

## LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes  
Wednesday, March 26, 2008

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Colletta. Members Gerry Geppert, Rich Ehrlich, Tim Lalley and Valerie McCallum also present along with approximately 32 guests including Caleb Putnam and Tom Funke from the Audubon Society.

Chairman Colletta began the meeting with the site plan review for Thumb Cellular. Bob Reynolds, General Manager of AVCI, spoke to the planning commission about the difficulty his company has had with cell phone reception along the M-25 corridor and the need for an antenna in that area. He described the equipment they would like to install at Philp Park as a single pole 120 feet high with a small box. The pole will be brown in color with no lights or guy wires and will be placed behind the park sign. Mike Power, Chairman of the Huron County Road Commission, stated that AVCI has the County's approval to install the tower at their park. Due to the fact that the zoning ordinance does not allow this type of structure in the R-1 District, Mr. Reynolds was advised that they will need to proceed with a request for a zoning variance from the Zoning Board of Appeals.

Chairman Colletta introduced Caleb Putnam and Tom Funke who then proceeded with a power point presentation. Mr. Putnam stated that wind energy is a new issue with lots of unknowns that will only be learned as we go through time. He stated that some birds will leave an area if there are any tall structures. Mr. Putnam described that the IBA or Important Bird Area program identifies key sites for bird conservation. The coastal Saginaw Bay IBA includes large concentrations of waterfowl, Tundra Swan and Trumpeter Swan. The Trumpeter Swan does not migrate out of Michigan and the Tundra Swan follows its exact path both north and south. In November of 2003 a count of Tundra Swan in this area was 12,220 or approximately 4.12% of the population and in March 2006 the count was approximately 10,000. These swans fly about 150' above the fields according to the DTE consultant and this presents "a potential problem".

As far as Raptors are concerned, during the spring migration they fly near the shoreline of the bay and that is the basis for the State's recommendation of three miles inland from the shoreline for wind turbines.

The Kirkland Warbler migrates at night and their breeding grounds are in Grayling and Mio. Mr. Putnam also stated this bird is very rare.

Mr. Putnam could not speak to bats, although he did state that there are some concerns since they are highly vulnerable.

As far as ducks and swans being vulnerable, he did not know since there is not enough data. There is some information from Europe that the ducks see the turbines and avoid them and that may be true for Tundra Swans.

Mr. Putnam stated in developing an ordinance the planning commission should define measurable objective permit requirements for impact mitigation and consider a threshold value of an acceptable mortality rate. He stated that Mike Dalton, Audubon Director, has suggested as possible mitigative efforts, operational changes, facility changes, removing problem turbines, seasonal shutdowns and modifying habitat in specific areas, such as keeping turbines away from small woodlots. He suggested referencing the AWEA Wind Energy Siting Handbook and the Association of Fish & Wildlife Agency's information.

Mr. Funke reiterated that this is uncharted territory, the Audubon wants to be involved and there is a lot of science yet to be done. The Audubon is looking at bird diversity and maintaining that diversity.

Chairman Colletta began the question period with the planning commission members. Tim Lalley asked how strongly the Audubon advocates following the recommendations of the US Fish and Wildlife Service (USFWS). Mr. Putnam responded that we should definitely consider their recommendations, stating there is no doubt that the closer to the shoreline, the more concentrations of raptors and waterfowl. He stated that birds are concentrated around the shoreline areas, but whether three miles, one mile or ten miles is an appropriate distance there is no way to know or be certain until post-monitoring data is obtained. Lalley asked Mr. Putnam about his comment in the Bay City Times on November 2, 2007 where he stated that no good could come from putting turbines in this area. Mr. Putnam stated that he didn't remember making that statement and indicated that he is always concerned about being misquoted. Lalley read the following quote: "Only bad things could happen if you put turbines in these birds way,' Putnam said of the swans. 'Specifically, whenever you have a large concentration of birds at one site, they are more susceptible to large losses.'" Mr. Putnam agreed that was the essence of what he said.

McCallum asked about the suggestion of shutting down the turbines during the day during migration periods and the fact that if the turbines are turned on at night with the red lights, isn't that then a potential problem for nighttime migrating songbirds or bats since they

are attracted to red lights. Mr. Putnam agreed red lights could be a problem and that white lights are recommended.

Molly Dando asked where the information regarding the flight height of Tundra Swans at 150' came from. Mr. Putnam stated that information came from Applied Ecological Services, the firm hired by DTE to do pre-construction studies.

Julia Streiter asked about important bird areas along the eastern coastline and whether there are operating wind farms where studies are being done on the east coast.

Matt Wagner of DTE stated that Caitlin from Applied Ecological Services has been collecting data from old wind farms and trying to use that data. He stated there is not a lot of data yet, it is still new, but they are trying to take the data they have and apply it to their pre-construction studies.

Rhonda Jennings asked whether there are plans to put more wind turbines in the area.

Matt Wagner stated that DTE has not proposed a specific project at this time but is gathering easements and all easements will not be used for wind.

Julia Strieter asked why the map in the power point presentation showed fewer important bird areas in Michigan than other areas of the country. Mr. Putnam stated that studies of IBA's have not been done in Michigan but will be over the next five years.

Dave Brady asked who does the mortality counts at the turbine facility in Pigeon. Matt Wagner stated that in their case they expect Applied Ecological Services will do the studies but he cannot speak for the Harvest Wind Project

Ms. Strieter asked who to contact in order to volunteer to do monitoring.

Mr. Funke stated that Michigan Audubon is developing a safe passage program and will be looking for volunteers to do monitoring.

Leon Kretzchmer stated that he is using seeds treated with a new chemical that birds do not like which will chase the birds out of the area. He asked what the planning commission is going to say about that.

Kathleen Bolton asked why, if we know the Tundra Swans migrate through this area and USFWS recommends no turbines within three miles of a great lakes shoreline and five miles from an eagles nest, are we considering such a development in this area. She stated that we know we have large populations of tundra swans migrating through this area spring and fall and we have two active eagle's nests and USFWS list Huron County as a potential summer habitat area for the endangered Indiana Bat. She stated that during Mr. Putnam's presentation one of the options on the Audubon Society slide show was "Exclude types of areas that are not appropriate for wind development". Ms. Bolton asked whether there is a reason to ignore what the USFWS has recommended. If the turbines are going to have to be turned off in order to mitigate the problems, why not put the turbines in a more appropriate location.

Mr. Putnam responded that his opinion would be personal and any recommendations should be data driven.

Ms. Bolton stated that the Federal government spends millions of taxpayer dollars to protect wildlife and asked whether we are going to ignore their recommendations. She stated that Huron County is large and there are other options which would include following the recommendations of the USFWS.

Mr. Putnam stated that she had valid concerns and questions need to be asked and thought about.

Bill Osborne asked whether it was the Audubon's position that global warming was the number one absolute threat to wildlife. Mr. Putnam stated that it is not number one but it is important. Mr. Osborne stated a certain percentage of birds are killed by telephone poles and windows and studies are not done. He also stated that wind energy is the most efficient way to cut down on carbon emissions.

Ms. Strieter asked that if studies need to be done, how can the people in the community help.

Tom Funke told her to talk to him at the end of the meeting. There isn't an Audubon Chapter in the thumb but it would be good to start one.

Matt Wagner of DTE said he is not opposed to seeking help. They are currently setting up monitors for Kirkland Warblers using acoustical sampling. He also stated that the three to five mile recommendation is from the State of Michigan and is not in the

National USFWS guidelines. He stated that they will spend two years on pre-construction monitoring until late 2009 and that shutting down whole banks of turbines is not DTE's first choice, but they will do it, if required.

Matt Wagner was asked who Applied Ecological Services is. He stated they are a company out of Minnesota and were recommended by Black and Beech (sic). He stated it is hard to find people with experience in wind because it is so new.

Don Vandenberg asked whether anyone was monitoring the turbines near Elkton. Mr. Wagner stated he didn't know but they intend to take a look there next week. McCallum asked Bob Krohn, Oliver Township Clerk, whether any post-construction monitoring was being done. Mr. Krohn stated he didn't know, nor did he know whether their wind ordinance required post construction monitoring.

Tom Ziel mentioned that there are Bald Eagles behind Laker High School.

Yvonne Bushey asked whether any studies were being done in Lincoln Township, Wisconsin. Mr. Putnam did not know. Mr. Wagner stated that studies are being done all over and they are trying to apply background studies to compare mortality rates where there are turbines and no turbines. Mr. Putnam stated that mortality rates are published on the web at National Wind Coalition.

Ms. Bolton stated that it is the wind turbine developers who do mortality counts, not the townships or local residents. Mr. Putnam acknowledged that in many cases that is true. Ms. Bolton asked whether the Audubon Society has undertaken any studies at existing wind turbine sites and Mr. Putnam stated they have not. Mr. Funke stated they may start next year with the implementation of the Safe Passage Program. Ms. Bolton asked whether any wind developer has used the services of the Audubon Society. Mr. Funke stated no. Mr. Putnam stated that it is up to the township, whether they are comfortable working with DTE or whether they want to hire a private company.

There being no more questions from the floor, the Planning Commission thanked Caleb Putnam and Tom Funke for their presentation and a recess was taken at 8:15 P.M.

*(Meeting resumed at 8:30 PM)*

Minutes of February 20, 2008 and February 27, 2008 were approved upon motion by Geppert, seconded by Ehrlich. Motion carried.

**Correspondence:**

Chairman Colletta provided information on a Wind Energy Meeting being held in Tuscola County on Monday, March 31, 2008.

Email correspondence from Carol Neville read regarding wind turbines.

**Old Business:**

**Wind Turbine Facility Ordinance:** McCallum provided all members with a copy of a contract submitted by Richard James of E-Coustic Solutions and recommended that the planning commission should consider contracting with Mr. James for the purpose of understanding the noise issues and proper setback requirements for a wind ordinance. McCallum indicated that Mr. James would be available to do a presentation on noise issues with wind turbines at the April 23<sup>rd</sup> meeting. Lalley made a motion to accept the contract, seconded by Colletta. Motion carried.

Colletta stated that he would like to recommend the township board adopt a one year moratorium on wind energy development based upon the recommendation of the township attorney. Motion by Ehrlich to submit such a recommendation to the Township Board, seconded by Geppert. Motion carried.

**Rural Residential District:** Colletta provided information on Kent County's zoning regulations which varied based upon the number of acres. The members reviewed the information and discussed ideas on how to apply the concept in Lake Township. Dorothy Fischer stated that people, who have boats, snowmobiles, lawn mowers, et cetera, need a building large enough to accommodate them. Ehrlich stated that 1800 square feet would be an appropriate size to accommodate the above. Discussion on roof pitch, sidewall height and overall height based upon square footage. Colletta suggested allowing three accessory structures excluding an attached garage.

Bob Krohn asked to make a comment prior to leaving the meeting. He stated that when the Harvest Wind developers signed leases with land owners, they gave \$1,100 per wind turbine to the township to conduct studies.

**R-R District (continued):** Colletta had concerns about future land divisions and the possibility of accessory structures being split off from the rest of the parcel and wanted to check with an attorney.

McCallum suggested allowing accessory buildings not to exceed 2,400 square feet on parcels five to ten acres in size. Discussion on how much total square footage in accessory structures should be allowed. McCallum suggested reducing the allowable sizes for the additional two structures. Colletta, Geppert and Ehrlich thought a total of three structures, not exceeding 2,400 square feet each would be acceptable. Lalley disagreed. McCallum stated she would rather see one larger building, if need be, up to 3,200 square feet, with the other two buildings reduced in size rather than allowing three large accessory structures. After further discussion, it was suggested that the buildings could range as follows:

- 1<sup>st</sup> Accessory Building - Up to 3,200 with a 16' sidewall
- 2<sup>nd</sup> Accessory Building – Up to 1,800 with a 14' sidewall
- 3<sup>rd</sup> Accessory Building – Up to 1,200 with a 12' sidewall

McCallum asked Supervisor Kelterborn, who has the authority to approve land divisions for Lake Township, whether a land division request for a parcel with only an accessory building could be approved. Kelterborn indicated that such a split would be creating a non-conformity based upon our zoning ordinance and he would not approve such a division. He also suggested that the planning commission could reinforce that with appropriate language in the amendment to the R-R District.

The following language was discussed:

*In the R-R District allowances have been made for additional accessory structures based upon the number of acres. If a property owners wishes to apply for a land division to create smaller parcels, it must be done in such a way as to not create a nonconformity.*

McCallum made a motion to adjourn, seconded by Geppert. Meeting adjourned at 10:05 PM.

Valerie McCallum, Secretary