

WESTFIELD TOWNSHIP  
ZONING COMMISSION MEETING MINUTES

APRIL 24, 2012

The meeting was called to order at 7:30 pm by Chairman Sturdevant. Members present: Sue Brewer, Greg Brezina, Dennis Hoops, Scott Anderson, Heather Sturdevant and Sherry Clarkson. Board member absent: Jill Kemp. Guests present: Mrs. Carol Rumberg and Bill Thombs.

Chairman Sturdevant advised at the public meeting this evening two items would be discussed. Those being ongoing discussion of proposed text amendments to swimming pools and text regarding Small Wind Energy Systems.

Chairman Sturdevant proceeded to read the letter received from the Medina County Department of Planning Services, dated April 11, 2012 and received April 13, 2012.

*RE: Proposed Zoning Text Amendment: Application #022-2012 TA, Swimming Pools and Small Wind Energy Systems.*

*Pursuant to the Ohio Revised Code, Section 519.12, the Medina County Planning Commission, at its regular meeting of April 4, 2012 acted on your requested review of the above captioned zoning text amendment. The Medina County Planning Commission recommended approval with modifications, with the added modification that the sign with emergency contact information be located on the perimeter fence. The Staff report for this amendment is enclosed.*

*As per the Ohio Revised Code, please advise our office and the County Recorder's Office of the official action on this change so that we may keep our files current.*

*Should you have any questions, please do not hesitate to contact our office. Signed by Susan Hirsch, AICP Acting Planning Director. A copy of this documentation was sent to: Westfield Township Zoning Commission, Westfield Township Zoning Inspector, Westfield Township Clerk and Trustees, William Thorne, Assistant County Prosecutor and Mike Salay, Highway Engineer and kept on file.*

*At this time, I am typing the text. Proposed text is shown as capitalized, bold and underlined. Deleted text is red and staff comments are in italics*

Westfield Township Zoning Resolution(Proposed Text)

1. Article II, Section 205 – Accessory Structures and Uses.
  - 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 use 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 THE 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 yard minimum building setback lines
- 4 No swimming pool shall be filled with water unless a fence is installed complying with the following:
  - a. The pool and the land, decking, and other areas providing immediate access to the pool shall be completely fenced or otherwise constructed to prevent uncontrolled access by children. The fence shall be designed, constructed, and maintained in a manner which restricts unauthorized entry.
  - b. The fence shall comply with all provisions of this Zoning Resolution relating to fences and shall be at least four (4) feet in height above the natural grade.
  - c. The fence shall be equipped with a lockable, self-closing and self-latching gate.

DEFINITION:

32 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

*Staff Comments:*

1. *It is not clear whether an inflatable pool that does not require an electrical permit and therefore does not require a zoning certificate must not be located closer to the street than the dwelling and must meet side and rear setbacks.*
2. *If it is not the intent of the Township to require pools that do not require an electrical permit to meet setbacks, staff recommends that a size limit be placed on inflatable pools that do not require a zoning certificate.*
3. *It is difficult to envision a swimming pool that would fall under this definition of “inflatable pool”*

Chairman Sturdevant advised under Item #1 we will add....swimming and inflatable pools shall not be located closer to the street..... #2 refer to above, we meet standards, so #2 not necessary. (By adding inflatables the item is addressed) #3 The zoning commission shall cite the definition, and this will be okay (refer to Definition of inflatable pool).

Chairman Sturdevant asked if there was any public comment. Mr. Gary Harris of 7947 Lake Road advised he has a great concern regarding in ground pools not having a fence around them. Mr. Harris reviewed the "old code" whereby it stated a 4 ft. fence was to be around the pool. (No swimming pool shall be constructed unless fence.... (possibly cite in ground came from board member). Mr. Harris explained a lake and pond are different if an individual walks into, but unfortunately a swimming pool is completely different, it makes common sense to have a fence around an in ground pool. Chairman Sturdevant advised our old code was not enforceable as per discussion with the Prosecutor's office. The board had submitted strong swimming pool language to the trustees and in turn the trustees would not support this and turned the language down. It was noted that once a property owner puts an in ground pool within the residence, it is normal procedure that to obtain a lower rate if a fence is put up. Questions arose regarding what type of 4 ft fence is put up, chain link, privacy etc? It was noted if you have a pool you have to deter people walking into the area, and perhaps the standards of one's homeowner's insurance determine what type of fencing is used.

It was noted that we could allow fencing to be used and tie our fencing in with what is within the zoning resolution which addresses height, setback type etc.. Board members advised that individuals use common sense for the personal safety of individuals. It was noted that the old code makes more sense from the protective point of view. It was noted that we cannot put "fluff" into the language (e.g., the zoning board suggests individual contacts insurance company.) It was noted that once the public meeting is closed we have 30 days to act on this. Our next meeting will be well within the next 30 days

**After general discussion it was noted that we will put #4 into the language as:**

**No in ground pool shall be constructed without a 4 ft. privacy fence that complies with the fencing section in this regulation (Citing Article II, General Regulations Section 205 A General- Item B Fences).**

We will ask the Prosecutor's office if this is enforceable, if it is, we can then vote on it, if it is not, we can take it out and put something else in or not. It was noted all members agreed with this, as we have 30 days in which we can find out an answer from the Prosecutor's office.

After further discussion it was noted by Chairman Sturdevant that she would bring this up with William Thorne of the Prosecutor's office and see if we can get something in writing to address this.

The meeting was then closed for Swimming Pool Language. A motion was made by Chairman Sturdevant to close the public hearing meeting for Swimming Pools. A second to the motion was made by Sue Brewer. Roll call made: Sue Brewer-aye; Greg Brezina-aye; Dennis Hoops-aye; Scott Anderson-aye; Heather Sturdevant-aye. All were in favor.

The public meeting was then opened regarding Small Wind Energy Systems. Members in attendance: Sue Brewer, Greg Brezina, Dennis Hoops, Scott Anderson and Heather Sturdevant.

Chairman Sturdevant proceeded to read Small Wind Energy Systems.....

## 2. Article II, 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.

*Staff Comment: Regulations for the Rural Residential, Local Commercial and Highway Commercial districts should be amended to make "Small Wind Energy Systems" a permitted accessory uses. (Chairman Sturdevant advised we already have this, refer to Section 205J, this will need to have letters added when going to the Trustees).*

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. A small wind energy system 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 rooftop.
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.

*Staff Comment: The literature we have reviewed states that with a properly engineered and installed small wind energy system, a buffer distance of 1.1 X the height of the tower is sufficient.*

(Chairman Sturdevant advised that we had discussed this before and members felt comfortable with 110% vs. 101% due to the fact that once a wind tower snaps, it often jumps out prior to the fall. All board members felt the 110% was better.)

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.
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 structure.
  - b. A locked anti-climb device installed on the tower; or
  - c. Shall be completely enclosed with a locked fence or 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 shall 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 those structures with local emergency and police authorities.
14. An Automatic braking system shall be required to prevent uncontrolled rotation.
15. A small wind energy system 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.

*Staff Comment: Requirement 16a. above states, that "All Small wind energy systems shall be maintained in working order, structurally sound and with any surface treatments intact." If the small wind energy system must be kept in working order there is no need for this regulation. However, if the Township does want to provide a time period for returning a system to functioning status, 1 year is excessive. Staff suggests 6 months at a maximum. (Board agreed).*

19. Decommissioning and Restoration. Any small wind energy system which has 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 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 are not limited to:
  - a. Property Lines and physical dimensions for 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 Warning/emergency information
  - d. Elevation of the proposed small wind energy system tower
  - e. Location of trees within 150 foot radius of the proposed small wind energy system.
  - f. Manufacturer's specifications including make, model and picture.
  - g. Scaled drawing no smaller than 1" = 100'

Definitions:

39. Nacelle: The enclosure located at the top of the wind turbine tower that houses the gear box, generator and other equipment.
45. Power Center: Serves as a central connection point for the electrical components in the system and provide a number of necessary control functions.
47. Rotor: The rotating part of a turbine, including the blades.
55. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 5MW and which is intended to primarily reduce on-site consumption of utility power.
60. Tower: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.
61. Tower Height: the height of a tower measured from the natural grade surrounding the support pad to the tip of the tip of the blade in a vertical position along with the vertical axis of the tower.
65. Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle, body, power center and a rotor with two or more blades.

*Staff Recommendation: Staff recommends APPROVAL WITH MODIFICATIONS of the proposed text amendments to the Westfield Township Zoning Resolution subject to Staff Comments above. Staff further recommends that Westfield Township request an opinion form the Medina County Prosecutor's Office on the final language. Staff also recommends that h Township cite "ORC Section 519.213 Township small wind farm zoning regulations" in the purpose statement of this text.*

It was noted by Chairman Sturdevant that ORC Section 519.213 regulates Small wind farm. This would not pertain to us. We do not have small wind farms, Chairman Sturdevant discussed this with Trustee Harris and it was agreed that we do not have to place this within our regulations.

The floor was opened for public comment. Mr. Bill Thombs -8189 Friendsville Road. Mr. Thombs advised he was astonished at all of the forms of wind energy on the market. He proceeded to cite forms which are presently in use. He felt that we are being too specific. He advised he would like to put one on his rooftop of his barn for energy. Chairman Sturdevant advised the reason for no rooftop is that if the unit were to fall, it could injure the public. Mr. Thombs advised if extra power is available, it could be placed back on grid. Chairman Sturdevant advised it was her understanding that if you produce more; they will not buy unless you can produce enough and qualify for a small wind energy farm, which is not in this area. It was noted what we have used as the Planning Commission and the Prosecutor's do not have anything. We have taken information from what was received at a training seminar held in Summit County, and this gives us a start. Chairman Sturdevant advised in our present code anything that is not specifically permitted is prohibited, and this gives us a start. We aren't saying we can't change, but this allows us to get something on the books. When we looked at this we looked at the specifics of:

1. Not wanting anyone to get hurt.
2. Does not affect adjacent property owner's property, if it falls
3. Not one of the homemade type, which is an eyesore

We went ones which are manufactured, not of bright colors and no advertising and an eyesore. Presently you might state we are one of the leaders within the count by addressing this. If we find that this is too restrictive we can change, but this allows us to establish a standard to work with.

Mr. Harris advised he was in agreement to get something on the books.

Questions arose pertaining to Item #18. Questions arose regarding the time frame regarding an inoperable small wind energy system. After discussion Item #18 will read:

Any damaged or inoperable small wind energy system shall be returned to a functioning status within six (6) months, unless it poses an immediate danger or threat of catastrophic failure. If said system is not returned to a functioning status within six (6) months, the township shall require a decommission statement from the property owner that the system will be decommissioned within eighteen (18) months.

In item #13, it was noted a typo error, which should be posted not posed as typed. (Scott Anderson)

Chairman Sturdevant made a motion to close the public session of the Small Wind Energy Systems. A second to the motion was made by Scott Anderson. A roll call was made as follows: Sue Brewer-aye; Greg Brezina-aye; Dennis Hoops-aye; Scott Anderson-aye; and Heather Sturdevant.

Chairman Sturdevant made a recommendation to approve the Small wind energy systems language as amended to include the following changes:

Under Section #13 A, it shall state: Emergency Contact information shall be posted on the tower climbing apparatus, anti climb device or locked perimeter fence on all small wind energy systems, listing the emergency contact personnel and 24 hour emergency phone numbers.

Section #8 it shall state: Any damaged or inoperable small wind energy system shall be returned to a functioning status within six (6) months, unless it poses and immediate danger or threat of catastrophic failure. If said system is not returned to a functioning status within six (6) months, the township shall require a decommission statement from the property owner that the system will be decommissioned within eighteen (18) months.

Also, correcting the grammatical errors under Item #13 the word Posed shall be changed to posted

Under Definitions Item#61 Tower Height, it shows the support pad t the tip of the tip) Remove of the tip.

Item #39 is typed as Narcelle, it should read Nacelle

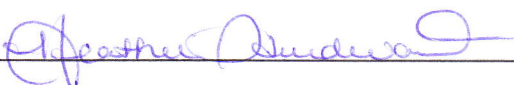
A second to the motion was made by Scott Anderson. A roll call was taken: Sue Brewer-aye; Greg Brezina-aye; Dennis Hoops-aye; Scott Anderson-aye and Heather Sturdevant-aye. All were in favor.

Chairman Sturdevant advised this information will be certified and given to the Trustees within the next 5 days, so it can be reviewed at the next meeting. This being said, no other business can be handled tonight due to this being advertised as a public meeting advertised in the paper. With no other business to be brought forward, a motion was made by Scott Anderson to adjourn the meeting and a second to motion was made by Sue Brewer. All were in favor. The meeting was adjourned at 8:27 pm

Respectfully Submitted,

Sherry Clarkson

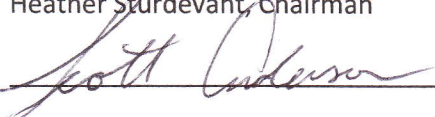




Heather Sturdevant, Chairman

May 15, 2012

Date

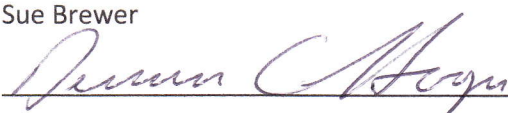


Scott Anderson, Member

5/15/12

Date

Sue Brewer



Date

5/15/12

Dennis Hoops



Date

5/15/12

Greg Brezina

Date