

SHELTON PLANNING AND ZONING COMMISSION**MAY 26, 2010**

The Shelton Planning and Zoning Commission held a special meeting on May 26, 2010 at 7:00 p.m. Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present:

Chairperson Ruth Parkins
 Commissioner Joan Flannery
 (arrived 7:03 p.m.)
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Anthony Pogoda
 Commissioner Joe Sedlock

Staff Present:

Richard Schultz, Administrator
 Anthony Panico, Consultant
 Patricia Garguilo, Court Stenographer
 Karin Tuke, Recording Secretary

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website www.cityofshelton.org

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairperson Parkins began the meeting at 7:00 p.m. with a roll call and the Pledge of Allegiance to the flag in the Auditorium. She read the procedures for the public hearing and reminded everyone to put their cell phones on vibrate.

PUBLIC HEARINGS**APPLICATION #10-05, JEFFREY NISBERG FOR TEMPORARY SPECIAL EXCEPTION/SITE PLAN APPROVAL (FILLING AND GRADING), 39 WABUDA PLACE (MAP 152, LOT 68), R-1 DISTRICT**

P&Z Secretary Virginia Harger read the call of the hearing.

Comm. Flannery arrived at 7:03 p.m.

Additionally, Comm. Harger read one piece of correspondence from Robert Kulacz, City Engineer dated 5/26/10.

***See attached correspondence to Richard Schultz from Robert Kulacz, City Engineer dated 5/26/10.**

Michael Connors, Connors Construction addressed the Commission on behalf of the Applicant, Jeffrey Nisberg.

Mr. Connery stated that he will be filling in and re-grading the backyard at the Nisberg residence. He will be retaining the fill that is going to be coming in, building two boulder walls each to be 4 feet tall with a setback. At 40 feet they would have one wall of 5 to 6 feet, then construct another 4 foot wall and then bring in roughly 140 loads of clean fill – rock, dirt, top soil, seed and hay. It would be a 4% slope from the foundation to the end of the yard.

Chair Parkins asked if it would be 140 truck loads.

Mr. Connors responded yes, at the higher end.

Chair Parkins showed the site map/drawing which was provided quite a while ago and not included in the package to the other Commissioners for review.

Mr. Schultz indicated that it should be noted that this is formally known as Lot 13 and it directly abuts open space and to the south of the open space is land trust so it does not abut any single family homes in that immediate area. The Commission, as part of this type of review, obviously looks at the aesthetics as well as the slopes and sediment erosion. The sediment erosion is a critical factor, as in all applications, but because this immediately abuts City of Shelton open space the bonding is something that the City Engineer is recommending and it's something the Commission should consider if they should act favorably on it. He showed the Commission the site map, the location and its proximity to the open space area.

Chair Parkins asked if there were abutters on the side, just not in the back.

Mr. Schultz responded yes, part of the existing subdivision not (inaudible)

Mr. Panico added that when they were out there they saw mature trees in the backyard. He asked the applicant if those mature trees were going to be removed.

Jeffrey Nisberg, 39 Wabuda Place addressed the Commission and responded that the dirt won't even go that far.

Comm. Sedlock asked who was in Lots 12 and 14.

Mr. Schultz responded that there are existing homes but it is important to see what is directly in back of it – because no one else is going to see it.

Comm. McGorty asked how many yards of fill would be brought in.

Mr. Connors responded that it would be roughly 7500 yards varying in size from ½ inch to a boulder size rocks

Comm. Pogoda asked if he said this was going to be clean fill.

Mr. Connors responded that it would be clean fill and rock varying in size from ½ inch to boulder size rocks and the balance is just clean dirt.

Comm. Pogoda asked if that was it – just rock and clean dirt.

Mr. Connors responded – yes, no wood, no asphalt, no cement, no concrete – nothing like that.

Chair Parkins asked if he knew where this fill was coming from.

Mr. Connors responded yes, he has a stockpile in his own yard and he also has a couple of other areas in Stratford and Fairfield where people are looking to remove their piles.

Comm. McGorty asked about how many truckloads.

Mr. Connors responded about 139 trucks – 18 yards a truck.

Mr. Panico asked if he was going to strip the existing top soil and then place it back on top.

Mr. Connors responded that the existing top soil is going to coming off and they are going to regrade the existing yard down to meet their slope and then fill in from there, reuse the top soil along with some more top soil.

Chair Parkins asked if this was a septic system.

Mr. Connors responded that the septic system is to the left on the side, if you're standing in the backyard looking at the residence. It would be on the side property nowhere near where they are going to have a machine or any type of equipment. When he places the silt fence, it will be roped off so nothing can get over in that area.

Chair Parkins asked if this development was served by City water.

Mr. Connors responded yes.

Comm. McGorty asked where the septic system was in proximity to the fence and the fire pit.

Mr. Connors responded that the septic system is on the right and not even near it – completely on the right; it is almost a vacant lot near it. If you are coming down the driveway facing the house, it is all the way to the right of the septic. It is a whole bunch of side property and nothing is (inaudible)

Mr. Connors responded that is a proposed area, if they were to stockpile. His goal is to be on site every day while trucks are coming and spreading the material as it is coming in. If it were to be stockpiles, he would say it would be no greater than 10 to 15 loads, no greater than 12 feet tall.

Mr. Panico commented that he would have to have a stockpile the loam material that he strips off.

Mr. Connors responded yes, exactly the loam will have to be stockpiled.

Chair Parkins asked how he proposes scheduling the trucks coming in to deliver this.

Mr. Connors responded that they would probably be 20 minutes apart, 4 to 5 trucks – he doesn't want to have a traffic jam on the street and have trucks up and down the street. It is not good for the neighborhood or for him to get a machine in there.

Chair Parkins asked how many trucks he estimates may be coming a day and about how many days it might take to do this.

Mr. Connors responded that it would be 4 to 5 trucks a day, preferably 4, each doing 6 loads a day which would be 6 continuous days of hauling material. Twenty four deliveries a day – taking 6 days to complete.

Comm. McGorty asked if that was paced with what he could deal with per day.

Mr. Connors responded yes.

Chair Parkins asked if he owned the company that would be transporting this material in.

Mr. Connors responded yes.

Chair Parkins asked if he would have control over the safety of these drivers, speed in a residential area with small children.

Mr. Connors responded yes, he was up there when they were building.

Chair Parkins asked if he would take care of any dirt and mud that gets tracked out onto the street.

Mr. Connors responded yes, there will be tracking pads in place and, if needed someone will be out there spraying tires, it will be done.

Chair Parkins asked if there were any other questions from the Commission or the public.

Pei Hui, 43 Wabuda Place addressed the Commission. Mr. Hui indicated that he was on Lot 14 right next door to Mr. Nisberg. He indicated that Mr. Nisberg seems like a nice guy and this seems like a nice plan but he wasn't really clear as to what was going to really happen. He wanted to know about the filling of backyard, where it starts, where it stops, and would it be higher than the existing level; basically, what he should do now or in the future if it affects his existing backyard.

Chair Parkins asked Mr. Hiu if he had seen the plans.

Mr. Hui responded no, but Jeff had told him briefly about his plan.

Chair Parkins offered Mr. Hiu an opportunity to come to the table to review the plans.

Mr. Panico briefly explained the grades of the topography and location of his home and Mr. Nisberg's home on the site plan.

Mr. Hiu asked about his slope relative to Mr. Nisberg's backyard slope.

Mr. Panico explained the location of his home and where Mr. Nisberg intends to put his fill.

Mr. Hiu asked where the slope starts from the backyard – is it immediate.

Mr. Panico showed where it would start halfway back on the lot and go up on an angle; from looking at the contours, it doesn't look like it would impact him

Mr. Hiu responded that if there were an impact, he would probably send a proposal so he could do it to save time. He added that he thought that currently they had a very similarly sloped backyard.

Chair Parkins commented that his slope starts further back in his backyard than Mr. Nisberg's.

Mr. Panico asked about his setback from the street.

Mr. Hui responded that it was about 50 feet.

Mr. Panico commented that this grading is probably going to be at least another 50-60 feet down the slope before it starts changing any contours.

Chair Parkins asked the Applicant if his intention was to fill any further up than that line indicated today.

Mr. Connors responded no, (inaudible).

Mr. Panico measured the grading at about 80 – 100 feet. The closest bit of grading (inaudible).

Mr. Hiu thanked the Commission for allowing him to review the plans.

With no other members wishing to speak for or against this proposal, Chair Parkins asked for a motion to close this public hearing.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #10-05.

APPLICATION #10-08, OPTIWIND CORP. ON BEHALF OF MBI INC. TO AMEND THE ZONING REGULATIONS BY ADDING SECTION 49 (DISTRIBUTED WIND ENERGY FACILITIES).

P&Z Secretary Virginia Harger read the call of the hearing and all correspondence.

***Acknowledgement of Receipt by Council of Governments of Central Naugatuck Valley dated April 26, 2010.**

***E- mail from Kristal Kallenberg-Dorismond, Environmental Analyst, Long Island Sound Programs, Connecticut Department of Environmental Protection to Richard Schultz dated?**

***Letter dated May 13, 2010 to Richard Schultz from South Central Regional Connecticut Planning Commission, Peggy Ruben-Dole, Chairwoman**

***Letter from Mark Nielson, Executive Director, Greater Bridgeport Regional Planning Agency to Chairperson Parkins dated?**

***Letter/Map from David Elder Valley Council of Governments Regional Planning Commission dated?**

***Letter from Valley Council of Governments Regional Planning Commission, Richard Dunn, Executive Director to Richard Schultz dated?**

Mr. Schultz added that he would like to list the Commissioner exhibits tonight as the 2006 Plan of Conservation and Development and the 2008 Regional Plan of Conservation and Development.

Matthew Speck, Project Development and Permitting Manager, OPTIWIND, 59 Field Street, Torrington, CT addressed the Commission on behalf of MBI, Inc., 15 Forest Parkway, Shelton, CT.

Mr. Speck indicated that at the last meeting he was aware that the Commission was going to send out for comment but there were two pieces of correspondence that were read that he didn't receive copies of and would like to be able to make detailed comments on at a later time.

Mr. Speck indicated that he wanted to give the Commission a brief overview of the wind turbine industry and more specifically, the reclassification that has been heard from the referrals this evening. There was a comment about Connecticut not having productive wind that he disagrees with. He would like to expand on that point.

Essentially there are really three markets for wind turbines: residential (1-100 kilowatts); commercial (100-1000 kilowatts); and industrial (over 1 megawatt). The industrial turbines are currently regulated in the State of Connecticut by the Connecticut Siting Council. So the residential and the commercial scale that they have here would remain under the province of this Commission by the regulation that they are proposing this evening. It would encompass both size turbines – it is about 200 feet. It is written that way because 200 feet would be the maximum allowable height before requiring FAA lights at the top. They don't feel that is appropriate for a non-industrial type site.

He wanted to talk briefly about wind speed and wind power. Wind power is a function of wind speed and wind itself is broken into 7 classifications. He called attention to the table denoting classes of wind power density at a height of 50 meters. There are commercial data proprietors who have gathered wind speed information across the country that is readily available. There are also a number of government agencies that also archive this. It is available at a number of different heights. There is also provision in the regulations that they are proposing for met Towers which is another way gather onsite data there are other types of instrumentation using sonar which is light and sound waves to also gather onsite data and that would be on a project by project basis.

When they get a call from someone who is interested in what type of wind they may have on a property, the first thing that they do is consult with maps and look at what inherent resources are on the property. One of the comments in the correspondence from one of the regional planners that there is no suitable wind in Connecticut for distributed energy generation is incorrect, because if they are looking at wind classes and the amount of energy that is available in each class, the large industrial turbines in Class 4 or above. There is no class 4 on shore wind in Connecticut – they aren't going to see a meaningful industrial type of wind development scheme. However, in class 2 and class 3 across the State of Connecticut there are pockets of meaningful wind; one of them here in Shelton but a number of them throughout the State. The turbine that was just constructed down in New Haven, a Phoenix Press in a class 1+ wind that was done with full State support and is in sharp contrast to the correspondence that was read this evening from the Regional Planning Association. There is a dearth of engineering data to support that, that turbine can produce an acceptable return on investment. Our products as well also can produce a meaningful return on investment,

so he isn't sure from what context that letter was written but it certainly not rooted in any sort of engineering principle.

Wind power is a cube of wind speed and as he has illustrated in his presentation, there a 10 percent difference in wind speed will result in a 33% difference in wind power so having small changes in the wind power can create large differences in the amount of power that can be extracted from an area.

It is not only that they need available wind speed, they also have to have enough characteristic where it is smooth and at the least possible turbulence going into the turbine and it needs to be at the least possible turbulence leaving the turbine. It is very important for that characteristic to be there and this depiction from National Research Energy Laboratories does a good job of that. Although they are getting some basic understanding of height relationships, there are some externalities such as topography and other area structures that could contribute to this in more mountainous areas in the northern part of the state. With the wind data, commercially they have in their office, the ability to forecast what that service reference is going to be in certain wind variability work experience based on topography, vegetation and those sorts of things so they can have a projection of how smooth the wind flow is going to be.

Mr. Speck referenced a wind map he provided showing Class 1+ wind in yellow which is dominant throughout Shelton and brown area scattered in a number of places throughout Shelton, where there is a Class 2 wind. And Class 2 is really a fine place for residential or certain distributive wind energy manufacturer products to be located.

As a way of providing background, Mr. Speck explained the utilities structure. No wind turbine is proportionately a cheap investment for a home or for a business and many of the consumers, small residential turbines are going to be somewhere from \$10K up to \$80K or \$90K. Installed after the equipment, it would be \$15K up to \$110K for a homeowner. If there is any extra electricity that is generated from a wind turbine, or from solar panels or from any other type of alternative energy production, it is sold back to the grid. The grid has to buy it and it is paid wholesale rate not the retail rate they are paying so most homeowners and business owners are paying 18 or 19 cents/kilowatt hour somewhere around there (inaudible).

If you sell back to the grid you would pay around 6 to 8 cents/kilowatt hour. So essentially, you'd be laying out an awful lot of money to make any attempt to get back pennies at a time. So in a best case scenario with this or with any alternative energy technology you really want to work hard to match the load you have on the property. It isn't financially prudent to go in and add that to your capacity.

He referenced page 6 of his handout showing Connecticut overall as a state. This is at 50 meters and this is very coarse scale and this again goes back to the comment from the Regional Planning Agency about Connecticut not having productive areas. It is conceded that in the northeastern part of the state, around Windham and Providence there isn't much Class 2 in those areas. Some towns along the Connecticut River just

northeast of Hartford there are a few spots. If they were asked to go in and do an assessment in a town, probably more so in the northwest corner but not exclusively, there are some in the New Haven area and Middlesex County and New London that if they're willing to put a finer set of optics on this information they could find higher Grade class 2 which again, is going to have a much larger output than a Class 1, 1+ or even 2 wind. They can just about touch Class 3 in some of those areas. What they are seeing here is a 10,000 foot overview to give an appreciation of what in broader strokes is available in the State of Connecticut for wind, but it is by no means the final word.

On the last page, clearly the State of Connecticut is behind the Connecticut Innovations and Connecticut Clear Energy Fund, Center for Business and Environment at Yale and the Connecticut Center for Advanced Technologies, Inc. – all subsets of some government think tank or research institution. He provided a list of towns that in some fashion are working on wind, have worked on wind, or have provisions already in their regulations that may allow for and regulations already in place that may allow for it; it may not be wind specific but tower specific. So there are a lot of people who are really looking at this right now.

Mr. Speck indicated that there are a number of towns that just don't have the resources and are not going to pursue this type of initiative. It is a fairly decent showing early on in the game from a respective number of towns that have an interest.

Mr. Speck provided a letter to the Commissioners dated May 26, 2010 to the Town of Shelton Planning & Zoning Commission regarding Capital Cost Comparison Alternative Energy Technologies.

There's been a thought that you may or may not do wind, you may prefer solar, you may want geo-thermal, you may want any of the alternative energy technologies and a large consideration in doing this comes down to dollars and cents. All of these technologies have a respective cost. He's for all the alternative energy technologies, he advocates for all of them and they all clearly have their place.

He wanted to provide an appreciation of the costs and what they can expect going into with subsidies, without subsidies and he provided some information from an investment bank, Lazard Bank, provided in his letter. The data that they have published is available in Figure 1 and Figure 2. It is a capital cost comparison of conventional and alternative energy technologies without any sort of incentives. It is just a levelized cost, which is just a cost of purchasing equipment, finance costs, fuel costs, operating costs, maintenance and insurance – it is turnkey. He's not hinging on specific dollar amounts; there are minor variations between equipment and manufacturers. He wanted to provide an appreciation of the ranges. He'd like them to see that wind on the list of alternative energy is the lowest and jumping up to solar, the three different types – Crystalline, Thin Film, and Solar Thermal would be 59%, 237% and 239% more expensive at the lower price bracket and 160%, 200% and 252% more expensive at the higher end, if they were comparing higher end to higher end. From a dollar and sense

perspective, if you are looking to install – if you are looking to put in a 320KW unit in a Class 2 wind is going to give you somewhere around ½ million kilowatt hours of energy output. To do that with wind, you are probably just going to be shooting from the hip, somewhere in the ballpark of about a million dollars. If you're looking to provide that same amount of energy output from solar, it will be a number around \$2.3M to \$2.5M.

He discussed adding incentives, even when the incentives apply, providing that they are all available at the state or federal level are subject to both policy availability and then having the capitalization behind them to make the policy implementable, which is an issue certainly in Connecticut. In Connecticut, he knows that the solar was going to be eligible for a 30% rebate, they've actually done away with that and what they are actually going to have is a fee in? (inaudible) and the consumer is essentially going to have to front load the full cost for the solar and the State will subsidize you so many cents per kilowatt hour for generating electricity. That is how they are looking to incentivize solar in Connecticut moving ahead. Figure 2 shows the raw costs and also applies a number of incentives showing again a wide price discrepancy between the different types of solar and wind. It is quite appreciable.

Figure 3 is a subset of information from the Alta group for Nongovernmental agencies for taxpaying entities; obviously, there are tax issues that come into play here. It provides wind, solar and benchmarking that against natural gas and biomass as to what the spread of data is going to be from a tax standpoint. They are looking at multiples in price which to him means a large scale on site user is going to translate into many millions of dollars and multiples of cost.

Mr. Speck referenced his 3rd handout dated May 26th to Richard Schultz regarding ***See attached letter from Matthew Speck Dated 5/26/10 to Richard Schultz.**
Re: Zoning Regulation Amendment Distributed Wind Energy Systems

When proposing any regulation they have to dove tail what they asking into the POCD comprehensive plan and policy for the State. Mr. Schultz already entered the Shelton POCD into the record. He complimented Rick Schultz and the Commission for their zoning regulations and 2007 Plan of Conservation and Development which he found a pleasure to read. He has an opportunity to read a lot of those documents across many towns and Shelton's is very well organized.

He actually started with the State POCD which the Shelton POCD speaks to in Section 6-13 so the connection has already been made. He highlighted some salient points on Page 1 and 2 of his letter from the State Plan. The State POCD has a strong desire to link economic policies and state laws with social policies and infrastructure build out in a very coordinated way. The State Plan speaks both to energy and air quality which he's highlighted on Page 2 which is a reference from Page 22 of the State Plan. He also referenced two paragraphs (page 95 State POCD) from his letter regarding air quality which is another resource planning concern.

Mr. Speck indicated that he mentions air quality because Connecticut has gone one step ahead with joining Mass. and other states in a landmark decision that went to the Supreme Court in 2007 (Massachusetts vs. EPA) which was an endangerment finding that officially declares the greenhouse gases are pollutants. So they remove the debate and this is now turning into an issue requiring further regulation and oversight. Air quality is becoming a huge planning issue and is going to become a huge regulatory issue in the years ahead.

He referenced the footnotes #9 regarding the Mass. Vs. EPA court case and footnote #10 from his letter regarding the information from a D.C. law firm regarding Climate Change Litigation in the U.S. which is also available on the Columbia Law School website (www.climatecasechart.com).

He explained that the document entitled Climate Change Litigation in the U.S. is a 40 page key of the different types of climate change litigation forums that is out there at the state, regional and local levels. It is real and expanding.

Connecticut under the State Statutes 16-245 already has renewable energy portfolio standards for electricity. The State is going to produce up to 20% their energy from renewable energy resources that are being scaled in over a series of years that they are midway through that right now. The United States is also working towards renewable portfolio standards.

Mr. Speck pointed out footnote #14 regarding the SEC has just issued guidance regarding disclosure to climate change. They are now asking public companies in their 10K annual reports to disclose obligations related to the impact of domestic legislation and regulation; impact of international accords; indirect consequences of regulation trends or physical impacts on climate change.

He referenced Page 4 of his letter listing objectives from the 2005-2010 State of Connecticut Conservation and Development Policies Plan that they are all equally important but he thinks that the Commission is getting the theme from the State Plan that they are already familiar with.

In looking at the Shelton POCD, he commented on Section 5-40 Siting dealing with encouragement of green development strategies and added that is exactly what distributed energy generation is intending to do. Additionally, from the Shelton POCD he referenced paragraphs dealing with electricity transmission as a growing issue in Fairfield County and added that the town is almost built out and they don't have those conversations up in the northern part of the State and so he found that was noteworthy. Mr. Speck commented that here were a number of sections of the Shelton POCD that deal with creating balanced tax revenue and optimizing the assets and resources that Shelton has and providing incentives to continue capital investment in wind turbine solar panels or any alternative energy technologies are doing so through the permitting fees and also they are taxable and again they are significant investments that have the

ability to add another level of tax and return to the town on top of the structure that is already there.

The Zoning Regulations themselves, the LIP zone is where they are proposing to add the distributive wind energy facility regulations where they have available Class 2 wind which would be productive for their class of wind turbine. It is a fairly small area in size in comparison to the overall size of Shelton. These zones are created specifically for economic development. Some are the largest, most intensive businesses in town so they have like areas sandwiched next to other like areas of other types of more industrial zones or more intensively used zones than many of the residential neighborhoods and areas that they have across the town.

He noted also that in the regulations they allow by special exception the build out of traditional grid utilities. They don't believe that they are much different than the grid utilities. There are some high tension wires that he's seen around town, there's some larger infrastructure and the business as usual (inaudible) scenario by the utility companies now and the future to both install, upgrade and maintain their types of structures will also have an impact on your neighborhoods some of the development patterns and some of the sight lines issues that are in the community at this point in time.

A wind turbine is configured behind here – there's a term called net meter. He explained that in times of high energy output – for solar it would be on the sunniest days and obviously, not at night and for wind it is going to be at the high wind times. The meter is actually going to spin backwards when energy is in excess of the use on the property. At the end of the year, the utility company reconciles the bill if there is any overage on your bill in a one year period from generation to consumption. They will pay the remainder of the difference at the wholesale rate. Even for large scale generation it is not a significant amount of money proportionately, but it is something. Conversely, if you still don't generate the amount of electricity that you need, you'll buy the remainder from the grid as they currently would.

A wind turbine, solar panel, generators, fuel cells all pay in the same way. Interestingly, generators have the ability to do the same thing – utility companies will sign contracts with people using large generators that in peak demand times, typically the hot days of summer when the grid is strained because people are running air conditioners, the facilities that the utility companies have contracts with will ask them to turn on the generators and load extra power into the grid during those peak times. It is fairly common down here; all utility companies do that.

In closing, he referenced the eight points made in his letter regarding the objectives of their application to allow for distributed wind generation facilities within the City of Shelton.

He added that they have the opportunity to read it over but based upon a review of the State POCD, the Shelton POCD and the Zoning Regulations, he believes that there is ample mechanism to set the ground work to allow them to move ahead in adopting a distributive alternative energy regulation.

Mr. Speck concluded his comments but recalled that he brought the Commission a corrected copy of the Shelton CT Wind Regulations and offered to provide more copies. He corrected a numeration error on page 3, 49.3 Applicability – the first line should read 49.1 instead of 1.1.”

He indicated that the only comments he received had been from the South Central Connecticut Regional Planning Commission and they had raised a concern about the setback areas proposed most specifically to public ways, overhead utility lines.

He commented that he thinks there are a couple of ways to get at that. In the regulations, he provided an Alternate 49.6.6.3 Setback option regarding setback and separation requirements regarding inhabited structures, property lines, public roads and communication and electrical lines. He added that he thinks it is something that is very solvable.

Comm. Flannery asked if they should disregard the other 49.6.6.3 setback option.

Mr. Speck responded no, they were both in play. He indicated that Chip Troy from MBI would like to speak briefly. Mr. Speck indicated that he has provided the proposed regulations and he deferred to the Commission as to how they would like to proceed with their review and any questions or comments.

Jim Troy, Facilities Manager, MBI Inc., 11 &15 Forest Parkway, Shelton addressed the Commission. Mr. Troy pointed out that they have been members of the business community in Shelton since 1987. They are a direct mail marketer of memorable collectibles. It is a clean industry and he just wants to point out that it is really current economic conditions that has them looking for a way to reduce their bottom line. His search started several years ago with solar energy and because of the cost of it and the lack of incentives, the fact that it only has an average production of about 4 hours a day in Connecticut. It didn't make any economical sense and had about an 18 year payback. That got us interested in the wind and wind energy as a way to defer costs. He understands that what they are applying for right now is a Zoning Regulation change and it in no way assures them that their particular application will be approved so they are well aware of the process going on.

He added that he is also a Shelton resident and he realizes the impact of this business point of view and as a member of the community. He thanked the Commission.

Comm. Sedlock asked what the payback time would be for the wind technology if solar was 18.

Mr. Troy responded it would be somewhere in the 8 – 10 year period.

Comm. Flannery asked what MBI stands for.

Mr. Troy responded that is just an acronym. MBI is a parent company for the Danbury Mint Commemorative Society and the Eastern Heritage Press. They have their products in many magazines. He really doesn't know the origin of the acronym MBI.

Chairperson Parkins commented to Mr. Speck that she seriously doubtful there was anything that he had not provided to them in regard to information. She wanted the public to know that there is no formal presentation put up for them to view. They will allow the public an opportunity to look at these documents prior to opening it up to public comments so that they have all the information that can be provided. That will take place after the Commission asks questions and makes their comments.

Chair Parkins reiterated that this is for the regulations to allow such a use within the City and not for a particular project. She indicated that she did have an opportunity to look through the regulations that they are proposing and naturally so, she thinks that they are a little self-serving for a project such as the one they are proposing. She asked Mr. Panico if he had any comments.

Mr. Speck asked if he could include one more comment from his notes regarding an answer to the Valley Council of Governments as to why there are minimums and maximums and why they have those types of waivers. Again, they need wind, in certain parcels they may have more or less wind, more or less surface roughness. They actually ran into this at a school in Barkhamsted Region 7 High School the campus itself is on several lots of record on lot set turbine that they got approval for had an odd geometric shape and there is a large slope and the property owner next door owned several 100 acres that he wasn't going to use. He was happy to engage in a lease that would allow them to site it on the property.

Mr. Speck stated that in their traditional site plan reviews they have requirements – they have to work around everything – they have to work with everything that has been given to them plus they have to work with the utility providers as to where they want the lines, what's accessible where the transformer going to be etc in certain instance and they are going to get pushed off to the edges of property. In certain instances it is acceptable and in certain instances it is not – the best answer he could give is that “you would know it when you see it” It would be inappropriate for them to suggest putting a turbine in a property that would cause undue hardship to the neighbors; however, there may be instances where there is property with certain topographic features that lend themselves to that, that if an accommodation can be made with the neighbors, as they've done with other projects, it can work well. So the way the regulation is written is to put a baseline in a set of standards but also let reasonable applicants, reasonable commissions and reasonable neighbors to look at this and say hey there is a reasonable solution to be

made, how can they memorialize it and that is why the regulation is written that way with some of the relaxing at Commission discretion. They understand that there are baseline standards but there could be some relaxation of that where appropriate and necessary. That's all.

Mr. Panico responded that building into their regulations a degree of flexibility for the Commission with respect to the standards that have been established is not uncommon but they normally do have parameters so that they limit that discretion; otherwise, it would defeat the whole intent of the zoning regulations. They really are not putting forth the specifications that could apply to your particular use so he thinks that area does need to be examined very carefully. They are a lot of issues that he has with them that were reflected in the Regional Planning Agency reports with respect to vagueness and the need for interpretation in many situations and the discretionary approach that seems to be evident in the entire set of regulations. That is not normally how they write their regulations in Shelton.

Mr. Speck asked that in his application, he's been working with Mr. Schultz and he didn't know where Mr. Panico fit into the mix and if he would be making his comments as written comments, or does he do a formal review.

Mr. Panico responded that he takes his direction from the Commission because certainly some areas require more effort than others. He makes his reports available to them and certainly when those reports become available, copies would be made available to him as well.

Mr. Speck responded that he would like to address his comments and work on all these issues.

Mr. Panico commented unfortunately, they can't carry on that dialogue after the public hearing is closed.

Mr. Speck responded that he understood that.

Chair Parkins commented that more than likely this will remain open. Her initial thoughts are that this is very complex – something that is going to need a lot of consideration. She opened up the discussion to the Commissioners for questions and comments.

Comm. Flannery indicated that she had a lot of questions. She went by the wind turbine in New Haven, the Phoenix Press. She asked how tall that turbine was.

Mr. Speck responded that the hub height of that to the center of the rotors is about 150 feet.

Comm. Flannery asked if he wanted something bigger than that.

Mr. Speck responded that the maximum height that they would be requesting is 200 feet. The blade that sweeps over the hub to the top of that blade is going to be almost 200 feet of the turbine blade.

Comm. Flannery asked if he was aware that Sikorsky Aircraft was very close to Ward 3 in Shelton where she lives and they are constantly flying over her backyard. She is thinking that maybe they do need lights on top of this because of the Sikorsky helicopters.

Mr. Speck responded that the light issue is governed by the FAA and their regulations don't require that a structure 100 – 200 feet tall have lighting. Again, if the Commission feels it is an extra level of safety they could have a Letter of Notice go to the FAA as part of the regulation process. It is easy enough to do, so that is not a problem.

Comm. Flannery commented that she is a Science teacher and one of the topics she teaches the children is about wind turbines. And one of the things that she teaches them is that the wind turbines work very well in California because the wind current is more consistent, but in Connecticut they have Northeaster storms and the giant gusts of wind that accompany those storms actually break the turbines. She asked if the turbine that he is proposing have ever been built before, how successful were they and where were they located.

Chair Parkins interrupted Comm. Flannery to suggest that this is really about the regulations that they are looking to propose. It is not about the siting of a specific windmill at this point. This is strictly regarding regulations that they are proposing that the City of Shelton adopt.

Comm. Flannery showed a picture of a commercial wind mill and she has never really seen one, so she doesn't know if they really exist – she has never seen one.

Chair Parkins responded that they would have to come back to the Commission for that. This is just for the regulations because right now, Shelton has no regulations governing the use of wind power. So they are suggesting that Shelton adopt these regulations and that is what this public hearing is about.

Comm. Flannery commented that she is suggesting that they adopt one like the one in New Haven and not the commercial one.

Chair Parkins responded that once they adopt regulations that control –overall, any kind of wind power, then they would come back to the Commission with an application for their specific project. So, to save time, she suggested addressing only the regulations that they are proposing.

Comm. Flannery asked how much clearing is needed around the turbines.

Mr. Speck responded that it would depend upon what the site looks like beforehand.

Comm. Flannery asked about the specific site that he is talking about in Shelton – is there going to be a lot of clear cutting a lot of forest.

Chair Parkins commented that again that is site specific and project specific – there will certainly be a public hearing on any project that they propose.

Comm. Flannery asked what Shelton gets out of this. How much are they going to collect in taxes? Will the residents have to pay a greater share of electricity because their company is providing its own electricity?

Chair Parkins commented that she thinks that is too project specific.

Mr. Speck responded that the rates for the State of Connecticut are set by the DPC? so they have no influence on how the rates are set.

Chair Parkins commented as far as the rates that would only be what they are selling back to the grid anyway.

Mr. Speck commented that he thinks Comm. Flannery may be asking how they are going to affect the electric rates of the remainder community. Again, they have no control over what they consume or see on their bill.

Chair Parkins commented that the only benefit to wind is that if someone is operating on wind power and the grid is overloaded, they can be requested to turn on generators, or whatever it would be for wind to alleviate brown outs.

Comm. Flannery asked about 49.12 Abandonment or Decommissioning and Removal. She commented that she wasn't happy about that all it says is that they could put it up, leave it there for 10 years, use it for one year and that fulfills the requirement and then if they don't want to use it, then the town has to take it down.

Mr. Speck responded that is not what it is saying – is she asking about 49.12.1 and 49.12.2?

Comm. Flannery responded yes, in 49.12.1 “the town shall have the authority to enter the property and physically remove the facility.” She doesn't think the town should have to do that; they just had to pay the bill for taking down a house in Shelton.

Mr. Speck responded that he isn't suggesting that is the first line of defense that the town would be using. He would say that it's under the last line of defense. If there were an issue with abandonment, they would take enforcement action just as they would if there were a junk vehicle or an abandoned house or some other mechanism and look to

have that person clean it up, go to court, etc. What this is saying is if there is no cooperation, there is no other mechanism, by the last resort it is acknowledged that the town can go in and take action in the absence of cooperation.

Comm. Flannery commented that what is missing from here is who is going to pay for that and it should not be the town.

Mr. Speck responded that the town would put a lien against the underlying property owner and...

Comm. Flannery commented that is the problem – the property owner doesn't own the windmill. They are suggesting putting this windmill on rented property and she is saying that the windmill should only be on the property owned by the owner; that way they are sticking the owner with the windmill if they don't want it anymore.

Comm. Pogoda commented that he doesn't think that anyone going to the expense of putting a windmill in is not going to turn it off in one year if they have made a million dollar investment.

Chair Parkins asked in regard to that, in 29.12.2 speaks to the "useful life" and "at the end of its useful life it shall be removed." What is the useful life?

Mr. Speck responded that they are going to have warranties on their structural components of 25 years. Now there a number of different types of turbines that is out there. They believe the design of their turbine will lend itself because of its smaller individual components that can be repaired and replace at reduced costs. He indicated that he wanted to explain himself better.

Chair Parkins responded that he had explained - 25 years.

Mr. Speck responded that it is really longer with proper maintenance. They think the design of their turbine lends itself to that. The electronics and the gearbox and the blades themselves do get to a point where it is no longer financially feasible to put money into it. The most significant part is the tower itself that is largely protected from the elements by the accelerator platform and has a much longer life span. It is 80KSI steel which is stronger than any other building or bridge steel which is 50 KSI. The big blades that are associated with the larger turbines can be anywhere from 50K – 150K to replace the gear boxes can be the size of a small car up to a city bus and can cost many 100's of thousands of dollars so as they get to a 20 year life span they just aren't going to put that kind of money back into it.

Mr. Panico asked if it is cost effective to disassemble and remove a piece of equipment to use it somewhere else- suppose the applicant moves and relocates out of Shelton. Is it cost effective for him to take it down and take it with him – or does he leave it on the property?

Mr. Speck responded that it can be and there actually is a secondary wind turbine market. If they want to buy blades...

Mr. Panico indicated that they are concerned if 3 or 5 years down the road, and asked do they take the turbine with them or are they just stuck with a non-functioning wind turbine.

Mr. Speck responded that it is possible...is what he is asking?

Mr. Panico asked what is likely to happen.

Chair Parkins asked if they were to move out and the place was vacant for about 2 years – your “150 days after the date of discontinued operations...” who is responsible for taking that down.

Mr. Speck responded at that point in time it would be the underlying property owner. There would still be someone that maintains ownership of the property – there is still a custodian owner of record.

Comm. McGorty asked what it all comes down to is what the cost of taking it down and shipping it as opposed to buying a new one and installing it.

Mr. Speck responded that for a larger turbine he'd think it would be a pretty good value proposition in moving it provided they are going to a location with suitable wind. At that point in time they are putting in a new foundation, running new utilities, the utility company is providing the transformers and that sort of connective equipment. It is pretty big bucks for these turbines so he thinks that pretty good things can be made. He would also make another case an attractive proposition for a new tenant to come in if their electricity costs are historically escalating somewhere between 4 and 5 percent a year and there is a turbine in place. Over a period of time there is an appreciable savings in energy over the long term. He would think it would make the facility very desirable because they are getting a lot of their energy costs this number of years back.

Comm. McGorty asked what sort of preventive maintenance schedule, in getting back to the longevity, have they done any sort of testing on a component level.

Mr. Speck responded they are to the various components but he doesn't know to what percentage through the entire turbine. Certainly these are engineering structures and there is a dearth of data on the life span of steel, galvanized bolts, etc.

Comm. McGorty commented that he was more concerned with the wearables, consumables - not as much as the fixed structures as the moving parts – has there been some testing based on some constant or fixed wind rate.

Mr. Speck responded that the electronics of their turbines are self diagnosing to begin with so they have the ability to monitor the motors and a lot of these wearable things from the home location to anticipate failure before it happens so they can monitor end of life span for motors that don't have gearboxes so they (inaudible)
Typical maintenance is done once a year re-checking, re-torqueing, going back through the whole turbine with an overhaul. There will be a whole service package available with the turbine to ensure that it done.

Mr. Panico asked what the approximate cost of removing a facility would be – order of magnitude.

Mr. Speck responded that it could be done a couple of ways because if it is removed to be reconstructed, it is going to very carefully be taken away. They will come down with the cranes and the tractor trailers and move it to a separate site. Depending upon how many sections that they want to take it down and break it down into, it his best guess that it would be between \$50K and \$100K. If this is really a problem, let's take the side that as the regulations are written, if the City had to take responsibility for removing it, there is inherent value in the scrap metal and windings of the rotors.

Mr. Panico responded that they aren't in the scrap metal business. They just don't want an eyesore.

Mr. Speck responded that he understands that but in playing the Devil's Advocate, they would be covering the costs in just the scrap materials just getting it down with the smallest crane chopping it down with a torch and getting it out as fast as possible.

Comm. Harger had a question going back to the regulations – she knows that this is not something that someone could sit down overnight and compile. She asked what the basis was for his proposed regulations that he submitted. Do they exist in somewhere in the United States.

Mr. Speck responded that in piecemeal they are probably in existence in 15 other towns in Connecticut, Massachusetts, Ohio, New York. They just went and read as many regulations as they could find. Some were very well written, some were very poorly written. They tried to take as much as they could that was workable and useable and develop some sort of framework that made sense. A town like Cambridge, MA has wind on rooftops of buildings and on sides of structures and that is all that they speak to. If you go out to Ohio, they have big industrial projects some have it by site plan or as of right, so it is really all over the place. Additionally, they've consulted with different planners as well.

Comm. Harger asked if there were specific towns that he could point to say that is what they are using.

Mr. Speck indicated that it was a wide cross section of towns – some very urban, some very rural. There is a lot taken from Torrington and Goshen.

Comm. Harger asked about Page 6 where it discusses the definition of wind turbine and it mentions the electric generator. Unless she missed it, she didn't see anything in there as to how big that generator would be expected to be or the maximum it would be or anything having to do with noise levels.

Mr. Speck responded that he thinks that what she is getting at with the first question is the term Rated Nameplate Capacity which is the rated output of electrical power production equipment. So that is the size of the unit - a 100 KW unit, a 500 KW unit, etc.

Comm. Harger commented that she is just interested in knowing how big this generator would be. She added that she thinks a lot of people are thinking that there are a lot of other components to it and where the definition of that is (inaudible)

Mr. Speck responded that most turbines are three bladed designs, one gearbox, one generator up in the top and there design of turbine is different in that they have an accelerator platform and much smaller blades on the side. Depending on the size of the turbine, either 150 kw or 300 kw, there is either 6 or 12 blades along the sides. They are going to have between 6 and 12 individual generators that are 25 kw each. It is a single pole with a blade on the side and there are a number of engineering reasons for that – he'd get into it if they would like. It is not regulation specific but he'd be happy to answer the questions.

Mr. Speck responded to Comm. Harger's question that he could specify per the generator if you'd like but the weighted in capacity that is in there is actually the size of the output of everything that comes off the turbine.

Comm. Flannery asked if he had built one of these yet.

Mr. Speck responded yes.

Comm. Flannery asked where they are.

Mr. Speck responded that it is at ? (inaudible) Farm in Torrington.

Mr. Panico added that it isn't operating yet.

Comm. Flannery commented that they don't even know if it works yet.

Chair Parkins commented that she thinks the purpose for this public hearing is to establish if the Commission feels that wind power is an acceptable alternative energy for the city of Shelton, in general.

Mr. Panico added that these are wind energy facilities, period; not Optiwind.

Chair Parkins stated that they need to make sure, if they are in consensus, that they agree with that regulations encompass everything – not just theirs – any kind of wind that may come before them because once they establish that they are in favor of using such alternative energy, she is sure these aren't the only folks to come before the Commission with projects. So they have to keep that in mind when they develop these regulations. Now, naturally because they are presenting these regulations, they are more geared toward what their product is, but they need to make sure that these regulations, if they decide to adopt them, fit their regulations. She asked if there were any other questions from the Commissioners.

Comm. Flannery asked if MBI was located in an LIP zone.

Mr. Speck responded yes, it is.

Comm. Flannery asked what the closest neighborhood was to it.

Mr. Speck responded that there's a couple of houses behind the tree line beyond the MBI complex so there is a neighborhood behind the industrial park there. There is a neighborhood behind the industrial park – Long Hill Avenue.

Chair Parkins asked if the map was something that he generated from his company or something that was just available. She asked if they do some testing up there to substantiate what is here because they aren't going to spend that much money putting it (inaudible).

Mr. Troy, MBI Inc. responded that they can't take Step 2 until they take Step 1 so they haven't gone to the expense of doing site specific testing.

Mr. Speck added that there are a number of ways to do that in the regulations here – there's the MET tower, the meteorological tower, sonar using sound waves to determine wind power density at any height – higher than their turbine is going to be. Usually for smaller, wind turbine standards for a significant investment usually there is not huge amounts of site data that is gathered simply because of the cost of doing it. They would certainly provide it as a service to any company, such as MBI. The wind maps that he provided to the Commission have a 95% confidence interval. Where very vigorous testing begins to happen on the industrial scale, the very large turbines – usually the big projects where there are 20, 40 or 100 turbines, an 800 million dollar project for a big manufacturing facility for energy that they send back to the grid. Investment banks will want a lot of data from multiple towers. The trade off is how much is it going to cost to collect and process the data versus what is the value of the 95% confidence interval. It is going to cost 25,000 to do a study, are they going to be able to pinpoint your electrical needs 25,000 difference over a lifespan because that is not always the case.

They are certainly willing to do the testing and have the equipment to do so.

Mr. Panico asked when Torrington would be operable.

Mr. Speck responded that they have a tentative schedule to connect with the utilities right around the 1st of August. The reason why it is projected for that date is because they are not only building the turbine itself but they are training the staff that they have and trying to optimize in house efficiencies. The things that they are dealing with right now as the components are being manufactured, how many pieces are fitting on the truck, and what pieces of machinery are they using to handle that and how many trips are they going to be making and they are developing procedures every step of the way. They are building a turbine, they're building a company, they are building a staff at the same time. They have a schedule and they are on schedule.

Mr. Panico asked if Optiwind had an operating facility today.

Mr. Speck responded a grid connected one - today, no.

Mr. Panico commented there is none, nowhere, anywhere in the United States.

Comm. Harger asked about noise that they "shall conform to any applicable noise regulation or statute." But she doesn't see the part of the application about the noise level at all.

Chair Parkins commented that he references "common law nuisance" but it doesn't provide a definition for that – on page 6, under 49.5.2 Required Findings.

Mr. Speck responded that common law nuisance is really a judicial threshold. He doesn't want to water it down too much but it is kind of "you know it when you see it." He provided the example of whether or not barking dogs are a nuisance. It can be if it is egregious.

Chair Parkins responded that it is subjective.

Mr. Speck added that it is in part, but it is enforceable. He hasn't researched if Shelton has a noise ordinance which may supersede anything that they put in there to begin with. If that is indeed the case, which in many towns does have, than anything that they put in here is a moot point. The measurement of sound is fairly complex; it is a lot more than going out with a sound meter and saying it is this number or it is not this number. There is a tonality, there is a pitch, there is a frequency and there is any number of variables. He deferred to the Commission that if they would like to see something more substantive, they can certainly propose that. If they have something on the books, specifically a noise ordinance that is in place the questions has actually been answered before they walked in today.

Comm. Flannery asked what the noise level would be, what this particular unit would create and what amount of noise decibels.

Chair Parkins commented that it would be within the regulations that they would put decibels from this type of facility cannot exceed so many decibels.

Comm. Harger commented that she doesn't see anything in there that says any applicant would have to demonstrate to the Board as part of the application certain specifics.

Chair Parkins agreed that it has to be tightened up.

Mr. Speck responded that with something like noise they can make projections ahead of time but it is impossible to project what noise is going to be at any site just because it is going to vary on the amount of hard surfaces, the amount of buildings that are there, and the amount of vegetation that is there, any background noises, what is going to get drowned out. So when constructing a noise regulation specifically for wind turbines, it is usually something different than a decibel maximum.

Chair Parkins responded that there are certainly State specifications and State regulations in terms of vibrations, noise...

Comm. Sedlock referenced the noise levels on a generator on Long Hill and they were satisfied with the noise levels but it was obviously a nuisance for everyone surrounding it. He stated that he thinks that they shouldn't deal with this part of the regulations until they see these windmills up and operational so they can take a look at them personally before they going setting any kind of regulations.

Comm. Flannery agreed.

Mr. Speck added that it is not a regulation specific to OptiWind. Tomorrow MBI could go and talk to the same folks that Phoenix Press went with or another competitor's product as well and there is going to be an entirely different acoustical signature associated with that. There would be entirely different set of considerations but the regulation itself would endure to allow any product.

Comm. Sedlock commented that once they put in these regulations, they open up Pandora's Box to any company that wants to come in here with a windmill. He personally wouldn't want to get involved in something like that for this town until they see some of these windmills in operation and how much noise they make.

Chair Parkins stated that basically Comm. Sedlock is not in favor of supporting wind energy at this time in this city.

Comm. Sedlock responded that he'd like to get more information to make an honest assessment.

Chair Parkins indicated that they have three choices either adopt them as suggested; adopt them as amended by them or they can deny the regulation. That is what this whole process is all about.

Comm. Sedlock asked if they were going to be making that decision tonight or after the public hearing.

Chair Parkins responded no, they were going to keep the public hearing open.

Mr. Speck added that – again, it is not just the New Haven windmill that is in place. There are several in Massachusetts – they are around.

Comm. McGorty asked if he had some noise data.

Mr. Speck responded that they have done some wind tunnel testing up at Clarkson University and actually two of the founders of the company have had a company in the past that dealt with industrial fans so their background is in aerodynamics and large scale industrial fans. There is benchmark information available from an engineering perspective from past projects. They are seeing an acoustic signature that is much different.

Comm. Flannery indicated that they have a windmill on top of her school because it is a green energy school that was built this year. When it is really windy, it sounds like ducks quacking all over the place. It is a three blade, about 20 feet tall.

Mr. Speck indicated that the sound from a wind turbine comes from a number of different locations and there are different types of sounds. There is a gearbox sound, a blade sound and aerodynamic sound with the blade cutting through the air and a blade pass noise. The reason that the design of their turbine is very different is because they looked at the shortcomings of the traditional design and the concerns that people have such as the noise and the shadow and all these types of things that they felt could be corrected. He showed the Commission a picture from a wind turbine farm depicting their wind turbines relative to the size of a person and in proportion to a large industrial blade on the ground.

Chair Parkins asked if their blade was 9 feet.

Mr. Speck responded that it was 10 feet. It is more of a white noise.

Comm. McGorty asked if it was a higher frequency noise.

Mr. Speck responded yes, you kind of lose it. The real aspect of sound that people have a problem with is the less than 20 hertz that is called infra sound and that is what can travel very long distances and that is what is a byproduct of the very large blades moving that amount of air. They don't have the ability to generate that kind of noise off of a 10 foot blade. The bottom line is that their blades just can't move that much air to make that kind of a sound.

Chair Parkins indicated that because there is so much information and the Applicant is interested in hearing the consultant's comments and vice versa so they are going to keep the public hearing open. At this point she called a 5 minute break so that she'll give people an opportunity to ask questions or make comments for or against these regulation members of the public can have an opportunity to review the material provided and the use of wind energy in Shelton.

Meeting recessed at 8:57 p.m.

Meeting reconvened at 9:03 p.m.

Ingrid Waters, 261 Long Hill Crossroads addressed the Commission. Mrs. Waters indicated that one major concern that she had globally was noise emitted from wind turbines. She thinks the regulations should stipulate which kind of noise certain wind turbines make. There are different designs and especially since Shelton is densely populated - what kind of noise would be permissible. She believes that they should look at noise regulations nationwide, and in Canada, Australia and in New Zealand which have strict noise regulations. She would also like in the regulations to have the distance of 1.5 miles adopted as the distance of the wind turbine to the nearest residential property. After researching this, Mrs. Waters indicated that 1.5 miles is a standard suggested by medical research because that distance would eliminate harmful effects of the noise level. She would appreciate if that could be incorporated in the regulations. Mrs. Waters commented that she thinks the two aspects of importance are distance and noise. She thanked the Commission.

Donald Sacenko, 248 Long Hill Crossroad addressed the Commission. He indicated that his farm is on the corner of Long Hill Avenue and Long Hill Cross Road. His property is residential R1 and it borders the MBI building on Forest Parkway. The MBI building is surrounded by residential property on Long Hill Avenue and Long Hill Cross road. There are a lot of residential people living in that area. He commented that letting the Optiwind people write up this regulation for wind turbine is a conflict of interest and he doesn't think that they should have the right to do this. He went through all the old regulations and saw the new regulations and he just wants to note the he thinks they are too close to a property line. If there was an accident, a tornado or a hurricane, and a storm knocked it over it would end up on somebody's property. He expressed concerns about debris that might be generated from the wind turbine. He thinks that the regulations need to be much better and he has concerns about the noise 24/7. He addressed quality of life, property values and health concerns. The regulations have to have much tighter control of the distance for the wind turbines. Mr. Sacenko indicated

that he really was against wind turbine overall. Additionally, Mr. Sacenko had some questions regarding the wind map provided by Optiwind.

Chair Parkins asked if there was any one else wishing to speak for or against this proposal. There was no one. Mr. Speck asked to address the Commission.

Mr. Speck clarified comments about the wind map and that it is not that their turbine or any turbine won't work in a 1+ wind, it is just that it won't provide the higher level of efficiency. The MBI facility is a Class 2, and again on the edge of 1+ it is not so much from a planning standpoint as from an economic standpoint. He spoke in regard to the comments about the residential areas in Shelton and the amounts of Class 2 wind available. The chance that wind turbines are going to be widely adopted or used in town is not really going to happen. They don't have a lot of available wind.

Mr. Speck responded to Mrs. Water's noise concerns and the distance of 1.5 miles being used globally. When he explained that there are three different categories for wind turbines – residential, commercial, industrial – a lot of literature out there is applicable to the huge industrial turbines or multiple turbines in one location and that is a situation that is simply not going to happen with a one installation type scale. The study that Mrs. Waters spoke about is a subject of great debate because the 1.5 miles was determined by a doctor conducting a self serving study. It has been disqualified by a number of other medical agencies. So he disagrees that a mile and half separation is necessary.

Mr. Speck commented on Mr. Sacinto's comment about wind debris blowing. Again, the blades are up in the air. He responded that he has never heard anything about debris being blown from turbines into something. They are above the tree line to begin with. If there were a huge level of destruction from a hurricane, then everything would be flying into everything else anyway. As to the property values, they haven't gotten to that point with the regulations. There are a whole scope of national datasets of large sample sizes that have shown that wind turbines don't have adverse effects on property values. Mr. Speck concluded his comments and asked the Commission to let him know of any other information that they may need.

Chair Parkins asked for a motion to continue this public hearing to June 23rd which would allow everyone an opportunity to research this information and gather information from their consultant. Chair Parkins indicated that they would get Mr. Speck the information read into the record.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to keep the public hearing open for Application #10-08 until the June 23rd meeting.

Chair Parkins indicated that they would move on to Old Business but she would like to take an item out of sequence. She referred to Application #09-28.

APPLICATION #09-28, MODIFICATION OF HOURS OF OPERATION FOR THE WHITE HILLS EAGLE R.C. CLUB INC. LOCATED AT 178 BIRDSEYE ROAD

Chair Parkins indicated that it appears that the Commission will be unable to read the resolution tonight on the extended hours for the White Hills Eagles Flying Club; accordingly, there will be no action taken tonight. At the request of the two neighbors, she asked the Commissioners if they would like to hold a public hearing on this matter. If so, an application can be accepted at the 6/8/10 P&Z meeting and a public hearing can be scheduled for the 23rd of June.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to accept an application at the June 8th meeting and schedule a public hearing for June 23rd for Application #09-28 Modification of Hours for the White Hills Eagles R.C. Club, Inc.

APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

SEPARATE #5319, ZALESKI, 147 BIG HORN ROAD, RETAINING WALLS

Mr. Schultz indicated that he and Mr. Panico went to the site and the Commission wanted to see the type of walls. It is decorative, pre-cast. He showed the Commission a rendering of the two tier retaining walls. Staff feels comfortable and the wall have been reviewed by the Engineering Department with no comments.

Chair Parkins commented that this is in the back of the house and can't be seen from the front by the road, right?

Mr. Schultz responded right, it can't be seen because it rises up and there is a lot of vegetation. But rightly so the Commission wanted to see some details. Staff recommends approval.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5319.

SEPARATE #5331 LEX PRODUCTS CORP., 15 PROGRESS DRIVE, BUSINESS OCCUPANCY

SEPARATE #5329 CPG ARCHITECTS, 15 PROGRESS DRIVE, SIGN REPLACEMENTS

Mr. Schultz indicated that there are two applications here – one for occupancy and one for sign replacements. Many commissioners read an article in the local paper and had some questions.

Jim Lefiline, Lex Products and Mark Gold, Lex Products addressed the Commission.

Chair Parkins asked if they could fill the Commission in on what they are proposing regarding remodeling, what their plans are...

Mr. Lefiline thinks that what they read in the newspaper may have been a salesperson in marketing getting a little overzealous with his comments. Currently they have 135 employees throughout the entire organization – the warehouse side and in the office.

Chair Parkins asked if all the 135 employees were in that location.

Mr. Lefiline responded that included the 17 employees in the West Coast operations, so it is about 120 here. The growth that they are looking at is about 150 employees by the end of the year. So they filled out their application for 150 employees because that is where they figured they would be. The 119 was determined through a formula to determine the approximate number of people that would drive to work. The engineering department came up with the 119 spaces. The Shipping and Receiving aspect is going to stay as is for light industrial use.

Chair Parkins asked what they produce.

Mr. Lefiline responded that they produce portable power distribution boxes and cables to distribute electricity and they satisfy the needs for the entertainment industry, outdoor concert venues, photo shoots, movie sets. They make a rubber box, not a metal box. The military got wind of it and they've developed something for them and have started to grow. Their product is essentially portable power distribution and cable assemblies.

Chair Parkins asked if they shipped products out on a daily basis.

Mr. Gold responded yes, they do ship out on a daily basis but the most pallets they ever shipped in one day were about 80. They normally ship 35 or 40 pallets a day.

Comm. Harger asked if this was more than a UPS truck pulling up then.

Mr. Gold responded that they get UPS, FedEx and tractor trailers 2 or 3 a day.

Chair Parkins asked how many shifts they had.

Mr. Gold responded that currently it is one shift – like a staggered shift 7 a.m. – 8 p.m.

Comm. Pogoda asked if they were going to need another loading dock at the present time.

Mr. Lefiline responded that they planned to use what is existing there.

Mr. Gold added that there is a shipping dock, a receiving dock and separate drive up dock.

Comm. Pogoda commented that at present there are 119 spaces – roughly 120 people and they want to get up to about 150 by the end of the year at which point they will need more parking. He asked if they had room to add more parking or plans to accommodate the growth to 150 people.

Mr. Gold responded that most of their employees commute through trains and buses. They have very few that drive individually. They have a lot of carpooling.

Mr. Lefiline indicated that they intentionally picked a place on the bus line. Their owner is very big on mass transportation – he takes the bus every day. They actually have a shuttle that goes from their location twice in the morning and twice at night to encourage people to take the train and bus.

Chair Parkins commented that is at your Stamford location.

Mr. Lefiline responded yes, but they will continue to do that once they are in Shelton.

Chair Parkins asked if there was space on that property for more parking to be developed.

Mr. Lefiline responded that he believed there was room.

Comm. Sedlock asked if they were going to be doing any demolition because that was the concern in tabling this.

Chair Parkins asked if they were doing any demolition or just inside restoration.

Mr. Gold responded that it was just inside work.

Mr. Schultz showed the Commission the renderings of the proposed wall and ground signs. He indicated that the blue was the company color.

Mr. Gold indicated that they refer to it as Lex Blue. He indicated that their company is actively involved in community initiatives and they look forward to coming to Shelton.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5331 for occupancy and signage.

APPLICATION #10-10 NANCY'S TREE PLANTING FOR SITE PLAN APPROVAL (CONTRACTOR'S STORAGE OF LANDSCAPING MATERIAL), 153 BPT AVENUE (MAP 105, LOT37), CB-2 DISTRICT

Mr. Schultz indicated that they have received a letter requesting withdrawal so a motion is in order. Once that is done, the Commission needs to advise Staff how long they want to give Mr. Todice to remove the stockpile. The Commission already directed him not to bring in any more material but they have to give him a definitive time frame. Staff suggests until August 1st but that is their call.

Comm. Pogoda commented that the pile is considerably down. He went by there today and it is down – 90 days?

Comm. Sedlock added that it is all mulch – if people haven't mulched by now – come on...

Chair Parkins suggested 30 days or 60 days.

Comm. Pogoda agreed with 60 days at the most.

On a motion made by Anthony Pogoda seconded by Joe Sedlock it was unanimously voted to accept a letter of withdrawal for Application 10-10 Nancy's Tree Planting for Site Plan Approval and advise Staff to direct applicant to remove stockpile within 60 days.

APPLICATION #10-12 BUTLER COMMERCIAL SERVICES LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #43 (PARKING AREA EXPANSION AND RENOVATION OF OFFICE BUILDING), 97 BPT AVE (MAP 117, LOT 3)

Mr. Panico read the draft resolution. Mr. Schultz indicated that the City Engineer had no comments and the Fire Marshal made the standard recommendations.

***See attached Draft Resolution for Application #10-12.**

Mr. Panico explained that these tenants are all small contractors. Some who do landscaping and snow plowing, so they always have other materials and that is a good location for it. It really isn't just parking; it is a service yard as well.

Mr. Panico added that they still need to finish off their grading in there because they need to build a low retaining wall and it has not yet been installed. Once that is put in and that slope is created, there isn't going to be too much vegetation left, so they may have to replace some of it. They need to work with the applicant on some final grading and installation of landscaping materials. Mr. Panico indicated that he and Rick Schultz would work with the applicant to find out exactly what is going to happen with the site. The City Engineer recommended a bond of \$3,000.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously roll call voted (6-0) to accept Application 10-12 with the noted conditions.

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Joe Sedlock, it was unanimously voted to adjourn at 9:45 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission