

Minutes

Watersmeet Township Planning Commission

Meeting of August 8th, 2012

Meeting called to order by Chairman Bill Neumann at 7:00 PM.

Members Present: Bill Neumann, Rich Henriksen, Paul Kemppainen, Roy D’Antonio and Dennis Snyder were in attendance. Greg Garlock, Dudley Pierce and Fred Reimer, were excused. The Larry Grems vacancy, as a result of his resignation, has not yet been filled. A quorum was present and business could be officially conducted.

Members of the community present: Frank Kuchevar-Township Supervisor was present. Sherry Zoars and Pat Walsh were in attendance as concerned citizens.

The Pledge of Allegiance was given.

Minutes of May 9th Regular Meeting: The minutes were approved on a motion to “accept as submitted” by Paul Kemppainen with support from Roy D’Antonio. Voice vote: All in favor, with the author, Rich Henriksen, abstaining.

Minutes of May 9th Public Hearing: The minutes were approved on a motion to “accept as submitted” by Roy D’Antonio with support from Paul Kemppainen. Voice vote: All in favor, with the author, Rich Henriksen, abstaining.

Minutes of June 13th Committee Meeting: The minutes of the meeting were approved as submitted.

Zoning Administrator’s Report: David Neumann was not present so there was no report.

Zoning Board of Appeals (ZBA): No activity to report. A future hearing may be needed to divide an “in-town” property with two houses. One would be a non-standard property.

Chairman’s Report: Mr. Neumann introduced Mr. Dennis Snyder who will fill the remainder of Bonnie Peacock’s term, expiring December 2013. Welcome back Dennis! Chairman Neumann, Vice Chairman Kemppainen and Secretary Henriksen will (most likely) be moving to positions on the Township Board. This will require the recruitment of three additional P-C members over the two current vacancies to bring the P-C to its full strength of nine members. Discussion ensued over the need for nine members. The number could be reduced to seven or even five. Possible future work for the Township Board?

Public Comments: None

Agenda Changes, Additions: Roy D’Antonio asked that a discussion of the Pier Ordinance be added under Old Business. With that addition, Rich Henriksen made a motion to close the agenda with support from Paul Kemppainen. Voice vote: All in favor.

Old Business:

- a. Master Plan discussion. Roy D’Antonio, and Dennis Snyder need copies of the Township Master Plan. They should be available at the town office, according to Frank Kuchevar.
- b. Section 5.04 Pier Ordinance was discussed by Roy D’Antonio. The lowered water levels caused by hot weather and continued drought has created situations where the 40 foot dock limit does not reach navigable water on a number of properties. Parcels of land are being sold in the “back bays” where shallow water extends far from shore. The history of the existing dock ordinance limitations was discussed. Dredging is now being allowed by MDEQ to remediate some shallow water problems. The ZBA exists to deal with hardship cases. We have not had significant issues with the limitations of the current ordinance since it was passed in 2009. The path to the existing ordinance was long and arduous, and reopening it should be done with great care.

New Business: Mr. Pierce has submitted a proposed expansion of the 7.14 Wind Turbine Ordinance, by providing text for an expanded 7.14B. This text generated significant discussion by members of the commission with additional input from the audience. From the discussion, several modifications were suggested to the original proposal. The latest version, incorporating the findings of the commission, follows:

Section 7.14B Requirements for Wind Turbines

- A. Setback of tower must equal or exceed the total height of the tower from all property lines and overhead utilities.
- B. Wind turbines may only be considered for placement on parcels of land adequate to meet all setback requirements.
- C. Erection of any wind turbine tower shall require:
 1. A survey by U.S. Fish and Wildlife identifying any potential hazards to local or migratory birds and animals must be submitted to the Planning Commission as part of the application process.
 2. Tower must be equipped with an “anti-climbing device” for the first 10 feet measured vertically from the base of the tower.
 3. Area surrounding tower base to be covered with gravel for a 20 foot radius to discourage burrowing animals from interfering with the tower’s primary grounding system.
 4. Applicant must submit a decommissioning plan for the eventual removal of tower.
 5. Not more than one (1) wind turbine shall be permitted on any lot up to 5 acres. No more than two (2) wind turbines shall be allowed on any single parcel up to 40 acres.
 6. Commercial type wind turbines (exceeding 20kw capacity) shall be permitted only in the Recreation and Forest (R&F) zoning district. No commercial type turbines shall be permitted in an R&F Buffer Zone.

The discussion found the “eight foot chain-link fence” requirements (item C 2) in the original text to be unnecessary and redundant as the required “anti-climbing” device is the only effective means of preventing unauthorized tower climbing. Mr. Kemppainen pointed out that requiring the fence for the Sonnevil installation was in response to wrestling with a relatively unknown quantity. Going forward, it would seem redundant. Bergey Energy Systems includes anti-climbing provisions integral with their

design. Other manufacturers probably do too. The Planning Commission must review the applicant's tower specifications to determine compliance as part of the "Use by Special Approval" process.

In original item C 6, the required inspection by WE energies is not germane as they would not be involved in a standalone installation where the wind turbine will not be connected to their power distribution system. In a situation where UPPCO was supplying commercial power and the wind generator will be tied to their commercial power, they would be the ones to sign off. In any case, the Michigan Electrical Inspectors will call for any additional inspections necessary to the installation as part of their process which is beyond P-C control. (Secretary's note: If the above enhancements are adopted as part of 7.14, the individual elements are easily defended as situation-neutral, common sense necessities. It is doubtful that these restrictions could be found to be capricious, redundant or unnecessarily obstructionist, which is consistent with the mission of the Planning Commission.)

Other Business: To follow up on previously granted "Special Use Permits", Chairman Neumann conducted *ad hoc* site visits to the Northeast Asphalt operation at the end of White Pine Drive and found them to be in compliance with their permitted activities. To clarify: The area was clean; the asphalt cooker arrived, was used within the permitted hours and was removed again at the conclusion of the project (US 2) according to schedule. Chairman Neumann also visited the Pestka Gravel Pit location and found the site to be properly gated as agreed. A crusher has not arrived on the site yet. Dennis Snyder wished to go on record officially recusing both himself and Roy D'Antonio from any future deliberations regarding Pestka, as their real estate office has ongoing business with Pestka Construction. This is to prevent any potential conflicts of interest or even the appearance thereof.

Motion to adjourn at 8:46 PM by Paul Kempainen and supported by Dennis Snyder. Voice vote: All in favor.

Respectfully submitted by,

Richard C. Henriksen - Planning Commission Secretary

Approved: 10/10/2012