

LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes
Wednesday, August 26, 2009

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Colletta. Geppert, Ehrlich, Lalley and Hartsell were present along with approximately eighteen guests.

Motion by Lalley to have McCallum fill in as recording secretary, seconded by Hartsell. Motion carried – all ayes.

Minutes of July 20, 2009 approved upon motion by Ehrlich, seconded by Geppert. Motion carried – all ayes.

Minutes of August 5, 2009 approved upon motion by Geppert, seconded by Lalley. Motion carried – all ayes.

Agenda approved upon motion by Hartsell, seconded by Ehrlich. Motion carried – all ayes.

Correspondence:

- Colletta read a letter dated August 2, 2009 from Lester and Beverly Auten regarding a blind spot on the corner of A Drive and M-25. Zoning Administrator Russell indicated he has talked to the Huron County Road Commission and they are looking into it. If there are shrubs on the county's road easement, they will remove them.
- Lalley read a letter dated July 27, 2009 from Mike Hardy in support of the Lake Township draft wind ordinance.
- Colletta read August 19, 2009 letter from DTE regarding their decision to not attend planning commission meetings "for a period of time while the township works through these governance issues."

Public Comments: None

New Business:

Election of Officers: Colletta asked for a motion to elect a Chairman. Motion by Lalley to elect Colletta as Chairman, seconded by Geppert. Motion carried – 4 ayes. Hartsell – nay.

Colletta asked for a motion to elect a Vice Chairman. Motion by Geppert to elect Lalley as Vice Chairman, seconded by Ehrlich. Motion carried – all ayes.

Colletta asked for a motion to elect a Secretary. Motion by Lalley to elect Hartsell as Secretary, seconded by Geppert. Motion carried – all ayes.

Colletta recommended following Robert's Rules of Order. Motion by Geppert to accept the recommendation to follow Robert's Rules of Order, seconded by Ehrlich. Motion carried – all ayes.

Colletta recommended Mary Johnson as recording secretary. Motion by Hartsell to hire Mary Johnson as recording secretary, seconded by Lalley. Motion carried – all ayes.

Colletta discussed the August 24th public hearing of the Wind Energy Resource Zone Board and based upon the comments at that hearing recommended the planning commission send DTE a letter with questions regarding their critique of the draft wind ordinance. Colletta had questions prepared and reviewed them with all members for input as follows:

#1. What is a reasonable setback from the shoreline, from an occupied dwelling, from Rush Lake, from any road, from a river?

#2. What noise guidelines do you recommend? Please provide criteria that you would recommend for inclusion in an ordinance. All members agreed it was a reasonable question.

#3 Please provide documentation relative to impacts of wind turbines on human health. Colletta stated that based upon the WERZB hearing, there are obvious problems and no answers. Geppert agreed.

#4. What complaint provisions would DTE recommend for inclusion in an ordinance? Please provide. Colletta stated that DTE has objected to the complaint resolution provisions of the draft wind ordinance and would like to see what DTE would recommend.

#5. Please provide your recommended criteria for a property protection plan. Colletta stated that DTE has said the property protection plan in the draft ordinance is highly improbable and would like to know what DTE would consider acceptable.

#6. Please provide the costs for removal of a wind turbine. Colletta stated he would like removal to include total removal, footings and all.

#7. What is an appropriate amount for insurance per wind turbine?

#8. *Who is responsible for liability from injury related to a wind turbine – for example (1) from shedding ice; (2) health problems suffered by adjacent property owners.*

#9. *Please provide documentation on FAA required lighting requirements.* Colletta indicated that lighting was another concern raised at the WERZB public hearing.

Lalley would also like more information relating to DTE's presentation on the revenues to the Township. He stated he believes the revenues projected in their presentation were based upon the maximum number of wind turbines that could be in Lake Township based upon the 4,300 acres of leased land. He would like to see a more realistic estimate of revenues since it is highly improbable that DTE could actually install that many wind turbines in the township due to setbacks, etc.

Geppert would also like to know what they thought of the CRS Report for Congress of June 20, 2008 that was given to them or referenced at the July 20th meeting wherein it recommends a .6 kilometer setback.

Colletta had additional questions relating to the U.S. Fish & Wildlife Service for DTE. Ehrlich read the following: *USFWS guidelines are based upon the recommendations from the Great Lakes region office and are specific to Lake Township as referenced in the 2007 letter sent to Lake Township. They are the experts in this area and as stated to us, they only make recommendations, it is the township's job to make the regulations.* Colletta would like to ask DTE what they consider reasonable, stating that DTE has indicated there are new guidelines forthcoming but we can only go by what we have. Colletta asked, do we use the recommendations of the USFWS to base our regulations or do we ignore their recommendations and use the recommendations of the developer or their hired expert? Colletta stated he believes the township should remain autonomous and should have the last word in this regard.

Lalley read: *Our ordinance references the 2003 USWFS interim guidelines. Since those are being amended we should correct that in the ordinance to just reference USFWS guidelines but shouldn't we also keep in our ordinance the recommendations made by the representatives from our region office of the USFWS?*

Colletta commented that he feels the questions posed to DTE are reasonable. He stated that although DTE did not attend the meeting he wants to continue the dialogue while it is fresh in everyone's mind.

He asked Ehrlich and Hartsell whether they had anything to add. No additional comments or questions by any members.

Colletta opened the meeting to public comments.

Public Comments:

Clay Kelterborn commented on the presentation at the July 20th meeting by DTE regarding tax revenues and indicated it is his understanding that most of these developments ask and receive tax abatements up to 50% and that the estimated revenues provided by DTE were without any tax abatement and that the planning commission should ask them to reevaluate the anticipated revenue.

Dave Szumlinski asked why the planning commission scheduled a workshop if DTE wasn't going to attend and if Colletta knew DTE was not attending he should have cancelled the meeting and rescheduled it.

Colletta stated he sent a letter to DTE on July 21st, did not get an immediate response and by the time DTE did respond, he did not want to reschedule the meeting.

Lalley commented that it was a productive meeting even without DTE and the planning commission was able to prioritize the list of concerns DTE had with the draft ordinance.

Kelterborn commented that there is nothing wrong with correspondence in writing and that four to five representatives of DTE have been able to make almost every other meeting and thought it unusual that not one representative was available.

Colletta stated that the meeting was scheduled for a Wednesday and the following day he attended a meeting in Bad Axe and DTE representatives were also in attendance.

Szumlinski made several other comments in regard to the planning commission's efforts at scheduling a meeting with DTE representatives.

Lalley stated that the planning commission should schedule a working meeting in two weeks. Colletta agreed but stated that DTE has indicated they will not attend any meetings until issues are resolved.

Colletta closed the meeting to public comments.

Colletta asked for a motion to schedule a working meeting. Motion by Geppert to schedule a meeting for September 9th at 7 PM, seconded by Ehrlich. Motion carried – 4 ayes. Hartsell – nay, for the reason that he cannot attend. He stated he is not happy that DTE didn't show up at the last meeting and they should have been here at this meeting.

Colletta stated he hopes that Hartsell will convey that message to the Township board.

Next regular meeting scheduled for September 23, 2009.

Motion by Hartsell to adjourn, seconded by Geppert. Motion carried – all ayes. Meeting adjourned at 7:50 P.M.

Valerie McCallum
Acting Recording Secretary

The meeting scheduled for September 9th is cancelled due to a previous zoning appeal scheduled for the same date and time.