

# LAKE TOWNSHIP PLANNING COMMISSION

## Approved Minutes

March 25, 2009

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Colletta. Members Gerry Geppert, Rich Ehrlich and Tim Lalley present along with approximately 27 guests. Dale Hartsell was absent also Mary Johnson, recording secretary was absent.

Chairman Colletta recommended Lisa Konke to take minutes. Motion by Geppert, seconded by Lalley to have Lisa Konke fill in as recording secretary. All ayes.

Minutes of February 22, 2009 meeting were approved upon motion by Geppert and seconded by Ehrlich with the following corrections:

Tim Lalley commented that he had a meeting with Bob Krohn who said that he knows a land owner who has 9 wind turbines on his property and makes \$100,000.00 per year.

Tim asked DTE if they knew where the wind turbines where to be placed?

Motion carried.

**Agenda:** Chairman Colletta had four letters to add under correspondence. Senders of the letters requested they be read and made part of the minutes.

Four letters read and recorded and attached to these minutes.

#1 Carol Neville

#2 Carol Neville

#3 Marjorie Zott

#4 Angie Weber

Chairman Colletta opened the meeting to the floor for public comments, asking that all comments be directed to the board.

Charles Parcels asked whether anyone know what happens to the value of real estate with these developments.

Colletta stated he had asked area real estate agents about devaluation and the reply was it is too soon, too new.

Charles Parcels stated he had asked a realtor if there was any indication of what will happen with assessed values, whether there are any affects upon property values from wind turbines. Some prospective buyers have asked if there were any windmills going up

in the area. Mr. Parcels commented, "What is easier to kill than a real estate deal?"

Gerry Geppert asked a realtor in Caseville about property values and they were not aware of any studies.

Gary Bauer said "With the state of economy wind mills aren't the only reason properties are devaluated and is not aware of any studies."

Valerie McCallum read an article called "Green Back Lash – The Wind Turbine Controversy" from Bob Villa.com, discussing noise and wildlife disturbances. While at first very open minded to having turbines nearby in the community, the author goes on to discuss problems they have at present and how they have changed the way they live. It discusses noise, health, environment and property values among other things. It points out the difficulty in real estate and housing values either before, during and after the turbines are built. The article was provided to the planning commission and is also available at [www.bobvilla.com/How to Library/Green Backlash The Wind Turbine Controversy-Subject Green Building-A3923.html](http://www.bobvilla.com/How_to_Library/Green_Backlash_The_Wind_Turbine_Controversy-Subject_Green_Building-A3923.html)

Dennis Mausolf lives 1100 feet from turbines and stated what was just read is what he is experiencing. He referred to the turbine explosion in Altona, New York, concerned that every noise he hears is a concern that his home can be in danger if debris scatters.

Tim Lalley said pilot Mike Fallon was flying over the debris site and debris was spread over ¼ of a mile.

Grady Nance (DTE) stated the information he has was that the debris was only 380 feet, at the most.

Clay Kelterborn asked DTE to comment on the Huron County Commissioners meeting that DTE attended.

Grady Nance of DTE commented that the RPS compliance plan called for 10% by 2015 and there would be 125 turbines by 2015 and 280 by 2028 in the thumb and studies are still underway.

Lalley read that a modern operating wind turbine at 800 to 1000 feet is no louder than a kitchen refrigerator and then asked what 250 turbines would sound like. Lalley stated that some persons in the room have more than one turbine around their home. Grady Nance replied that a good sound study should be done so you know the

affect of multiple turbines and that Lake Township may want to consider sound levels since they are a better parameter to use for setbacks than raw distances. He further stated that distance setbacks are related to safety.

Colletta asked Nance what you compare the sounds to, what's here now? Nance stated that the Huron County ordinance has an absolute level of 50 decibels or five decibels over ambient. He further stated that 50 decibels corresponds to a quiet suburban area and that a quiet rural night is only 30 decibels.

Lalley mentioned that maybe there could be setbacks based on noise standards first then distance. Grady stated that distance setbacks are related to safety, sound can be measured by decibels. Lalley asked whether low decibel noise is a safety issue, a health issue. Nance stated there is no good documentation on that. Lalley commented that he would disagree with that statement.

Colletta read from a DTE bulletin stating the MPSC approved an additional \$3.00 fee per month per meter by fall of 2009. Nance replied that whatever energy is used whether green or coal-fired, they have costs.

Bob McLean, Paris Township resident, mentioned the government rebates and subsidies provided to wind developments.

Clay Kelterborn mentioned that DTE had informed the County Commissioners that the majority of the proposed project would be N of M-142 with 280 wind turbines that will be DTE's 50% and their other 50% purchased from third party developers which would end up with a total of 560 wind turbines N of M-142. ~~Nance replied that Kelterborn is incorrect, they will purchase 10% from other areas of the state.~~ Kelterborn then stated that according to his notes from commissioner's meeting, DTE is currently doing bird observation study and looking at possibly three different tower designs.

Gary Bauer mentioned the PTC which claimed that for every dollar of PTC awarded to a developer in 20 years it returns a \$1.30 to various governments in various forms.

Nance stated that the American Wind Energy Association has done extensive studies on the production tax credits and they are clearly self-funding. The tax break is returned in job creation, infrastructure building and taxes on the profits generated.

Correction:  
Nance replied that Kelterborn is incorrect. DTE must purchase one-half of the required new renewable energy from 3<sup>rd</sup> parties. This half may come from anywhere in the state.

refund of their costs. So there is no profit for DTE at this point in time.

Charles Parcels stated he is not a great fan of wind energy but we are talking about wind mills in Huron County, not about DTE or John Deere, that these guys shouldn't be put on the spot because the planning commission is deliberating on what's good for the community. In Huron County everybody knows everybody and a way to summarize the impact on the community in the fewest possible words is "who's shopping for a wind farm dream house." You can say whatever you want, that it hasn't been proven, but he asked, are you indifferent to the impact of windmills? When shopping for a house, nobody in this room can say it won't make a difference. What worries Mr. Parcels is the decline in the community not in the short run, but in the long run. Mr. Parcels referenced the proposed sewage farm years back which never got built, but from the moment it was proposed, it had an influence on the decisions that everyone in the county made about their property, whether to make improvements or repairs and that uncertainly had an affect on people doing business with the local hardware store. Mr. Parcels stated that it is not about DTE and that he is not sure why they want to be involved in this.

Steve Tait agreed with Mr. Parcels' comment, stating you can't blame DTE, they are doing what they are told to do and if we are not happy, we need to contact our legislators and tell them that wind farms are not good for Huron County and there has to be a different alternative. Not that everyone is for or against, but that there are concerns and maybe we don't know enough about them.

Colletta responded that we are not here to argue with anybody, just trying to figure out the best way to protect everyone without an adverse impact on the community.

Bob McLean from Ubyly advised the planning commission not to rush or get pushed into this but do the homework now. He stated Huron County has no protections in their ordinance. He advised doing an initial sound study so the township has a base line for noise levels before any wind turbines and also to look at the contracts.

Kelterborn asked DTE for clarification on the remaining 10% of their renewable requirement. Nance stated it is DTE's intent to build up to half of their renewable energy themselves in Huron County, that they already have 1% and will need 9% more which they will have to do through a request for proposal for anybody in the state who wants to bid and the PSC will make DTE choose the lowest costs, wherever

Correction:  
9% more, half of  
which they will

that will come from. Kelterborn asked whether there are also third party developers potentially looking at developing in this county. Nance stated there are.

Gary Bauer stated that when doing an ordinance the planning commission needs to be fair and not gear it toward one developer, but base the ordinance on science.

Colletta mentioned Noble selling their project to John Deere and that one company may not honor the contract of another company. Gary Bauer stated original contracts are binding. McLean stated for the length of the contract. McLean stated the planning commission has to develop an ordinance using a combination of sound and distance. He also stated he doesn't think 1000 feet is an acceptable distance to protect residents, physically and mentally.

Lalley stated he thinks a sound level should be set before distance is determined.

Gene Champagne met with John Deere and brought up sound levels and he stated that they should make sure to get ambient sound levels before the wind turbines come in.

Dennis Mausolf stated when they tested the sound around his house they came out during the middle of the day when trucks were hauling grain. He stated Atwater Road is a pretty busy road and they should have done testing during quieter times, too.

Colletta closed the meeting to public comments

**No site plans to be reviewed.**

**Wind ordinance reviewed.** Tim Lalley read as follows:

"Our ordinance has been reviewed by Attorney Susan Topp. Following her review, Ms. Topp made comments which she and I discussed by telephone on March 11, 2009. Ms. Topp commended Lake Township for taking the time to research the issues involved. She stated there are no good guidelines in Michigan for zoning ordinances and how wind developments will be treated. Ms. Topp also advised me that she is a member of the Michigan Wind Working Group.

In reviewing our ordinance, she suggested that we wait before presenting a final draft until we meet with officials of the USFWS and State DNR to review not only their recommended guidelines but what we are proposing in an ordinance. Based upon her suggestion, Tim

Lalley and I met with Burr Fisher of USFWS and Arnie Karr of the State DNR Wildlife Division. After meeting with these gentlemen, Tim and I felt it was in the best interests of all parties to ask them to return to meet with the entire planning commission, and we would like the new members to be present, also, DTE and anyone else interested. I would suggest to the planning board we have a special meeting in April at Sleeper State Park Headquarters.

Inasmuch as our Township is a shoreline community and in a migration pathway for waterfowl and birds, we feel it is important that we take into consideration any recommendations of USFWS and/or the State DNR pertaining to setbacks and turbine height. We hope that interested persons can take the time to attend the meeting in April. Although we would have preferred an evening meeting, a daytime meeting is to accommodate Mr. Fisher of USFWS who is coming from Lansing.

Ms. Topp felt that Mr. Lundberg's recommendation of an overlay zone in the southeast section of the Township is a good idea. Mr. Lundberg recommended an overlay in the southeast corner for the reason that it is not as densely populated as other areas within the agricultural district and that the Rush Lake state game area, Sleeper State Park and the Caseville Golf Course areas should be avoided for wind development. Mr. Lundberg emphasized the uniqueness of Lake Township.

Ms. Topp recommended a follow up with the township attorney or the MTA on the aspect of administration costs which details the need for an escrow account for reimbursement to the township for costs involved in hiring consultants, experts or legal fees in connection with any wind project. Both lawyers, Ms. Topp and Mr. Stoddard, expressed the need for some revision to this portion of the ordinance.

As far as noise guidelines, Ms. Topp deferred to Mr. Richard James who has provided his recommended guidelines for that aspect of our ordinance.

Ms. Topp provided suggestions on private wind generation systems for residential use which will be included in the final draft of the ordinance.

Ms. Topp agreed with Mr. Stoddard as far as Total Generating Capacity and that section will be removed from the ordinance.

Reference in the ordinance to spacing will also be removed since that is something that will be determined by the developer.

With the planning board's permission, Ms. Topp would attend the April 22<sup>nd</sup> meeting for the purpose of a presentation on zoning for wind developments and to answer any questions.

Following our April meetings, we will have completed our information gathering and our draft ordinance will be finalized for presentation. Given the recent addition of new members, I would like to recommend a public hearing to be set in June which will allow not only attendance by all interested residents but also time for the new members to review the proposed ordinance and have some time, although limited, to review the information that we have gathered over the past 18 months.

I believe, in all fairness to the new members and the residents of Lake Township, this time frame is very reasonable considering the magnitude of these developments. “

Colletta discussed the summary and hopes the new Planning Commission members acknowledge and understand this.

Colletta stated Lalley had some questions on transmission, a viewscape issue with the ordinance. Colletta acknowledged that the township has no control over transmission. Nance stated that ITC, International Transmission Company, owns the grids and determines where the lines go.

Colletta asked whether these huge transformers could possibly end up in the area.

Mike Serafin stated DTE's role is to determine and find wind energy zones. ITC will make the determination as to the transmission lines once it is established what is necessary.

Lalley asked what the lines will look like.

Mike Serafin stated instead of transmission towers, a mono pole structure might be used which takes less right-of-way.

Lalley asked whether they can put those wherever they want, that there is no local zoning ordinance that can regulate that.

Mike Serafin stated they are not viewing this project as they can go anywhere they want, but looking at where existing lines are and there is some knowledge that there will be new lines, but he doesn't know where.

Colletta stated we are in the Thumb of Michigan and there's only one way out and there is going to have to be some way of transferring that power.

Mike Serafin stated there will be more power in the thumb if everything goes as everyone is planning. Colletta stated it will go through the county down. Serafin concurred based on the laws of physics.

Colletta recommended a five minute break beginning 8:20 P.M.

**Meeting reconvened at 8:30 P.M.**

Colletta stated that the attorney recommended a meeting with US Fish and Wildlife Service, DNR and DTE be held in regards to siting of turbines. April 9<sup>th</sup> was chosen for a meeting at Sleeper State Park Headquarters but because of scheduling problems the meeting will be held either the 15<sup>th</sup> or 16<sup>th</sup> of April at 11:00 A.M. Motion by Geppert seconded by Lalley in support of a meeting. All ayes (Exact date will be posted at a later date)

Colletta made a recommendation to have Attorney Susan Topp give a power point presentation pertaining to wind development and then answer questions at the regular planning board meeting on the 22<sup>nd</sup> of April 2009 at 7:00 P.M. at the Lake Township Hall, cost to be paid from the planning board budget. Motion by Lalley, seconded by Ehrlich. All ayes.

Valerie to check with the State Park because of possible crowding at the Township Hall. Frank Konke suggested the Caseville Fire Hall. Clay sited a long standing issue with Caseville Township, that Lake Township had adopted a resolution that the fire hall was to be used by the fire department, only. Smith will look into it.

**Height Review:** All members present were on the board when the current zoning ordinance was adopted. Heights were recommended by the consultants hired by the planning commission to help formulate the ordinance. They found 28 foot heights were a standard along Michigan coastlines.

**Lot Area Review:** Huron County adopted at 25% lot coverage, but they do not include decks and patios without a cover. Lot coverage of 25% area was recommended because of the septic field placements, most lots on the shoreline are small and narrow and adequate field placement was limited, also parking space was another problem. In order not to discriminate against shoreline properties, the 25% was applied to all residential zones.

**Zoning administrator duties review:** Zoning administrator duties in the R-1 districts was recommended because of confusion and

disputes between homeowners and the zoning administration. It was decided that two heads are better than one. MTA was also contacted and advice given that if there is any doubt, the zoning administrator should go to the planning board.

Clay asked what some of the findings of fact are supporting these changes. Colletta stated he doesn't want to go into that now and he doesn't know what the reasoning behind it is. Lalley stated he wasn't sure why it was on the agenda.

**Exterior Lighting:** Review of the lighting ordinance. Geppert stated he would like to propose the use of the terms public and private. Colletta asked can we apply corner lighting to existing ordinance. Sec 1505.1 Illumination. Colletta said we need to add to the ordinance so as not interfere with neighbors or traffic. Want the ordinance to prevent lights from shining or blaring into people houses. Geppert recommended changes to penalties. Colletta concerned about redundancies.

Lalley asked whether it could be added in the ordinance to general provisions instead and referred to Sec 1405, Lighting page 14-8.

Geppert will compose and come up with wording for Sec 12 General Provisions and discuss at next meeting.

Colletta asked each member to come up with a paragraph and discuss it at the next meeting.

Colletta suggested that Mining and Mineral Ordinance be tabled to the next meeting.

No public comments.

April's meeting with USFWS, DNR and DTE still undetermined.

Next regular meeting April 22, 2009 at 7:00 P.M.

Motion to adjourn by Lalley, seconded by Geppert. All Ayes

Meeting adjourned at 9:10 P.M.

Lisa Konke  
Recording Secretary

Transcribed by Louis J. Colletta

*(DVD of meeting available at Township Hall)*