. (See attached to approved meeting minutes).

Chair Sturdevant read Resolution 2011-24 passed by the Township Trustees on November 21, 2011 rescinding Resolution 2011-20 due to the outcome of the referendum vote “as it now does not have any advantage to the process in keeping the Amendment pending.” Chair Sturdevant added that this had to do with the rezoning of the properties on the north side of Greenwich Rd. Based on this information the Commission unanimously canceled the public hearing scheduled for February 14, 2012.

**Swimming Pool Language**

Chair Sturdevant stated the Trustees, at their public hearing turned down the language proposed by the Commission for swimming pools. Trustees Harris and Trustee Likley have now offered their own language on swimming pools for consideration. (See attached to meeting minutes).

The Commission then proposed the following language:

Section 205

C. Swimming Pools

1. Swimming pools shall require a zoning certificate
  - a. Inflatable pools not requiring an electrical permit shall not require a zoning certificate and shall comply with all applicable Medina County codes.
2. A private residential pool shall only be established as accessory to and on the same lot as a dwelling.
  - a. Inflatable pools are not permitted in the LC district without an established residence.
  - b. Inflatable pools are not permitted in HC or I districts.
3. Swimming pools shall not be located closer to any street than the dwelling and shall conform to all required side and rear minimum building setback lines.

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The Commission also discussed the requirement of a fence. It was determined by the majority of Commission members that fences for pools was more of an insurance liability issue than a zoning issue therefore fences would not be required for a pool in the proposed zoning language.

Addition of Definition:

Inflatable Pool-A private residential portable water-filled enclosure, temporarily or semi-permanently constructed, partially inflated with air, which is designed, used, or maintained for swimming or wading.

The Commission agreed to send this language for an informal review by the Dept. of Planning Services and the Prosecutor’s Office.

**Review of Small Wind Energy Language**

The Commission reviewed the comments received from the Medina County Pros. Office on Small Wind Energy Systems. (See attached to approved meeting minutes).

The Commission then proposed the following:

Section 205 Accessory Structures and Uses

J. Small Wind Energy Systems

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system is permitted in the Rural Residential, Highway Commercial and Local Commercial Districts.

No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a zoning permit from the zoning inspector. All small wind energy systems must meet the following requirements:

1. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
2. Minimum lot size of three (3) acres.
3. One small wind energy system tower per lot or parcel.
4. Small wind energy systems shall not be installed or erected on a mound or base for the purpose of making the system higher than the natural grade and shall not exceed 150 feet from the natural grade to the tip of the blade at its highest vertical position.
5. Small wind energy systems shall not be erected on a roof top
6. Minimum setback from all property lines, structures, right of ways and above ground utility lines shall be no less than 110 percent of the tower height.
7. Anchor points for guy wires for the tower shall be located no closer than twenty-five (25) feet from any property line and not on or across any above ground electric transmission or distribution lines.
8. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be twelve (12) feet.

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9. Tower and blade color shall only consist of white, off white, gray or neutral colors such as earth tones of green or brown.
10. No tower or blades shall be used for advertising of any kind.
11. No small wind energy system shall be lighted except as required by the Federal Aviation Administration, or other applicable federal, state or county law.
12. The tower shall have either:
  - a. Tower climbing apparatus located no closer than twelve (12) feet to the ground level at the base of the structure;
  - b. A locked anti-climb device installed on the tower; or
  - c. Shall be completely enclosed with a locked fence at least six (6) feet in height to prevent uncontrolled access from unauthorized personnel.
13. Warnings of electrical shock or high voltage information shall be posted on the small wind energy system.
  - a. Emergency contact information should be posted on all small wind energy systems, listing the emergency contact personnel and 24-hour emergency phone numbers.
  - b. All small wind energy system owners must register these structures with local emergency and police authorities.
14. An automatic braking system shall be required to prevent uncontrolled rotation.

The Commission would need to decide if #13 would include “governing or feathering system”. If so then definitions would be required.

15. All small wind energy systems must comply with all applicable federal, state and county Regulations, including but not limited to building, mechanical and electrical regulations.
16. All small wind energy systems shall be installed, operated and maintained per the manufacturer’s instructions, including compliance with the Ohio EPA regulations regarding storage, and disposition of batteries and other hazardous materials.
  - a. All small wind energy systems shall be maintained in working order, structurally sound and with any surface treatments intact.
17. No homemade small wind energy systems shall be permitted.
18. Any damaged or inoperable small wind energy system shall be returned to a functioning status within one (1) year unless it poses an immediate danger or threat of catastrophic failure.
19. Decommissioning and Restoration. Any small wind energy system which as reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for two (2) years. The

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applicant shall include the following information regarding the decommissioning of the project and restoring the site when submitting the application.

- a. The anticipated life of the project;
- b. The anticipated manner in which the project will be decommissioned and the site restored.

20. Site Plan requirements shall include but not be limited to:

- a. Property lines and physical dimensions of the site
- b. Location of small wind energy system tower, guy wires, setbacks from property lines, easements and any structures on the property. Also show location of sewage treatment systems.
- c. Location of warnings/emergency information
- d. Elevation of the proposed small wind energy system tower
- e. Location of trees within a 150-foot radius of the proposed small wind energy system.
- f. Manufacturer's specifications, including make, model and picture.
- g. Scaled drawing no small than 1"=100'.

Definition of Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower, and associated control and conversion electronics, which has a rated capacity of not more than 5 megawatts and which is intended to primarily reduce on site consumption of utility power.

The Prosecutor's Office also stated the Commission should maintain a file of all the empirical resources used to develop this text amendment. Chair Sturdevant stated the following materials should be quoted as references:

Wind Energy: Learning from other jurisdictions mistakes;  
[www.pearlstreetstation.com/trains/zoning-solar\\_wind.pdf](http://www.pearlstreetstation.com/trains/zoning-solar_wind.pdf)

**Outdoor Wood Burning Furnaces**

Chair Sturdevant stated she had a definition of nuisance to add to this section. It read as follows:  
Nuisance: The unreasonable, unwarranted or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual trespass or physical invasion to the land.

A definition of steep slope was needed.

Outstanding questions that needed to be answered regarding Outdoor Wood-Fired Boilers

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Height stack, the Chair Sturdevant stated she would ask the Fire Chief if they had any information regarding appropriate stack height and safety radius to any structures in the vicinity.

The Commission stated that they would need to ask Mr. Thorne if existing outdoor wood fired boilers would need to meet these new requirements or would be grandfathered.

### **Comp Plan**

Chair Sturdevant stated the Trustees passed the Comp Plan Update as modified by the Zoning Commission. Mr. Majewski will provide the Township with an electronic copy of the Update. Secretary Ferencz said she also asked Mr. Majewski for a breakdown of his services and what has been provided to the Township so the Trustees and Fiscal Officer had that information. Secretary Ferencz stated she would forward language on Internet Café's to the Commission for their meeting in January.

### **Update of Highway Commercial District**

Chair Sturdevant stated she asked the Department of Planning Services to give her some model language for the Commission to consider. She added this would be a tedious process but needed to begin to be undertaken by the Commission.

### **Miscellaneous**

Zoning Inspector Witmer stated Truck Stops of America (TA) wants to purchase the old freightliner across the street and turn it into a training facility and offices. It would consist of a 4,000 sq. ft. mechanics training facility, 4,000 sq. ft. of classroom space and 4,000 sq. ft. of office space. Zoning Inspector Witmer stated he spoke with Bill Thorne from the Prosecutor's Office who said that he was comfortable with the training facility and classrooms being considered conditional uses (automotive repair) but added that per the current code, office space would not be in compliance with the regulations as written. Zoning Inspector Witmer stated he had a date to meet with the local attorney handling this issue as they may request a variance to move forward with the project. Secretary Ferencz highly recommended that a "use" variance not be entertained and that proper text language be drafted by the applicant if they wanted to move forward with the request. She added that it should be relayed to the applicant that a text or map amendment takes a minimum of 90 days from the acceptance of a complete application to a final decision.

Zoning Inspector Witmer stated TA has stated they may at this time eliminate the request for office just to seek initial approval to begin the project.

### **Approval of November 9, 2011 meeting minutes**

Ms. Kemp made a motion to approve the November 9, 2011 as amended. It was seconded by Mr. Brezina.

ROLL CALL-Kemp-yes, Brezina-yes, Anderson-yes, Brewer-yes, Sturdevant-yes.

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**Announcements**

Zoning Commission organizational/regular meeting-January 10, 2012 @ 7:30 p.m.

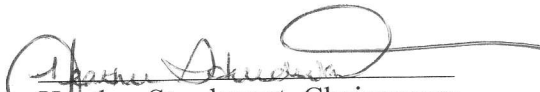
**Adjournment**

Having no further business before the Commission, Ms. Kemp made a motion to adjourn. It was seconded by Mr. Anderson.

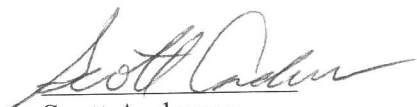
ROLL CALL-Kemp-yes, Anderson-yes, Brezina-yes, Brewer-yes, Sturdevant-yes.

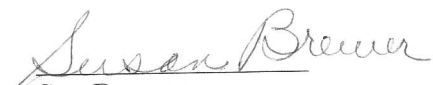
The meeting was officially adjourned at 8:32 p.m.

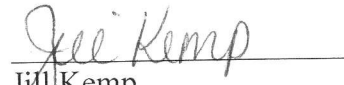
Respectfully Submitted,  
Kim Ferencz, Zoning Secretary

  
Heather Sturdevant, Chairperson

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Greg Brezina

  
Scott Anderson

  
Sue Brewer

  
Jill Kemp