

**MONTVILLE TOWNSHIP
ZONING COMMISSION MEETING
March 10, 2010**

PRESENT

John Vujevich, Chairperson
Mary Pawlowski
Ron Potter
Elayne Siegfried
Dave Wetzel

ALSO PRESENT

P. Jeffers, Field Assistant
B. Schwehm, Zoning Secretary

HANDOUTS: Wind Turbine and Outdoor Hydronic Heater Text for Review
Zoning Bulletins 1/10/09, 12/10/09, 2/10/10

AGENDA:

1. Approval of Minutes – None
2. Text Discussion/Review: Wind Turbines and Outdoor Hydronic Heaters

The March 10, 2010 meeting of the Montville Township Zoning Commission was called to order at 7:12 p.m. by Chairperson Mr. John Vujevich.

ROLL CALL: Ms. Mary Pawlowski – here; Mr. Ron Potter – here; Mr. Dave Wetzel – here; Ms. Elayne Siegfried – here; Mr. John Vujevich – here.

Commission Chairperson Vujevich asked, “Has the meeting been properly advertised and the necessary contiguous property owners notified?”

Field Assistant Jeffers responded, “Yes.”

Commission Chairperson Vujevich said, “Everyone in attendance should sign in if they have not already done so. Anyone who wishes to speak should state their name and address for the record. The meeting is taped for transcription purposes. The official minutes of the meeting are the typed transcripts.”

1. Approval of Minutes - None

Commission Chairperson Vujevich referred to the variance for the proposed Cross Creek Development at the corner of State Routes 57 and 162 that the Board of Zoning Appeals heard on March 1, 2010. Commission Chairperson Vujevich and Commission Member Piatak attended the public hearing. The area for the proposed project did not meet the minimum required acreage for an R-3 Planned Residential Development. In considering the variance, the Board of Zoning Appeals reviewed the Duncan Factors, and the variance was not granted.

Commission Member Wetzel asked about Mulberry Row Subdivision’s total acreage. Commission Chairperson Vujevich said that at the time Mulberry Row was approved, the

Zoning Resolution included a waiver provision. The project area was slightly less than what was required, and the minimum requirement was waived. The clause providing such a waiver has since been removed from the zoning text.

2. Text Discussion/Review: Wind Turbines and Outdoor Hydronic Heaters

Beginning with Chapter 210, Definitions, Commission Chairperson Vujevich referred to the changes that had been made based on the February 24, 2010 review of the section. In addition, the following clarifications were made.

The definition for “chimney” specifically referred to Outdoor Wood-fired Hydronic Heaters (OWHH), and the term “chimney” may not always refer to a chimney for an outdoor wood furnace. In addition, “chimney” appeared in Section 330.2, Permitted Height Exceptions. If a home that was not served by the Outdoor Wood-fired Hydronic Heater was located within 150 feet of an OWHH, the chimney height of the heater had to extend five feet above the peak of the neighboring home. Commission Member Siegfried said that requirement was recommended by NESCAUM, Northeast States for Coordinated Area Use Management.

The Zoning Commission discussed that the maximum height requirement for a single-family home was thirty-five feet. The peak of the roof could exceed that limit since the height of the roof was not necessarily measured to the peak. The height of a gable roof was measured at the midline between the eave and the ridge line. As written, the text may not allow the chimney to exceed the height of the peak of the neighboring home by five feet to meet the regulation.

The definition for chimney was revised to read as follows:

CHIMNEY: *A structure containing one or more flues for drawing off emissions from stationary sources of combustion. (Effective)*

Section 330.2 was amended as follows to provide for the chimney height exception for OWHHs. In addition, the Commission agreed to note in this section the height exception for wind energy conversion systems.

Sec. 330.2 *PERMITTED HEIGHT EXCEPTIONS.*

- A. No principal building shall be erected, altered, enlarged, moved or maintained to exceed the maximum height regulations established for each district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected up to 15 feet above the height limits set forth herein.*

No such structure shall have a total area greater than 25 percent of the roof area of the building or be used for any purpose other than a use incidental to the principal use of the building.

- B. No Outdoor Wood-fired Hydronic Heater shall be erected, altered, enlarged, moved or maintained to exceed the maximum height regulations for an accessory building for the district in which the building is located, except that the chimney of the unit may be erected to the height necessary to meet the requirements of Section 410.8 M. 11. d).*
- C. Wind Energy Conversion Systems shall not exceed 160 feet in height. (See also Section 410.8 L. 6.)*

The Commission changed the following definition to reflect the terminology used in the text.

FALL ZONE, CLEAR: *A clear fall zone is the Area or radius surrounding a wind energy conversion system that if it were to fall, would remain confined within the property or parcel where the turbine is located. (Effective)*

As mentioned at the last meeting, the Zoning Office provided a definition for “Wind Energy Conversion System” as shown below. The Commission agreed to add the definition to the text.

WIND ENERGY CONVERSION SYSTEM: *An apparatus for converting kinetic energy available in the wind to mechanical energy that can be used to power machinery and/or to operate an electrical generator. (Effective)*

Commission Member Wetzel referred to the definitions for wind farms and major utility facility:

Small wind farm - wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts

Economically significant wind farm – wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than 50 megawatts.

Major utility facility – electric generating plant and associated facilities designed for, or capable of, operation at a capacity of fifty megawatts or more.

Commission Member Wetzel asked about the proposed wind turbine for Trillium Creek and wondered how many megawatts it would produce.

Commission Member Siegfried said that the Township could not regulate economically significant wind farms or major utility facilities, but the Township could regulate small wind farms.

Commission Member Wetzel did not think that the wind in Montville Township would be sufficient for a wind farm.

The Commission decided that small wind farms would not be included in the regulations which meant that small wind farms were not allowed. If necessary, small wind farms could be addressed at a future time.

The Commission completed the review of Section 410.8 L. without any additional changes.

Review and discussion of the proposed regulations for Outdoor Wood-Fired Hydronic Heaters (OWHH), Section 410.8 M., follows:

M. Outdoor Wood-Fired Hydronic Heaters. (Effective)

Preamble

Uncontrolled wood-burning devices including Outdoor Wood-Fired Hydronic Heaters emit particulate matter, carbon monoxide and other pollutants known to be detrimental to the health of the public; exposure to these pollutants can cause adverse short-term health effects such as eye, nose, throat, and lung irritation, coughing, as well as shortness of breath. Long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer. The Montville Township Trustees will subject Outdoor Wood-Fired Hydronic Heaters to reasonable conditions that will protect the health, safety and general welfare of the residents and not deprive neighboring residents of the reasonable enjoyment of their property or premises.

Resources

Outdoor Wood Furnaces, Hearth, Patio & Barbecue Association, www.hpba.org; Outdoor Wood Furnaces, Central Boiler, www.centralboiler.com; Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-115-Outdoor Wood-Fired Boilers; Ohio Administrative Code (OAC) 745-19, Open Burning Standards; Ohio EPA Draft Rules to Regulate Outdoor Wood-Fired Boilers, Ohio Environmental Protection Agency, <http://www.epa.state.oh.us/dapc/regs/regs.html>; Wood-Fired Boiler Rules, Ohio Environmental Protection Agency, Division of Air Pollution Control; Outdoor Wood Furnaces Ordinance, City of Orville, Wayne County, Ohio; Draft Alternative Energy Source Code, City of Green, Summit County, Ohio; Outdoor Wood Burning stoves/Boilers, presentation by Bonetta Guyette, R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District, www.ci.akron,oh.us/health04.divisions.htm; The Air You Breathe Volume 22, Issue 3, Akron Regional Air Quality Management District; Outdoor Wood Burning Boilers, Is there reason for concern? Bonetta Guyette R.S., Environmental Sanitarian II, Akron Regional Air Quality Management

District; Health Effects of Wood Smoke, Washington State Department of Ecology; Cleaner Burning Wood Stoves and Fireplaces, Basic Information, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/basic.html>; Cleaner Burning Wood Stoves and Fireplaces, More Efficient, Cleaner Burning Fireplaces, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/fireplaces.html>; Cleaner Burning Wood Stoves and Fireplaces, Health Effects of Wood Smoke, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/healtheffects.html>; Cleaner Burning Wood Stoves and Fireplaces, For Air Quality Program Officials, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/programs.html>; Cleaner Burning Wood Stoves and Fireplaces, Technical Information, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/technical.html>.

The Commission agreed to use the term “Outdoor Wood-fired Hydronic Heater” throughout the text. The terms Outdoor Wood Furnace, Outdoor Wood Boiler and Outdoor Wood-Fired Hydronic Heater were interchangeable.

Commission Chairperson Wetzel wondered if OWHHs should be allowed in all zoning districts. Commission Member Siegfried said that the setbacks would dictate where the units were permitted. Commission Chairperson Vujevich thought the setbacks would adequately limit the locations of OWHHs.

Zoning Secretary Schwehm said that only one accessory building was allowed per residential parcel. Did the OWHH count as that one accessory building? Or could there be an accessory building in addition to an OWHH?

Commission Chairperson Vujevich thought an OWHH should be allowed in addition to an accessory building. Commission Member Pawlowski agreed. Commission Member Siegfried thought an OWHH should be looked at as a utility (an outside furnace), which was an extension of the principal use.

- 1. Outdoor Wood-fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH shall not be counted as an accessory building in residential districts.*

Commission Member Wetzel wondered if only one OWHH should be allowed per parcel. He thought people may have one unit for the house, another for an accessory building, another for a barn, etc. He thought it might be better to require a larger unit than allowing several smaller units.

Commission Member Pawlowski said that it may not be possible to limit the number of OWHHs for agricultural uses, and it may not be practical for one unit to efficiently serve several structures in various locations. Residential parcels were only allowed one accessory building; however, another unit may be necessary on larger parcels if a 2,500 square foot accessory building was allowed.

Commission Member Siegfried asked why someone with sufficient acreage to meet the setbacks should not be allowed to have more than one OWHH. From a practical standpoint of stoking the fires, etc., it did not seem likely that owners would want several units. The Commission decided that the text would not limit the number of Outdoor Wood-fired Hydronic Heaters allowed on a parcel.

Zoning Secretary Schwehm asked if the Zoning Commission wanted to limit the size and/or color of an OWHH. Commission Member Siegfried said that OWHHS were available in several different sizes. Commission Member Wetzel said that some of them were pretty big. Field Assistant Jeffers said the units came in a variety of colors – charcoal, forest green, brown, red, mocha tan, ocean blue, black, white and tree camo.

In order to limit the use of the OWHH to on-site consumption, item #2. below was added.

2. *The OWHHS shall only service the principal building(s) and/or accessory building(s) upon the lot the unit is located.*
3. *OWHHS shall be installed in the rear yard only.*
4. *No person shall, from the effective date of this Chapter, construct, establish or install a new **Outdoor Wood-fired Hydronic Heater** that is not an EPA OWHH Phase II program qualified model (or as may be amended).*
5. *No Person shall, from the effective date of this Chapter operate or maintain an **OWHH** unless such operation conforms with the manufacturer s instructions regarding such installation, operation/maintenance and the requirements of this Chapter.*
6. *All materials used as fuel in an **OWHH** shall be in conformance with the manufacturer s instructions or the requirements of this Chapter. In the event of a conflict, the requirements of this Chapter shall apply unless the manufacturer s instructions are stricter, in which case the manufacturer s instructions shall apply*
7. *The chimney height of a new or existing **OWHH** shall conform to the manufacturer s instructions or the requirements of this Chapter. In the event of a conflict, the requirements of this Chapter shall apply unless the manufacturer s recommendations are stricter, in which case the manufacturer s instructions shall apply.*
8. *The Township Zoning Inspector or designee may periodically inspect any **Outdoor Wood-fired Hydronic Heater** to assure that said **OWHH** is in compliance with the provisions of this Chapter at all times. The owner of any new **OWHH** shall produce the manufacturer s owners manual or installation instructions to the Township Zoning Inspector or his/her designee for review at any time, if requested.*

9. *All new **OWHHs** shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.*
10. ***OWHHs** must comply with Medina County Building Department regulations (building, mechanical, electrical and heating) and Ohio EPA Air Pollution Control Division regulations, as well as any applicable State and Federal regulations.*

Commission Chairperson Vujevich asked if the Fire Department agreed to review the location of Outdoor Wood-fired Hydronic Heaters. The Commission discussed the Fire Department's role in the approval process (location on the lot), and the associated fees that may be charged by the Fire Department and how those charges could be passed along and paid by the applicant. Consideration was also given to requiring the applicant to provide documentation from the Fire Department confirming the Fire Department's independent review and approval. It would be necessary to check with the Fire Department to confirm the Fire Department's desire to review the location of the Outdoor Wood-fired Hydronic Heater, and it would be necessary to get a quote for the fee that would be associated with that review.

Commission Chairperson Vujevich asked what value the Fire Department's review would provide if the unit met the required setbacks established by the manufacturer and the Township. Commission Member Siegfried thought that when Mr. Mark Crumley, Fire Marshal, attended the Zoning Commission meeting, he indicated that he was gathering information and learning about the units.

Commission Chairperson Vujevich and Commission Member Pawlowski did not think it was necessary to require the Fire Department's review and approval. Commission Member Pawlowski thought the established setbacks would determine the location of the unit. If the Fire Department's location conflicted with the Township's setback, which requirement would take precedence?

After considering the options, the Commission agreed to eliminate the Fire Department's approval from the proposed regulations (and renumber accordingly).

~~10. —The owner of any **OWHH** must obtain an approval from the Medina City Fire Department on the location of the furnace prior to the issuance of a Zoning Certificate.~~

11. ***Outdoor Wood-fired Hydronic Heaters** shall be constructed, established, installed, operated and maintained pursuant to the following conditions:*
 - a) *Fuel burned in any **OWHH** shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer.*
 - b) *The following fuels are specifically prohibited in any **OWHH**:*
 - i. *Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives*

- and contains resins or glues as in plywood or other composite wood products.*
- ii. Rubbish or garbage including but not limited to food wastes, food packaging or food wraps.*
 - iii. Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.*
 - iv. Rubber, including tires or other synthetic rubber-like products.*
 - v. Newspaper (other than used in small quantities to start an initial fire in the burn chamber), cardboard, or any paper with ink dye products.*
 - vi. Any other items not specifically allowed by the manufacturer or this Chapter.*
- c) Setbacks for any new **Outdoor Wood-fired Hydronic Heaters** that are EPA OWHH Phase II Program qualified:*

Commission Member Wetzel asked if the unit had to be 150 feet from a neighboring residence, how far did the unit have to be located from the principal building/accessory building that it served.

Commission Chairperson Vujevich and Commission Member Siegfried said a setback was not listed. Commission Chairperson Vujevich wondered what the industry recommended for a setback from the principal building/accessory building it served.

Zoning Secretary Schwehm said that if an OWHH followed the regulations for an accessory building, the required setback from the principal building would be fifteen feet. Commission Member Wetzel said that setback would need to apply to any structure – not just the principal building – since the OWHH could also serve an accessory building. Commission Member Wetzel said that the setback from the principal building would most likely be determined by the manufacturer.

Commission Member Siegfried said that the zoning text from a small town in Massachusetts required a fifty-foot setback for the OWHH. She did not see specific setback information in the documents from the manufacturer.

Field Assistant Jeffers found information showing setbacks from thirty feet to 200 feet, (and as much as 500 feet) from the home that the OWHH served.

Commission Chairperson Vujevich thought fifteen feet might not be a sufficient setback. Commission Member Wetzel thought thirty feet might be appropriate for a minimum setback. Commission Member Potter said it would be the owner's responsibility to ensure the setback was sufficient to prevent the smoke from becoming a problem.

For convenience in stoking the fire, Commission Member Pawlowski thought owners should be allowed to locate an OWHH near the structure it served. She thought thirty feet may be more than some people desired. Commission Chairperson Vujevich knew someone who located their OWHH approximately 150 feet from the house; it was only necessary to stoke the fire once a day. Commission Member Potter knew someone who located their unit near the pole barn where they stored their wood which was about 150 feet from the house.

Commission Member Wetzel said that locating the unit closer to the structure would reduce the plumbing requirements, but the smoke would be an issue.

Commission Chairperson Vujevich said that if the unit was located fifteen feet from the house, smoke could become a problem if the chimney was not high enough. He said the same issue could exist if the unit was located thirty feet from the house and the chimney was not high enough.

Commission Member Siegfried said that most of the model ordinances did not have any regulations indicating the distance the unit must be from the building it served. She thought a fifteen foot minimum setback was adequate. Commission Chairperson Vujevich and Commission Member Pawlowski agreed.

Commission Chairperson Vujevich and Commission Member Siegfried said that a zoning district's side and rear yard setbacks for an accessory building would apply to an OWHH. There would be a minimum setback of fifteen feet from any structure. The wording was changed as shown below.

- i. *The OWHH must comply with accessory building setback and height requirements in the District it is proposed to be erected and shall be located a minimum of fifteen (15) feet from any structure.*
- ii. *The OWHH shall be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials. and in compliance with the Medina City Fire Department.*

Commission Member Pawlowski suggested that the OWHH be located 150 feet from any structure not served by the OWHH. Commission Member Siegfried said that the requirement was from the residence because of the impact of the smoke from the OWHH. Commission Member Pawlowski thought all structures on neighboring parcels should be protected from the smoke.

Commission Chairperson Vujevich said that as long as the wind current was correct and there was not a lot of humidity, the smoke would go up and would not be an issue. Commission Member Siegfried said that a lot of the regulations were based on protecting the health of the citizens and people do not live in an accessory building.

Commission Member Pawlowski said that an accessory building could be used frequently on a year-round basis for a workshop, woodshop, etc.

Commission Chairperson Vujevich said that accessory buildings were not occupied on a regular basis. Commission Member Pawlowski agreed. The setback requirement was not changed.

*The **Outdoor Wood-fired Hydronic Heater** shall be located a minimum of 150 feet from any residence, including an attached garage, that is not served by the **OWHH**.*

The Zoning Commission agreed that the illustration depicting the relationship between the OWHH, residences, and chimney height would be added at the end of Section 410.8 M. 11. c) iii.

- d) *Chimney heights for any **OWHHs** shall be as follows:*
 - i. *The chimney of any **Outdoor Wood-fired Hydronic Heater** shall extend at least five (5) feet above the peak of any residence not served by the **OWHH** located within 150 feet of such **Outdoor Wood-fired Hydronic Heater**.*

Commission Member Pawlowski clarified that an owner of an existing OWHH was required to raise their stack height if a residence was constructed on a neighboring property that was less than 150 feet from the existing OWHH. Commission Member Siegfried confirmed that was true.

Commission Member Pawlowski wondered if the existing OWHH should be *grandfathered*. Commission Member Siegfried said that the chimney would have to be extended. Commission Member Pawlowski asked if thirty days was a reasonable timeframe in which to require compliance. Commission Chairperson Vujevich said it was not difficult to add onto the chimney.

Commission Chairperson Vujevich asked if the manufacturer required an insulated chimney. An insulated chimney would hold the heat for a long time (which helped draw the draft). Commission Member Siegfried said that the manufacturer's requirements showed that the chimney was insulated.

Commission Member Pawlowski did not think it seemed appropriate to require the owner of an existing OWHH to raise the chimney when a new home was built within 150 feet. Commission Member Siegfried did not know of any other options.

Commission Member Pawlowski said that she could see both sides; however, the person who built the new home next to the existing OWHH knew that it existed when they purchased the lot. It was similar to the person who knowingly purchased a home next to a gun club and complained about the gunshots, or to the person who purchased a home next to a barn and complained about the cows next door. Commission Member Pawlowski understood the health concerns.

Commission Chairperson Vujevich said that OWHHs involved health issues and were different from other issues that may be considered annoyances. He added that the additional cost would not be that great - a three or four-foot section of chimney was approximately \$30.00. Commission Member Wetzel said that the worst case scenario for extending the chimney may be about \$200.00. Commission Member Pawlowski

said that could be significant in some cases. In relationship to the cost of the unit, Commission Chairperson Vujevich and Commission Member Wetzel thought that amount would not be very significant.

Commission Chairperson Vujevich, Commission Member Siegfried and Commission Member Wetzel pointed out that only the chimney height had to be increased if a home was built on a neighboring parcel that was less than 150 feet from the existing OWHH. The OWHH did not have to be moved – just the chimney height increased in relationship to the height of the roof of the house on the neighboring parcel.

- ii. *If there is an existing installed **Outdoor Wood-fired Hydronic Heater** and there is new construction of a residence including attached garage not served by the **OWHH** within 150 feet of such **Outdoor Wood-fired Hydronic Heater**, then the owner of such Furnace shall conform to the stack height requirements in these regulations within thirty (30) days of the date such adjacent construction is complete and upon written notice from the Zoning Office.*

The Commission agreed to change the wording of the following item as shown:

- e) *Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and chimney height requirements as EPA Program qualified models **or shall meet the setback and chimney height requirements of this chapter, whichever is more restrictive.***

Commission Member Pawlowski asked if there should be requirements stating that the unit had to be removed if it was not operational – similar to what was included in the wind turbine requirements. Commission Member Siegfried said that she did not want to require the OWHH to be removed if it was a viable unit, but just not being used.

If the unit was not working properly, the owner had to cease and desist using it; however, Commission Member Pawlowski thought if the unit was not working properly and the owner did not intend to repair it, the OWHH should be removed. It should not be allowed to deteriorate and have weeds grow around it. Commission Chairperson Vujevich said the exterior was enameled steel and would not rust. Field Assistant Jeffers said that enforcement of property maintenance requirements was limited.

The Commission indicated that any existing OWHHs would not be required to comply with the new regulations. It would not be possible to convert a Phase I unit to comply with the requirements of a Phase II unit. As of the effective date of the proposed regulations, only Phase II units would be allowed. The Commission thought there were probably a very limited number of existing units in the Township.

Referring to item *f)* below, Field Assistant Jeffers said that it appeared the intent was to require existing OWHHs to comply with the requirements of the proposed chapter. Commission Member Siegfried read Section 410.8 M. 4. which indicated that only EPA OWHH Phase II program qualified models could be constructed, established or installed

after the effective date of the proposed text. After the effective date of Section 410.8 M., Section 410.8 M. 5. required OWHHs to conform to the manufacturer's instructions regarding installation, operation/maintenance and the requirements of the proposed section. The Zoning Commission said that any existing units at the time the regulations were adopted would be considered non-conforming.

Commission Member Pawlowski thought the text should clearly state that existing units would be considered non-conforming – it may not be apparent to everyone reading the text. Field Assistant Jeffers said that the zoning office staff often gathered to discuss items to get a better understanding. Commission Member Siegfried said the language used in the text was chosen to ensure that it was something that could be enforced.

Commission Members Wetzel and Siegfried said the most immediate fix would be for the owner of an existing unit to increase their stack height to make the chimney five feet above the peak of the roof of a residence within 150 feet of the existing unit.

Commission Chairperson Vujevich referred to Section 410.8 M. 7. which stated that the chimney height of a new or existing OWHH shall conform to the requirements of the regulations or the manufacturer's instructions – whichever was stricter. Commission Chairperson Vujevich and Commission Member Siegfried said that a Phase I unit could continue to be used if the chimney height was increased to comply with the regulations.

- f) *If an existing **OWHH** is found to not be in compliance with this Chapter, the following steps shall be taken by the owner:*
 - i. *Modifications may be made to the unit to eliminate the nuisance such as extending the chimney or replacing the **OWHH**, or both, and*
 - ii. *Cease and desist operating the unit until reasonable steps can be taken to ensure that the **OWHH** is in compliance with this Chapter.*

Zoning Secretary Schwehm asked if any part of the structure of an Outdoor Wood-fired Hydronic Heater could be used for any other purpose – such as storage, etc. The Commission indicated that nothing else could be included. The OWHH was an insulated structure with a door for adding wood – a furnace that was located outside.

The Zoning Commission completed their review of Section 410.8 M., and reviewed the proposed changes to Chapter 430, Commercial District Regulations. No changes were made to the proposed text (see below).

Section 430.3

<i>1. Wind Energy Conversion Systems (WECS) (Effective)</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>2. Outdoor Wood-Fired Hydronic Heaters (Effective)</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>

Section 430.10

- F. Wind Energy Conversion Systems (WECS). WECS shall be considered an accessory use and shall comply with the requirements set forth in Schedule 430.3, as well as Section 410.8 L. (Effective)*
- G. Outdoor Wood-Fired Hydronic Heaters. OWHH shall be considered an accessory use and shall comply with the accessory building setback and height requirements in the district it is proposed to be erected and with the other requirements as set forth in Schedule 430.3, as well as Section 410.8 M. (Effective)*

Chapter 510, Section 510.5, Prohibited Signs, items G. and H. were revised to clarify the intent of each and to specifically state that signs attached to a wind energy conversion system were prohibited (consistent with Section 410.8 L. 8.).

- G. ~~Permanent~~ Signs located in the public right-of-way or ~~on utility poles~~ which obstruct traffic. (Revised)*
- H. Signs, other than those exempt under the previous Section, ~~located in the public right-of-way or~~ attached to a utility pole, tree, trash receptacle, bench, wind energy conversion system, or other structure not intended or approved as a sign support. (Effective June 21, 2007; Revised)*

The Commission approved the proposed change to Section 710.3 A. 1. c). A reference to wind energy conversion systems was added to Section 710.3 A. 2. (as shown below) and was approved by the Zoning Commission.

- c) A survey of the lot prepared, stamped, and signed by a registered engineer or licensed surveyor showing the following (Revised):*
- 2. Applications for buildings and structures accessory to a dwelling shall submit the completed application form, along with the required application fee as established by the Trustees and the items listed in subsection 1, above, as applicable, except that a tax map of the lot may be used in place of a survey to indicate the existing buildings and proposed construction. See also Section 410.8 L. 14. for Wind Energy Conversion Systems. (Revised)*

The proposed changes to Chapter 720, Section 720.4 N. and Section 720.5 M. were approved by the Zoning Commission as shown.

- N. For Wind Energy Conversion Systems, see Section 410.8 L. 14.
(Effective)*
- M. For Wind Energy Conversion Systems, see Section 410.8 L. 14.
(Effective)*

In addition, the Commission agreed to add #5. to Section 720.2 B., Final Development Plan.

- 5. All residential and commercial wind energy conversion systems.*

Referring to Section 412.3 B in the Zoning Resolution, Zoning Secretary Schwehm asked if the Commission wanted to list Wind Energy Conversion Systems and Outdoor Wood-fired Hydronic Heaters as accessory uses. The Commission added both items under Section 412.3 as shown below.

- 4. Wind Energy Conversion Systems as regulated by Section 410.8 L.*
- 5. Outdoor Wood-fired Hydronic Heaters as regulated by Section 410.8 M.*

Zoning Secretary Schwehm referred to Chapter 414, Section 414.8, Supplemental Regulations for Conservation PRDS, and Section 414.11, Dwelling Unit Requirements, and asked if the sections contained the appropriate information as the contents related to Wind Energy Conversion Systems and Outdoor Wood-fired Hydronic Heaters. After reviewing the sections, the Commission did not make any changes; the sections would remain as written.

The Zoning Commission concluded their review of the proposed text for Wind Energy Conversion Systems and Outdoor Wood-fired Hydronic Heaters and set the public hearing for the text amendments.

MOTION: Commission Member Siegfried moved to set the public hearing for the Zoning Text Amendments for Wind Energy Conversion Systems and Outdoor Wood-fired Hydronic Heaters for April 14, 2010 at 7:00 p.m.

SECOND: Commission Member Pawlowski.

ROLL CALL: Mr. Dave Wetzel – aye; Mr. Ron Potter – aye; Ms. Elayne Siegfried – aye; Ms. Mary Pawlowski – aye; Mr. John Vujevich – aye.

MOTION: Commission Member Potter moved to adjourn the meeting.

SECOND: Commission Member Pawlowski.

A collective oral vote was taken with all Zoning Commission members in favor of adjourning. The March 10, 2010 Zoning Commission meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature _____
Chairperson

Date _____