

**TOWN OF BARKHAMSTED
PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
THURSDAY, DECEMBER 10, 2009**

Chairman Christina Lavieri called the meeting to order at 7:05 p.m. Members present were James Hart, and Sharon Neumann-Lynes, and Alternate Todd Beland. Also present was Rista Holda the Zoning Enforcement Officer. Lavieri sat Beland for John Polderman.

PUBLIC HEARINGS CONTINUED:

A. Northwestern Regional School No. 7, owner, Optiwind Corp., applicant, 100 Battistoni Drive. Application for Special Exception for energy generation facility.

New correspondence was read into the record from the Town Engineer, Tom Grimaldi, the Town Attorney Michael Zizka and Molly Sexton Read, Chairman of the Regional School Board of Education.

The Town Engineer stated that all the comments from his first letter have been addressed and asked that the Town Engineer be kept in the loop as to any updates from the utility company as to the final location of the distribution lines, including piping and the location of the transformer.

The Town Attorney answered three questions for the commission. One of which involved the easement. He made many suggestions to improve the easement and Optiwind was amenable to these suggestions and agreed with them. The other question was regarding a term on the special exception and the last question was whether the Town should require a bond for the removal of the wind turbine at the end of its' life expectancy of twenty (20) years or earlier, in the event it became obsolete.

Molly Sexton Read's letter addressed the fact that the Board of Education would be signing a Power Purchase Agreement (PPA) with Optiwind covering all possibilities for the removal of the wind turbine and addressing whose responsibility it would be. This PPA contract will be reviewed by the Attorney for the Board of Education. Superintendent, Clint Montgomery, who was present at the hearing also confirmed that the PPA contract would be thoroughly reviewed by an attorney.

Rista Holda, Zoning Enforcement Officer suggested that Optiwind put up a small bond between \$2,000 to \$3,000. Optiwind did not have a problem with this amount and stated it would be fine.

Hart felt the commission was overstepping its' authority and felt there was no necessity for a bond.

Scott Johnstone, a member from the public spoke, and was in favor of the project, but would like to see the commission follow the comments of the Town Engineer.

Matt Speck also stated he had a letter addressing any questions regarding lightening strikes and also asked that the commission remember Optiwind's two requests for waivers of the landscaping plan and A-2 survey.

The public hearing was closed at 7:50 pm.

NEW APPLICATIONS:

Neumann-Lynes made a motion to amend the agenda to accept a new application, seconded by Hart and unanimously approved.

A. Crew Motorcars, LLC., applicant, Stanley Slater, Jr., et al, owner, 127 New Hartford Road. Application for Special Exception for Used Car Dealership

Hart made a motion to accept the application and set for Public Hearing for January 14, 2010, seconded by Neumann-Lynes and unanimously approved.

PENDING APPLICATIONS:

A. Northwestern Regional School No. 7, owner, Optiwind Corp., applicant, 100 Battistoni Drive. Application for Special Exception for energy generation facility.

The commission discussed the letter from the Town Engineer regarding being kept in the loop after C L & P determines the location of the power lines. There was also a lengthy discussion regarding whether or not a bond should be required.

Neumann-Lynes made a motion to approve the waivers as requested by Optiwind, applicant and Northwestern Regional School No. 7, owner as follows:

1. Waive the requirement for a landscaping plan per Section 193-40I of the zoning regulations; and
2. Waive the requirement for an A-2 survey of the entire parcel per Section 193-40H of the zoning regulations.

The motion was seconded by Hart and unanimously approved.

Selectman Donald S. Stein arrived at the meeting and was asked to comment on his opinion regarding collecting a bond for the removal of the wind turbine in the event it needed to be removed. Selectman Stein felt a bond was not necessary and would be the responsibility of Northwestern Regional School No. 7, as the owner of the wind turbine. Neumann-Lynes made a motion to approve the application for Optiwind, applicant, Northwestern Regional School No. 7, owner, 100 Battistoni Drive, Winsted, Connecticut.

Special Exception for Energy Generation Facility, as per oral and written testimony, and as it meets all standards and criteria as per Section 193-49 of the zoning regulations and the plans submitted and prepared by CCA, LLC., prepared for Optiwind and Northwestern Regional School No. 7, Zoning Location Survey Site Plan Sheets S-1, A-1, O-1, P-1 & E-1, date 6/1/09 Rev. 11/24/09 with the following conditions:

1. The easement be revised according to Attorney Michael Zizka's recommendations in his letter dated 12/10/09 and the final easement be approved by our land use Attorney;
2. Optiwind will keep the land use engineer, Tom Grimaldi and the land use office informed of any updates that take place with the utility company;

Seconded by Hart

The commission then continued the discussion of the bond. Beland also felt a bond was not necessary, again Rista Holda explained the merits of collecting a bond.

Neumann-Lynes made a motion to amend the original motion to include a third condition, as follows:

3. As a condition of approval, the owner is required to take the Tower down at the end of its' useful life.

seconded by Beland.

Chairman Lavieri called for a vote on the inclusion the third condition. The vote was unanimously in favor of including the third condition.

Chairman Lavieri called for a vote on the original motion. The vote was unanimously in favor of the original motion made by Neumann-Lynes.

DISCUSSION OF I-3 ZONE AMENDMENTS:

The process for getting RRDD #1 subdivided and approved in an I-3 zone is first, amend the uses in the I-3 zone; second change the zone at RRDD # 1 to I-3 and third bring the application to subdivide the RRDD # 1 parcel.

The Town Selectmen will present an application to the commission for the proposed amendments to the I-3 zone at the next meeting.

APPROVAL OF MINUTES:

Hart made a motion to approve the minutes of November 12, 2009, as presented, seconded by Neumann-Lynes and unanimously approved.

CORRESPONDENCE: Reviewed; no action taken.

ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE SAID MEETING:

Tim Grohowski asked about the tree that was supposed to be removed at the end of the Scanlon driveway on Taylor Road. Rista Holda explained that the Scanlon's had asked for an extension to remove the tree as the tree surgeon had trouble with his equipment.

This discussion reminded Hart to discuss setting a time limit on the driveway bonds and to get a list of remaining driveway bonds and have the road crew repair them and keep the bonds. Selectman Stein said that was a good suggestion.

PUBLIC COMMENT: None

Hart made a motion to adjourn at 9:00 pm, seconded by Beland and unanimously passed.

Approved _____ Date _____
James Hart-secretary