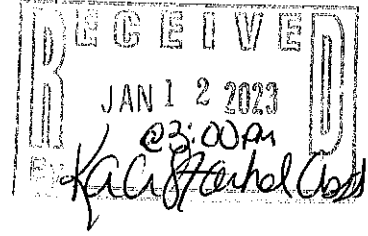


AGENDA

TOWN COUNCIL
COUNCIL CHAMBERS
SOUTH WINDSOR TOWN HALL

REGULAR MEETING
Tuesday, January 17, 2023
TIME: 7:00 P.M.



1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

4. Mayor's Remarks

Councilor Koboski

5. Adoption of Agenda

6. Communications and Reports from the Town Manager

7. Public Input for Items on the Agenda

Public Input shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes.

Councilor Evans

8. Adoption of Minutes of Previous Meetings

Approval of January 3, 2023 Town Council Meeting Minutes

BE IT RESOLVED, that the South Windsor Town Council hereby approves the Minutes of the Regular Town Council Meeting of January 3, 2023.

9. Communication from Liaisons, Officers, and Boards Directly Responsible to Council

10. Reports from Committees

Public Meetings are the time and place at which the Town Council conducts official business of the Town. The Council reserves the time and invites the public to be heard during **Public Input** of each Public Meeting, as follows:

Item #7: Public Input on Agenda Items Only

In-Person Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails will only be read into the record if brought forth by a Council member or if the person submitting the email has requested that the email is read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

Virtual Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails sent to TownCouncilComments@southwindsor-ct.gov will only be read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member, violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

Item #15: Second Public Input - on any matter over which the Council has Jurisdiction

In-Person Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any matter over which the Council has jurisdiction. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails will only be read into the record if brought forth by a Council member or if the person submitting the email has requested that the email is read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

Virtual Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any matter over which the Council has jurisdiction. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails sent to TownCouncilComments@southwindsor-ct.gov will only be read into the record if brought forth by a Council member or if the person submitting the email has requested that the email is read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member, violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

11. Consent Agenda

[All items listed under this section are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and be considered in its normal sequence on the Agenda.]

A. First Reading

None.

B. Second Reading

None.

C. Miscellaneous

None

12. Unfinished Business

None.

13. New Business

Deputy Mayor King

A. Discussion item: Fair Rent Commission Ordinance and PA 22-30 An Act Concerning Fair Rent Commission

Reference exhibit A and exhibit B

Councilor Paterna

B. Discussion item: Energy Committee, Energy and Utilities Recommendations regarding PA 21-29 An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and a Commission on Connecticut's Development and Future

Reference exhibit C

14. Passage of Ordinance

None.

15. Public Input for Any Matter

Public Input for any other matter shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item. The speaker(s) shall limit their speaking time to five (5) minutes.

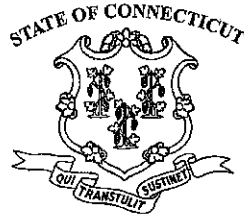
16. Communications from the Council

17. Executive Session

(Please invite Town Manager, Michael Maniscalco, Assistant Town Manager, Mrs. Perry and Assistant Town Manager, Mr. Roberts and any other appropriate personnel deemed necessary).

None.

18. Adjournment



Substitute House Bill No. 5205

Public Act No. 22-30

AN ACT CONCERNING FAIR RENT COMMISSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 7-148b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) For purposes of this section and sections 7-148c to 7-148f, inclusive, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty days in any one calendar year and "rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord.

(b) [Except as provided in subsection (c) of this section, any] Any town, city or borough may, and any town, city or borough with a population of twenty-five thousand or more, as determined by the most recent decennial census, shall through its legislative body, [create] adopt an ordinance that creates a fair rent commission. [to] Any such commission shall make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile manufactured homes and mobile manufactured home park lots, in

Substitute House Bill No. 5205

order to control and eliminate excessive rental charges on such accommodations, and to carry out the provisions of sections 7-148b to 7-148f, inclusive, section 47a-20 and subsection (b) of section 47a-23c. The commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The commission may be empowered to retain legal counsel to advise it.

(c) Any town, city or borough [in which the number of renter-occupied dwelling units is greater than five thousand, as determined by the most recent decennial census, and which does not have a fair rent commission on October 1, 1989, shall, on or before June 1, 1990, conduct a public hearing or public hearings and decide by majority vote of its legislative body whether to create a fair rent commission as provided in subsection (a) of this section. Any such town, city or borough which fails to act pursuant to the requirements of this subsection shall, not later than June 1, 1991, create such fair rent commission] required to create a fair rent commission pursuant to subsection (b) of this section shall adopt an ordinance creating such commission on or before July 1, 2023. Not later than thirty days after the adoption of such ordinance, the chief executive officer of such town, city or borough shall (1) notify the Commissioner of Housing that such commission has been created, and (2) transmit a copy of the ordinance adopted by the town, city or borough to the commissioner.

(d) Any two or more towns, cities or boroughs not subject to the requirements of subsection [(c)] (b) of this section may, through their legislative bodies, create a joint fair rent commission.

ARTICLE V. FAIR RENT COMMISSION*

Exhibit B

***Editor's note:** Ord. No. 88-1, adopted March 7, 1988, enacted provisions designated as Chapter 17, Article I. For purposes of classification and in order to maintain the alphabetical sequence of chapters, §§ 1--9 of said ordinance have been codified as Article V, §§ 2-41--2-49, at the discretion of the editor.

Cross references: Housing code, § 3-50 et seq.

Sec. 2-41. Establishment.

Pursuant to the provisions of sections 7-148b to 7-148f of the Connecticut General Statutes, there is hereby established a fair rent commission for the purpose of regulating and eliminating excessive rental charges for residential property within the Town of Windsor.

(Ord. No. 88-1, § 1, 3-7-88)

Sec. 2-42. Membership.

The fair rent commission shall consist of seven (7) members and three (3) alternates, all of whom shall be electors of the Town of Windsor. Of the seven (7) regular members, two (2) shall be landlords and two (2) shall be tenants and three (3) shall be neither landlords nor tenants. Among the alternate members, at least one (1) shall be a landlord and one (1) shall be a tenant and one (1) shall be neither.

In addition, not more than four (4) of said regular members and not more than two (2) of said alternates shall be registered members of the same political party. The members and alternates shall be appointed by the town council. At least five (5) members or seated alternates shall constitute a quorum.

(Ord. No. 88-1, § 2, 3-7-88)

Sec. 2-43. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

- (a) *Commission:* The fair rent commission of the town.
- (b) *Housing accommodation:* Any building or structure wholly or in part containing living quarters occupied or fairly intended for occupancy as a place of residence, and including any land or building appurtenant thereto, except the following:
 - (1) A hospital, convent, monastery, asylum, public institution operated exclusively for charitable or educational purposes.

(2) Any housing accommodations owned and operated by the United States, the State of Connecticut, the housing authority of the Town of Windsor, the Town of Windsor or any agency or political subdivision of said governmental entities.

(3) Housing accommodations exempted by section 7-148b of the Connecticut General Statutes, as amended.

(4) Any building or structure which contains three (3) units or less at least one (1) of which is occupied by the owner of said building or structure.

(c) *Landlord*: Any person who leases, subleases, rents or permits the occupancy of any housing accommodation, including a person who manages a housing accommodation owned by someone else.

(d) *Tenant*: Any person who leases or rents, whether by written or oral lease, any housing accommodation, as a residence for himself/herself and/or his or her immediate family.

(e) *Rent or rental charges*: Any consideration, monetary or otherwise, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of any housing accommodations.

(Ord. No. 88-1, § 3, 3-7-88)

Sec. 2-44. Terms of members.

The initial members of the fair rent commission shall serve for terms as follows:

- (a) Two (2) members for a term of one (1) year from the enactment of this article;
- (b) Two (2) members for a term of two (2) years from the enactment of this article; and
- (c) Three (3) members for a term of three (3) years from the enactment of this article.

Alternate members shall serve a term of three (3) years. Following the completion of the terms of the initial members, all regular members shall serve terms of three (3) years.

(Ord. No. 88-1, § 4, 3-7-88)

Sec. 2-45. Filling vacancies, removing members.

The town council shall fill all vacancies in the membership of the commission in the same manner as provided for in section 6-1 of the Town Charter for the filling of vacancies and may remove any member in the manner provided in section 6-3 of the Town Charter.

(Ord. No. 88-1, § 5, 3-7-88)

Sec. 2-46. Powers and duties.

Pursuant to 7-148b through 7-148e, General Statutes, the commission shall have the following

powers:

- (1) To make such studies and investigations into rentals charged for housing accommodation within the town as it deems appropriate to carry out its responsibilities hereunder.
- (2) To receive complaints, inquiries and other communications concerning alleged excessive rental charges in housing accommodations within the town.
- (3) To conduct hearings on complaints or requests for investigations submitted to it by any tenant or any landlord. One (1) week notice by registered or certified mail, postage prepaid, shall be given to the parties involved in such complaint. If any notice is returned without having been delivered, the commission may arrange for service by a deputy sheriff, constable of the town, or indifferent person in the same manner as is provided in the General Statutes of the state for service of process in a civil action.
- (4) To request the assistance of any department of the town government, including any available records, information or expert witness which the department may have in its employ.
- (5) To administer oaths.
- (6) To subpoena witnesses and compel their attendance at said hearings and to compel the production of any books or documents relating to any matter before the commission.
- (7) To determine, after a hearing, whether the rent for any housing accommodation is so excessive as to be harsh and unconscionable.
- (8) To order a reduction of any excessive rent which is deemed to be harsh and unconscionable (as determined according to standards described in section 2-47) to an amount the commission considers fair and equitable. However, the commission shall not have the power to waive any rent which has become due prior to the filing date of the complaint. In its discretion, the commission may make the order retroactive to the date of the tenant's complaint. Such order shall be in effect for a period of one (1) year from its effective date, except if the commission shall pursuant to a subsequent petition by the landlord or tenant at any time, order that the rent be changed.
- (9) To dismiss a complaint.
- (10) To continue, review, amend, terminate or suspend all its orders and decisions.
- (11) (a) If the commission determines after a hearing that a housing accommodation fails to comply with the town's housing code laws or any state or municipal statute or regulation relating to health and safety, the commission may order the tenant to pay the fair and equitable rent, as determined by the commission, to the commission.

(b) The commission shall hold such rent in an escrow account, as hereinafter provided, until the landlord makes such repairs as are required to bring the housing accommodation into compliance with such laws, statutes, or regulations.

(c) If the landlord shall have corrected such violations after the order reducing the rent, and

if the rent had been reduced solely because of such violations, the landlord may petition the commission for the reinstatement of the original rent and for the payment to him/her of the rent held in the escrow account.

(d) If the landlord shall have corrected such violations after the order for reducing the rent, but the rent had not been reduced solely because of such violations, the landlord may petition the commission for an order fixing a fair and equitable rent for such housing accommodation in light of its condition at the time of the landlord's petition, and for the payment to him of the rent held in escrow account.

(e) In any case arising under this subsection, upon reasonable determination of the commission, the original rent or such fair and equitable rent as determined by the commission, may be ordered into effect retroactive, at the discretion of the commission, to the date of the petition for reinstatement. No such reinstatement shall be effective until after a hearing is held by the commission in accordance with the provisions of subsection (3) hereof.

(12) To deposit into escrow account rent paid to the commission by tenants when their landlord refuses to accept it or the landlord requests in writing that the commission hold the rent until the complaint or claim can be resolved either through mediation or hearing.

(13) To establish an escrow account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it pursuant to subsection (11), (12), and (13) hereof. If rent is deposited into the escrow account pursuant to subsection (11), such funds shall be released to the landlord if (a) he shall be successful in an appeal to the court or (b) if the commission shall order such release after petition in accordance with subsection (12) hereof. If rent is deposited into the escrow account pursuant to subsection (13) or (14), such funds shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.

(14) Interest earned on said escrow account shall be awarded to the landlord.

(15) To require the town attorney to institute, and the town attorney shall then institute, an action in any court of equity for either a temporary or final injunction, restraining violation of or directing compliance with any order made pursuant to any provision of this article. Such direction to the town attorney shall be written by the chairman of the commission or by his designee upon the majority vote of the commission.

(16) Attempt through the process of conciliation and negotiation between a tenant and a landlord, to arrive at a rental agreement which is mutually acceptable to said tenant and landlord initiating the formal hearing process.

(17) To exercise all the powers given a fair rent commission under Connecticut General Statutes section 7-148b to 7-148f and section 47a-23c(b) as they may be amended from time to time.

(Ord. No. 88-1, § 6, 3-7-88; Ord. No. 88-2, § 1, 5-16-88)

Sec. 2-47. Standards.

In determining whether a rental charge is so excessive, with due regard to all the

circumstances, as to be harsh and unconscionable, a fair rent commission shall consider all factors set forth in section 7-148c of the Connecticut General Statutes, as amended.

(Ord. No. 88-1, § 7, 3-7-88)

Sec. 2-48. Eligibility to file complaint.

Any tenant, except those who live in a building or structure exempt under section 2-43(b) of this article, shall be eligible to file a complaint with the commission.

(Ord. No. 88-1, § 8, 3-7-88)

Sec. 2-49. Penalties.

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to Connecticut General Statutes section 7-148e is pending, or violates any other provision of Connecticut General Statutes sections 7-148b to 7-148e, inclusive, and Connecticut General Statutes section 47a-20, or who refuses to obey any subpoena, order or decision of a commission pursuant thereto, shall be fined not less than twenty-five dollars (\$25.00) not more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.

(Ord. No. 88-1, § 9, 3-7-88)

**TOWN OF SOUTH WINDSOR
ENERGY COMMITTEE**

Exhibit C

May 12, 2022

To: South Windsor Town Council
South Windsor Planning & Zoning Commission
Cc: South Windsor Board of Education
Re: Recommendations Regarding PA 21-29 Incentives and Requirements

The South Windsor Planning and Zoning Commission requested the South Windsor Energy Committee to recommend possible zoning regulation changes to implement zoning aspects of Connecticut Public Act PA 21-29 § 4, effective October 1, 2021. This act would allow the PZC to require or incentivize various energy efficiency and renewable energy usage on projects that come before the commission.

Public Act 21-29

The office of Legislative Research issued a 2021 version of "Acts Affecting Energy and Utilities," (attached). The text from this document regarding zoning follows:

"Zoning Regulations

Prior law allowed municipalities that adopt zoning regulations under statutory authority to encourage certain energy conservation measures, including using solar and other renewable energy. A new law instead allows these regulations to require or promote these measures and expands them to explicitly include distributed generation or freestanding wind and combined heat and power facilities. The new law also expands the conservation measures that municipalities can incentivize developers to use to include any solar and other renewable forms of energy; combined heat and power; water conservation, including demand offsets; and other energy conservation techniques (PA 21-29 § 4, effective October 1, 2021)."

Summary Regarding PZC incentives: the Energy Committee has concluded:

- We do not recommend changes to zoning regulations to incentivize energy conservation measures because the PZC has no financial responsibilities and relaxing various bulk requirements (setbacks, parking, coverage, etc.) as an incentive would imply that those bulk requirements were not needed in the first place.
- While the PZC could require certain features, that has the potential of conflicting with upcoming building code changes. We also feel that it is not yet time to disallow further natural gas connections.
- We do recommend strengthening energy efficiency concepts in the POCD and Affordable Housing Plan.

- We also believe the Town Council is able to provide financial incentives that would encourage adoption of energy efficiency measures:
- For new commercial, industrial, and multi-family developments that are considered for tax abatements, a portion of that abatement should be dependent on installation of measures such as rooftop or carport solar, ground source
- For existing multi-family developments (apartments and condos) and certain commercial, industrial projects, token, time limited tax incentives could encourage their respective owners and managers to investigate and participate in new PURA regulations and take advantage of state and federal incentives, to the benefit of their respective occupants.

PA 21-29

The act substituted a section of the Connecticut General Statutes, and the relevant text follows [formatting and numbering added here]:

(c) Zoning regulations adopted pursuant to subsection (a) of this section may:

(3) Require or promote

(A) energy-efficient patterns of development

(B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy

(C) combined heat and power

(D) energy conservation

(4) Provide for incentives for developers who use

(A) solar and other renewable forms of energy

(B) combined heat and power

(C) water conservation, including demand offsets; and

(D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision

This act, therefore, provides opportunities for either the PZC or the Town Council to adopt either incentives or requirements to promote the objectives of the act. Let us look at the ways in which each entity can apply either incentives or requirements.

Technologies of interest in South Windsor

- **Solar photovoltaic (PV)** installations are commonplace in South Windsor businesses and single-family homes but have not been feasible in multi-family residential communities or in certain businesses such as strip malls and business condos. That has changed as of January 1, 2022. The value of energy produced on, say, a condominium or strip mall rooftop, can now be shared with the individual occupants. Rooftop solar projects are reasonably easy to sell because, thanks to federal and state incentives, they almost always lead to savings relative to electricity bought from the utilities.
- **Solar canopies** installed in parking lots are more expensive than rooftop solar projects due to the cost of the supporting structures. Adding solar canopies in existing parking lots is a highly desirable way to add renewable energy to areas nearest to where the energy is used. The advantages of parking lot solar canopies include not displacing farmland, not adding impervious surfaces, shading of vehicles, generation of energy to charge vehicles, removal of heat by converting solar energy to electricity (conservation of energy), and not adding to storm water runoff. Unfortunately, with current incentives, solar canopies barely break even in most situations. In addition, their foundations displace parking area in those same lots.
- **Storage batteries** can now be used to reduce peak demand on the grid, reduce expensive demand charges, and allow customers to take advantage of time-of-day rates. They do this by being charged at night when the electricity is cheaper and other demands are less and then being discharged during the day to supplement the power needed in the facility. The town has already received two proposals for battery installations – one for the Timothy Edwards Middle School in connection with rooftop solar and one for the sewer plant without solar. A typical installation requires dedication of land for the equipment plus land needed for access.
- A **heat pump** is basically an air conditioner that is reversible to provide heat in the winter and cooling in the summer. If the outside unit exchanges heat with the ground instead of outside air, the system becomes dramatically more efficient. Heat pumps, and particularly ground-source (a.k.a. geothermal) heat pumps, provide dramatic reductions in space heating, water heating, and air conditioning costs. It is common for a heat pump to pump four times more heat energy than it consumes as electricity from the utility. Even if that electricity is produced in a power plant that burns natural gas, there are large net carbon savings. Due mainly to the need for wells, ground source heat pumps are more expensive to install, but they provide substantial lifetime cost savings.
- **“Combined heat and power”** refers to the use of waste heat from a generator that produces electricity by burning fuel. We believe that all of South Windsor’s current industry uses electricity from the grid so this technology would not be useful here. Were someone to install an anaerobic digester, which generates electricity from the methane released by organic decay, the waste heat from the generator could be used in the digester or in a neighboring hydroponic food factory.

- **Electric vehicles** will soon become the dominant new car technology. Most owners who live in single-family homes will charge their vehicles in their own garages. But there is a need for charging away from home and for residents of multi-family housing. Current zoning regulations require a certain number of EV chargers in new commercial, industrial and multi-family construction, but there is a need to incentivize managers of existing multi-family developments and workplaces to provide chargers.

Potential Incentives and Requirements

Incentives available to PZC: The PZC does not spend or receive money other than its own administrative costs. Hence, we cannot provide direct financial incentives to applicants. On the other hand, we can adjust our regulations to affect the cost of implementing renewable energy and energy efficiency features in a project. In addition, the PZC does not significantly control what happens inside a structure that otherwise meets zoning requirements. For example, we cannot require wiring for electric vehicles inside a single-family home whose lot was approved through a subdivision application.

- Electric vehicle charging facilities, wells for ground source heat pumps, large storage batteries and solar canopies all require land area. An incentive available to the PZC could be to provide a credit to reduce the required number of parking spaces for an industrial, commercial, or multifamily project. Such a credit might be especially useful for allowing existing facilities whose parking areas are already developed to add such facilities. Note that the existing regulations allow a reduction of calculated parking spaces if there is evidence that a smaller amount is sufficient; an applicant could take advantage of that clause.
- PZC regulations impose numerous other requirements such as setbacks and height requirements. In principle, PZC could modify these requirements to, say, allow ground based solar within a setback area, ignore the height addition of rooftop solar facilities, or not require solar panels to be hidden. The Energy Committee does not recommend such changes now.
- **Recommendation:** No relaxation of zoning requirements as an incentive. Other than parking lot requirements, the most effective incentives would come from the Town Council.

Requirements that PZC could implement:

- The PZC already requires a certain number of electric vehicle (EV) charging stations or EV Ready parking spaces in a new or substantially renovated commercial, industrial, or multi-family facility. The regulations reduce the parking space requirement if enough EV chargers are installed.
- The PZC could require solar panels on a new site. Requiring solar on new industrial, commercial, or multi-family construction would seem reasonable, but there are potential points of failure, such as inadequate connection points on the grid, inability to qualify for the limited renewable energy credits, and perceived unfriendliness to business.
- The PZC could recommend (through incentives), use of ground source heat pumps for heating and cooling and discouraging gas line connections or oil tanks. Heat pumps add significantly to the initial cost of a project but provide lifetime operating cost savings that readily offset the initial costs.
- The act seems to allow the PZC to add requirements that are not normally in its scope of control, such as requiring energy efficiency features in buildings (e.g., insulation), requiring EV charging capability in single family garages, or requiring solar ready features (conduits, electrical panel space, etc.) in buildings. The committee feels that these options are best left to either the Town Council or to the state when it adopts the 2022 building codes.
- Zoning (and subdivision) changes that implement “energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision”, should be considered during the upcoming revision to the Plan of Conservation and Development, the Affordable Housing Plan, and the housing moratorium and implemented in zoning regulations as appropriate.
- **Recommendation:** No additional zoning requirements at this time.

Incentives available to the Town Council: The council can incentivize desired features of projects in town by reducing taxes or fees.

- The council frequently provides tax abatements to individual commercial, industrial, and multi-family projects to encourage economic development. A portion of the incentive could be conditioned on adoption of desired renewable energy or energy efficiency technologies. This would not reduce revenue further than would the full abatement. **Recommendation: For new commercial, industrial, or multifamily construction, the Council should adopt a policy that conditions the last 1-3% range, of the full value of any tax abatement on**

- a 1-3% range for connection and activation of rooftop or parking lot canopy solar in a capacity of the lower of (a) the projected annual energy consumption of the facility or (b) the capacity of the unobstructed roof area to hold the most efficient readily available solar panels, regardless of whether the developer used rooftop or canopy solar, and
- a 1-3% range (TBD) for use of Ground Source Heat Pumps (a.k.a. geothermal) for heating in lieu of natural gas or oil.

- The council could incentivize installation of renewable energy and energy efficiency equipment in existing commercial, industrial, and multi-family projects by providing a time-limited tax reduction or by exempting this equipment from assessments. On the

The following table shows the impact of a 3% tax abatement for a typical commercial facility assessed at \$700K (Appraised at \$1M)

	Year one	7-year
Solar system kWh	125,000	875,000
Buy-all revenue	\$5,000	\$35,000
Assessed value of improvements	\$700,000	
Mil Rate	37.86	
Tax	\$26,502	\$185,514
Abatement %	70%	
Incentive percent	3%	
Abatement % without solar	67%	
Abatement value without solar	\$17,756	\$124,294
Incentive value	\$795	\$5,565
Abatement with solar	\$18,551	\$129,860
Combined value of solar	\$5,795	\$40,565
Percentage boost of tax incentive	16%	16%

The incentive boosts the value of the solar system by 16% during the term of the tax abatement.

other hand, several of the options are already given financial incentives from both the federal and state governments. **Recommendation: To stimulate local management into action in these areas, a token tax abatement, in a range of ½ to 2% for a period of, say, 3 years, might be sufficient to create this movement.**

Requirements that the Town Council could implement: The council can implement renewable energy or energy efficiency requirements by ordinance.

- The Town Council could adopt energy efficiency and renewable energy requirements for new buildings in town. However, current building codes adopted by the state require many energy-efficiency features in new or remodeled buildings or with a change of use. In addition, Governor Lamont’s Executive Order No. 21-3 charges the State Building Inspector with proposing adoption of the most recent International Building Code and related codes along with features to reduce greenhouse gas emissions. It would potentially be duplicative and counterproductive for the Council to enact requirements on building design and features. **Recommendation: Wait for new building codes.**
- Like the PZC, the Town Council could encourage space heating, water heating and cooking in new construction in favor of electrically powered heat pumps and electric cooking. However, this idea needs time to grow in acceptability.
Recommendation: Wait for state action.

Sincerely, for the Energy Committee:

Stephen Wagner, (past Chairperson), Energy Committee
Marek Kozikowski, Deputy Chairperson, Energy Committee
Andrew Paterna, Chairperson, Energy Committee

Energy Committee members: Stephen Wagner (Resident, Chair WPCA), Hank Cullinane (Resident), Larry Brown (Resident), Athena Loukellis (Resident), Steven Lewis (Resident), James MacPherson (Resident), Sherman Tarr (Resident), Marek Kozikowski, Deputy Chairperson (Town Council), Cesar Lopez (Town Council), Andrew Paterna, Chairperson (Town Council), Jeff Doolittle (Deputy Director Public Works/Town Engineer), Darrell Crowley (Director-Facility Operations-SW Schools)