

**MINUTES OF WORKSHOP
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 3, 2017**

ROLL CALL:

Members Present: Andy Kidd, Acting Chairman
Michael Stebe, Secretary
Jessica Scorso
Timothy Bergin

Alternates: Teresa Ike
Julian Stoppelman
Patrick Kennedy

Absent: Eric Prause, Chairman

Also Present: Gary Anderson, Director of Planning and
Economic Development
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
Katie Williford, Administrative Secretary

Time Convened: 8:35 p.m.

REGULATION OF SOLAR ENERGY SYSTEMS

Mr. Matthew Bordeaux, Environmental Planner/Wetlands Agent, provided draft regulations pertaining to solar energy systems, including draft definitions for roof-mounted, freestanding, and parking lot canopy systems.

Mr. Bordeaux suggested solar systems should be accessory uses to a principal use on a site. The draft regulations would not permit a solar system as the principal use on a property, so a solar farm would not be permitted, he said.

Mr. Bergin said the regulations should not discourage development of a solar farm if it makes sense for the community, but the Commission should have oversight. He suggested permitting solar farms in certain zones. Mr. Stoppelman said the regulations could be changed later to allow solar farms if one is proposed. Ms. Bertotti added that a variance could also be sought through the Zoning Board of Appeals. Mr. Kennedy recommended against general provisions allowing solar farms.

Mr. Bordeaux explained the proposed standards for roof-mounted systems. In terms of area, roof-mounted systems could occupy the entire roof of the principal or accessory structure. If panels are to be installed on a flat roof and the panels will be at an angle, they cannot be higher than 5 feet above the roof.

Mr. Stoppelman said the issue of solar systems came up in the Historic zone, and asked whether these draft regulations would override the Historic zone regulations. Mr. Bordeaux said they would not. Mr. Bordeaux asked if the Commission felt that the Cheney Commission's review

and recommendation would be sufficient for solar systems in the Historic zone. Ms. Bertotti said that proposals in the Historic zone would have to come to the Commission.

Mr. Bergin asked about the façade integrated solar energy systems mentioned in the draft regulations, noting that this type of system was not defined. Mr. Bordeaux said Tesla is developing solar roof shingles and he thought clapboard could be an energy generator in the near future. He said that, based on his conversations with the Zoning Enforcement Officer, that type of solar system would be treated as a facade treatment. In cases where facade treatment is subject to the Planning and Zoning Commission's review, such solar systems would come before the Commission; otherwise, they would not. Mr. Bergin suggested this type of solar system should be defined and the Commission should determine how to treat it. Ms. Bertotti said it was a building façade. Mr. Anderson said he thought the draft regulations were referring to solar panels mounted on the side of a house, not siding treatment. He suggested not addressing this in the regulations until a proposal came in for such a system.

Mr. Stoppelman said he had no objection to the 5-foot height limit above a flat roof, but asked what the limit would be for a sloped roof. Mr. Bordeaux said the height would be limited to 6 inches off a sloped roof.

Mr. Anderson asked for the Commission's thoughts on wall-mounted solar panels on the side of a building. Mr. Bordeaux said he had considered using the phrase "building mounted" rather than "roof mounted," but that makes the conditions more complicated. He said he had not seen anything like that yet, but could do some more research.

Mr. Stebe said the issue of wall-mounted solar systems is minor and won't come up in the next few years. He suggested deleting the "facade" segment from the draft regulations.

Mr. Bordeaux said the draft regulations for freestanding systems were different for residential zones (including PRD and EHD zones) and for non-residential zones. In residential zones, freestanding systems would be limited to the greater of 50% of the square footage of the building footprint or 600 sq. ft., and they would be restricted to side or rear yards.

Mr. Bordeaux asked how the Commission felt about keeping the height limits for freestanding systems consistent with those for accessory structures, because that would be the easiest for the Zoning Enforcement Officer. Mr. Kidd said most accessory structures are more pleasing to look at than a solar array, but if a solar array is too small it might not be worth having. Mr. Bordeaux said the first ground-mounted solar array he had seen was 22 feet high and had required a variance. Mr. Stoppelman said solar energy systems that are that high should be screened.

Mr. Bergin said he was concerned about permitting ground mounted solar systems in side yards as of right. He said he thought this conversation had been precipitated by a solar array on a corner lot in a residential area. Mr. Bordeaux said he thought about using language such as "shall not be placed between the principal building and the public street," to take care of corner lots. Freestanding solar systems could also be restricted to certain sized lots, he said.

In response to a question from Mr. Bergin, Ms. Bertotti said, if freestanding solar systems are treated as accessory structures, then normal setbacks would apply unless specific setbacks are set for solar systems.

Ms. Bertotti suggested that perhaps ground mounted solar systems should not be allowed in residential zones. Mr. Bergin said he did not see a problem with them in rear lots. Mr. Kennedy asked how many ground mounted solar systems there were in residential areas in town. Ms. Bertotti mentioned two that she knew of and Ms. Scorso mentioned a third.

Mr. Bergin suggested adding enhanced setback requirements for ground mounted systems in side yards, permitting them in rear yards as of right, and adding language about abutting the street.

Mr. Kennedy said, if there are only 2-3 ground mounted solar systems in residential zones, there may not be an enormous demand for them. He suggested not allowing them in residential zones for now. Mr. Stebe agreed. Mr. Bergin said he would rather allow ground mounted solar systems in rear yards than nowhere at all.

Mr. Stebe said the enhanced setbacks would have to be for all yards, because of corner lots. Mr. Bergin said, if there were a 1-acre minimum lot size for ground mounted solar systems in residential zones, corner lots probably would not be an issue.

Mr. Bordeaux asked for clarification of what changes the Commission wanted made to the draft regulations. Mr. Kennedy confirmed that they wanted to allow ground-mounted solar systems in the rear yard with a setback from the side line, as well as a minimum lot size.

Mr. Bordeaux described the draft regulations for ground mounted solar systems in non-residential zones. They would be permitted in side and rear yards, and the Commission could make this either as of right or subject to special exception. The standards are similar to those in residential zones, except that there is no size limitation, except that they are considered part of the buildable area of the lot.

Mr. Bordeaux said the Zoning Enforcement Officer had asked him to clarify the difference between a ground mounted solar system in a non-residential zone, and a parking lot canopy. Mr. Bordeaux said he tried to incentivize the parking lot canopy idea because it would use blacktop and not pervious surface. The problem is that many parking areas are in front of buildings. He asked whether the regulations should be more flexible in certain zones, such as the General Business and Comprehensive Urban Development zones, to allow parking lot canopies in the front yard, or maybe even wherever there is a parking lot.

Mr. Kennedy asked if someone could essentially have a solar farm by building a parking lot and installing a canopy solar system over it. Mr. Anderson replied that the canopy solar system would still have to be accessory to a principal building, not just a solar canopy over a parking lot. Mr. Kennedy asked if anyone in town had proposed a parking lot canopy system, and Mr. Bergin replied that they want to have one at the mall.

Mr. Stoppelman asked whether parking lot canopies have a structure besides the panels, and whether they would be flat. Mr. Bordeaux responded that they would just have poles, and they could be either flat or pitched. In response to a question from Mr. Stoppelman about the height of canopy systems, Mr. Bordeaux said Hartford allows them to be 8 to 15 feet high with a minimum 7.5-foot clearance underneath.

Mr. Bordeaux suggested allowing parking lot systems in the front yard in certain zones, such as the General Business, Industrial, and the Comprehensive Urban Development zones. Ms. Bertotti clarified that these systems would have to be over existing parking lots.

Mr. Bordeaux noted some criteria that other towns regulate, but that he chose not to include in the draft regulations. Some towns limit generation output, but Mr. Bordeaux said he thought they were using that criteria instead of square footage because the output depends upon the system's size. Some towns regulate the system's use, meaning what side of the grid it is on, but Mr. Bordeaux said he thought most systems would be used to generate energy for the principal structure and then the rest would be sold to the grid. Mr. Bordeaux also did not propose regulating materials, appearance, or the clearance for parking lot canopy systems.

In response to questions from Mr. Stoppelman, Mr. Bordeaux said roof-mounted systems would be permitted as of right, and limitations could be put on the height of ground mounted systems in residential zones if the Commission wished. He said the current draft regulations would allow ground mounted systems to be 18 feet in height. Mr. Stoppelman suggested solar systems 5-6 feet in height could have a separate set of restrictions and could be allowed on lots smaller than an acre. Mr. Bordeaux said he would search for examples of systems that were that small. Ms. Bertotti said the solar arrays at the Housing Authority were 6-8 feet in height. She noted that the height permitted in the current draft regulations was 18 feet measured mid-pitch, so if a solar panel were positioned almost vertically, it could theoretically be almost double that height.

Mr. Kidd asked about rotating or movable panels that follow the sun. Mr. Anderson said those would be considered pole mounted systems and would be regulated by their height and the size of the array, which is counted toward lot coverage. In this draft, solar systems are not regulated by whether they move or not. Mr. Kennedy said he didn't see a reason to regulate movement.

Mr. Bordeaux summarized that the most significant changes to the draft regulations would be for ground mounted systems in residential zones. He said he would also address Mr. Stoppelman's point about angled or elevated roof mounted systems to make sure they are allowed.

Ms. Bertotti asked whether ground mounted systems should not be permitted in some zones, such as the Central Business District zone. Mr. Kennedy suggested excluding ground mounted systems from the CBD zone for now. Mr. Anderson said he did not think ground mounted systems should be permitted in the Form-Based zone.

I certify these minutes were adopted on the following date:

April 17, 2017
Date

Eric Prause, Chairman