

# **Lake Township Planning Commission Regular Meeting, December 18, 2013 Approved Minutes**

The meeting was opened at 6:09 pm. Present were, Jerry Pobanz, Chairman, Clay Kelterborn, Trustee, Nicole Collins and Bob Siver, members. Rick Geilhart was absent. Maryanne Williams filling in for Kim Simpson recording minutes. There were two audience members.

Motion to approve minutes of November 20, 2013 Planning Commission regular meeting by Clay, seconded by Nicole. All ayes. Motion carried.

Motion by Clay to approve meeting agenda, seconded Jerry. All ayes. Motion carried.

There was no correspondence.

During public comment, Lou Colletta submitted overview maps of Lake Township.

The Planning Commission began with continued discussion on their working draft of the wind turbine zoning ordinance. Clay explained a visual map showing setback from Lake Huron, 3 miles depicted in blue and setback from lake and rivers, 1 mile depicted in pink. The 3 mile setback from Lake Huron will encompass the 1 mile setback from Rush Lake. Regarding ice throw and safety, Vestas and Nordex use a safety limit of 500 meters (1,640 ft.) from turbine. Both Bob and Nicole sited a professor at Columbia University who rounds the distance to 1,700 ft. Jerry asked if ordinance needs footnotes to make it fact specific. Feels a legal opinion on this may be needed. Clay asked, "What if our reasoning is based on recommendations that change?" Bob stated that we are working with the best information available to us at this time. All documents could be attached to the minutes. Commission is working with the possible 1,640 ft. from property line to protect dwellings and future building. Regarding blade break off, are field workers in harms way? Can zoning ordinance restrict field work while turbines are operating? Bob stated that our concern is placement, noise, etc. Audience member asked, "What does OSHA say about farm worker injury if a turbine malfunctions?" Clay said that he will invite Kevin Martis to the January meeting to discuss ordinance questions. All members feel that a 1,700 ft. setback form property line is acceptable. Nicole referencing pg. 13 of draft stated that minimum setback needs to be changed to property line. What about the possibility of 2,000 ft. from non-participating and 1,700 ft. from participating structures? Bob feels that 1,700 ft. from roadways and structures is adequate. Clay asked, "What if lease holder sells to a non-lease holder?" Nicole says that there is a waiver in the Riga Township which states that turbines will be no closer than 2 times the height of the turbine. Participators and non-participators could be allowed a waiver in order to have a

turbine closer and would require board approval. Clay asked, "Is it our responsibility to protect future buyers?" Bob feels that 1,700 ft. is defensible for safety. Jerry stated that the safety manuals state 1,700 ft. Nicole asked, "Can we agree that 1700 ft. is safe, or should we keep watering it down?" Jerry wondered if it can be stated as 1,700 ft. from a residence and 1,320 ft. from a non-occupied structure. Clay said that participants can have 1,700 ft. from a structure and non-participants from the property line, 1,700 ft. or 2 times the turbine height, whichever is greater. A suggestion was made as to 4 times the turbine height or 1,700 ft. (whichever is greater) from the property line for non-participator. If there is no structure on the participating parcel then the distance will be from the property line. All members agree that they would like 1,700 ft. from a road, a lot line for non-participators, and from a habitable dwelling for participators. Clay asked, "What if a group of participators are in agreement to share turbines?" They can apply for a waiver to the board. Commission can have the lawyer draw up the specifics. Audience member (Lou Colletta) asked when the Nordex and Vestas safety regulations were written. Nicole answered that Nordex was dated 3-3-10 and Vestas in 2006. Lou questioned why 1,700 ft. was never mentioned before. Clay ventured a guess that 1,340 ft. just seemed to fit. They looked at it 2 dimensionally without regard to anything else. Nordex has a fire safety radius of 500 meters. Jerry summed up the setback discussion as follows, 1,700 ft. from a habitable structure (participating), 1,700 ft. from a property line (non-participating), 1,700 ft. from a road right of way, if a participating property has no structure then 1,700 ft. from the property line, no waiver shall allow a turbine to be built less than 1,700 ft. from habitable structure or road right of way, setback 1 mile from rivers and 3 miles from shore line.

Discussion moved to sound. Working draft states 40 decibels for day and 35 decibels for night. Clay mentioned that Paris Township has a good model for sound.

Question was asked as to what height limit should be based on. It was suggested that the members research and pull models from California for the next meeting. Also, that a person need at least 5 acres to pursue turbines. Jerry suggests that height can be limited to what is around us. Clay said that there is a lot to be said about aesthetics. There is potentially room for 3 or 4 on the grid. Wisconsin is at 175 ft. but as they get newer, they get taller. All members will each do some homework on height. They will research outside advice. Bob will check on smaller residential (on site) and commercial height.

Nicole states that she included a need for avian study. Bob said we need to make sure that the Planning Commission gets copies of the studies as some must be included for permit submission.

The next meeting will be January 22, 2014 at 7:00 pm. Clay will see if Kevin Martis can attend. Members homework will include research on height.

Discussion moves to decommissioning and removal. Members would like to see 6 ft. below grade. Anything left must be documented and reported to the Register of Deeds. Audience member (Tracy) states that concrete is always omitting. Why not require all of

the concrete to be removed? Restore the land to its original condition. Members will research removal.

Members will research shadow flicker. Should we be mindful of sun rising and setting in regard to placement of turbine to home?

Members will research electromagnetic interference. What is the potential for interference with cable or cell phone service?

The members feel the need to shore up the noise and shadow flicker complaint resolution. Jerry liked the Paris Township resolution as it was easy to understand. He suggests that the members begin with that. Clay offers to have Bob McLean look at it and perhaps incorporate what he would like to have seen in the Paris resolution.

Topics for research and further discussion:

- Bob Mclean's insight on complaint resolution

- Electromagnetic interference

- Decommissioning – removal of concrete, cables, roadways (all components)

- Height

Motion by Clay to adjourn, seconded by Bob. All ayes. Meeting adjourned at 9:02 pm.

Minutes prepared by:

Maryanne Williams

Deputy Clerk