

JONESFIELD TOWNSHIP
PLANNING COMMISSION
DTE SPECIAL USE PERMIT PUBLIC HEARING
MEETING MINUTES
November 12, 2020

- I. Meeting called to order 6:02 pm
Present: Mike Kenny, Mark Gath, Kathy Nock, Mike Kennan, Richard Bluemer
Absent: None
- II. Pledge of Allegiance
- III. Review & Approval of minutes from October 13, 2020 meeting
Motion to approve: M. Kenny
Support: M Gath
Motion passed (Unanimous)
- IV. Additions to the agenda - None
- V. Public Comment – (unrelated to Special Use Permit) Rochelle Siler thanked the Planning Commission and Township Board for their work. Reminded about their oath taken and to abide by laws that govern them. R. Coppens – gave credit to all local townships going through this process along with ZBAs and Planning Commissions for looking out for their residents
- VI. Code Enforcement - (Jim Gray)
 - a. None for this meeting
- VII. Review of Planning Commission Bylaws
 - a. Motion was made to accept the amended bylaws as written to include updated Conflict of Interest section as well as the Rule of Necessity.
 - b. Motion by K. Nock, Support by M. Gath, Motion carried (unanimous)
- VIII. Review of Planning Commission Conflict of Interest by Chris Patterson of Fahey Schultz Burzych Rhodes PLC.
 - a. Motion was made to accept the Conflict of Interest Declaration as amended to accurately reflect M. Kenny's conflict disclosures (unanimous). **See Conflict Disclosures Attached.**
 - b. Motion made by R. Bluemer, Support by M. Gath, Motion carried
- IX. Summary of Zoning Ordinance Application and Applicable ZBA Decisions by Chris Patterson (see ZBA decisions regarding interpretations and variances on the Township website at <http://jonesfield.com/PlanningZoning/ZoningBoardofAppeals/RequestsDecisions.aspx>)
- X. Overview of special use permit process by Spicer – Alan Bean
 - a. August 12, 2020 – Meridian Wind Park Special Land Use Permit application received from DTE
 - b. September 24, 2020 – ZBA meeting (Zoning Ordinance Interpretations)
 - c. October 19, 2020 - Revisions of application
 - d. October 29, 2020 - ZBA meeting (DTE Variance Requests)

e. November 12, 2020 – Public Hearing to consider Special Land Use Permit

XI. DTE Presentation by Paul Funk

a. 77 total turbines in Meridian Wind Farm. Twenty-six in Jonesfield Twp. There will be 67 GE models and 10 Vestas. The Vestas will be in Jonesfield Twp. Sixty-two landowners have signed up and 251 participation agreements. Goal to be generating power by 2021.

XII. Open Public Hearing

a. R. Bluemer read letters that were emailed to him in opposition to the turbines and commented on phone calls that he received in favor of the turbines

- Dale Deibel (Letter)
 - 4751 N. Steel Road
 - Opposes project
 - Believes shadow flicker from turbines imposes a nuisance.
 - Master Plan states that community should maintain rural character and believes turbines are not consistent with rural character.
- Rolland Pichoet (Letter)
 - 4837 N. Steel Road
 - Turbines not consistent with maintaining rural character for farming
- Catherine Nassens (Call)
 - Supports project and called Chair of PC to indicate support
- Elmer Willman
 - Supports project and called Chair of PC to indicate support

b. Open floor – several comments and questions were asked. These were answered following Spicer's Staff/Consultant Report. See a synopsis of public hearing comments below:

- Tim Morrison (Chapin Road) (Spoke twice)
 - DTE not taking into account landowner input for placement, notes ZBA meeting where landowner was upset with turbine location.
 - Wanted to know whether DTE was planning on adding more turbines than what is proposed.
 - Does not agree with ZBA variance decision, should have applied the meaning of property line.
 - Says PC gave up after re-write of Ordinance and needs to try again and come to a consensus
- Avery Kenny
 - Son of M. Kenny (PC Member), but comments are his own and of no reflection of father
 - Believes prior election shows Twp does not support project
 - Believes ZBA is partisan and wrongly supports project and made interpretations favorable to DTE
 - Noted that the PC should find common ground and not make a decision that is not unanimous
 - Stated the Zoning Ordinance meant for personal turbines not utility scale projects
- Renee Latoski

- 233 E. Mahoney St
- Opined that Zoning Ordinance is not meant for utility scale turbines
- Stated 2019 election shows the Twp does not support this project
- Reviewed SUP standards in Zoning Ordinance and believes:
 - Turbines not consistent with Master Plan
 - Turbines will diminish ability to use land for agriculture
 - Wind project will cause nuisance and potential scrap metal
- Jon Miller
 - Chapin Road
 - Echoes points made by Avery Kenny
 - Believes Mike Kenny wrote a good letter about conflicts of interests
 - Believes PC not listening to residents and only DTE
 - Asked what the safe zone is if a turbine were to malfunction and debris to fall
- Rochelle Siler (Spoke twice)
 - Stated prior meeting minutes (October 29) had a statement that the Zoning Ordinance turbine section was not meant for utility scale project
 - Said turbines not consistent with Master Plan as DTE has appealed value of improvements and improvements are industrial property
 - Wants to know specifics about turbine foundations
 - Wants turbines to have 1500-foot setback
 - Said ZBA changed Zoning Ordinance definition
 - Wants to know what happens when turbines are removed
 - Said PC must follow Zoning Ordinance
- Sandy Morrison
 - 1551 N. Chapin Road
 - Lives in Twp all life – turbines have no advantage to farmers
 - Believes DTE has done terrible things to community
 - Questioned turbine impacts on property values (especially smaller parcels)
 - Wants to know the exact number of turbines proposed
- Barry Playford
 - 251 S Johnson in Village
 - Thinks PC is doing a good job; appreciates comments by youth
 - Renewable energy is the future, stated you can already see turbines from the Twp
 - Supports the project and thinks project will provide economic benefit and help provide income
- Ruth Coppens

- 4695 N Fenmore Road
- Wanted DTE to explain why it proposed two types of turbines
- Feels bad that 2019 vote wasn't clear it was about the text of the Zoning Ordinance, not necessarily about being for or against turbines
- Lee Glazier
 - 1895 N Fenmore Road
 - Supports project
 - Says every single participating property owner supports project
 - Stated the 2019 election was not a referendum on utility scale wind project, but instead specific Ordinance language
 - Asked PC to evaluate the Ordinance; not whether they are for wind energy or not
- Julayne Hutfilz
 - Lives on corner of Chapin and Frost
 - Has a beautiful corner and aesthetics of turbines will negatively impact her property
 - Stated the turbine red lights to the west are eye sore
 - Thinks Michigan needs wind, but not in Jonesfield
- **Public Hearing Closed at 7:48PM**

c. Answers to Questions Asked During Public Hearing – DTE has no future plans to add more turbines to Jonesfield Twp. at this time. If they would choose to in the future, they cannot without a new permit process. ZBA would not consider the whole project as a property line. They are individual property lines. On participating properties a landowner who wants to construct within 1500' of a turbine must seek approval from DTE to see that there is no wind blockage or disruption to the collection lines or infrastructure. This does not apply to non-participating since no collection lines will pass through their property. WT's are accessed as industrial personal property by the state, but assessing categories not necessarily related to zoning. GE turbines are mostly used, but they were approached by Vestas and will be adding these models. Foundations will be 10' deep with 470-530 cu ft of concrete and 35-36 tons of steel. For failures in current DTE parks, debris has fallen to the bottom of the turbines. If any tipping failures they would fall within the height of the turbine.

XIII. Planning Commission Discussion:

- a. M. Gath – wants more information on decommissioning
- b. M. Keenan – agrees with comments made from non-participating residents. Not comfortable with ZBA choosing definitions, unsure why the wind park is a blanket permit. Feels like board leans one sided and doesn't feel like non-participating landowners are being protected. Doesn't like the way things have been handled and worries about young people.
- c. M. Kenny – questioned if DTE has done studies on ground water because of flowing wells in the area. They have done studies of ground water tables and the concrete used is the same as any other foundation. He asked if turbines would have addresses for first responders to find in case of emergency – DTE is already coordinating with first responders and there will be site addresses. Mike also questioned about there being a complaint resolution in place. DTE will be sending contact information outlining complaint resolutions. He also had

concerns about access roads and drainage/flooding as well as wanting access to maintenance records of turbines. Maintenance records will be readily available. The access roads will be taken care of by DTE for weeds and snow removal. Drainage issues may need a resolution. DTE is doing a great job finding renewable energy. Feels like the commission is working around DTE. Would like to do an ordinance first for DTE to fit into. Does not feel like there was negotiation within the commission. Ten of twenty-seven access roads are next to houses, some non-participating. The substation is sited next to a non-participant. Should ask landowner if he agrees with substation next to his property.

d. K. Nock – Feels like there was negotiation. Initial talk was 750ft, passed 1400ft. Feels like any further setbacks would not have left room for wind park. On any issue there will be people on both sides that are not happy if it is fair. If only one side is happy, then lopsided. There are those who are unhappy because they don't want them and those who are unhappy because they can't have them. Have stated from the beginning that she is not a fan of seeing them in the landscape, but cannot make a decision for all people on just her personal opinion and feels like we had the best middle ground.

e. R. Bluemer – Feels like we cannot please everyone, and believes it is important to do what is best for all residents. He said that all votes count equally, but in democracy the majority carries. He chose not to sign for a turbine as the chairman of the Planning Commission because he doesn't feel it would be right to make gains in his position. Either way our community is divided at this point. He believes that each deserves equal consideration and disagrees that there were no negotiations at prior meetings. His biggest regret is the passing of the bill that required 20% of power to come from renewable energy that Michigan voters passed. The job of the Planning Commission, once a special use permit has been presented, is to make sure that it complies with the zoning ordinance, and then is bound to either accept, accept with conditions or deny. He believes with the conditions recommended by Spicer Group, that this permit does that.

XIV. R. Bluemer made a motion to approve the special use permit with the conditions set forth from Spicer's report with the 18 conditions. Motion was then withdrawn as the township attorney brought forth a resolution to amend the motion with the 18 conditions included. Commission members did not have access to this prior to the meeting for review.

a. Another meeting has been scheduled so the commission has time to review the resolution.

XV. New Business - None

XVI. Old Business - None

XVII. Next meeting - November 18, 2020 @ 7:00 pm to discuss resolution for DTE Special Use Permit

XVIII. Next regular meeting - January 12, 2021 @ 7:00pm

XIX. Adjourn at 10:05

Motion: M. Kenny

Support: R. Bluemer

Motion passed (unanimous)

Submitted by Secretary Kathy Nock.