

**Casnovia Township
Planning Commission Meeting Minutes
September 26, 2019, Thursday
7:00 PM**

1. **CALL TO ORDER** – Jeanette Mansfield called the meeting to order at 7:00 PM.

Members Present: Jeanette Mansfield, Chairperson
Kim Anderson, Secretary
Craig Montgomery
Rick Sible

Also Present: Catherine Kaufman, Township Attorney and Emma Posillico, Township Zoning Administrator

2. **ROLL CALL** - Jeanette Mansfield, Craig Montgomery, Rick Sible, Kim Anderson

3. **APPROVAL OF THE MINUTES**

- a. Motion to approve by Rick Sible, second by Craig Montgomery, voted unanimously to approve the minutes.

4. **APPROVAL OF THE AGENDA**

- a. Motion to approve by Kim Anderson, second by Craig Montgomery, voted unanimously to approve the agenda.

5. **NEW BUSINESS**

Review Draft of Wind Energy Ordinance – Committee went through each section of the draft ordinance and recommended revision, deletions and changes as follows.

Section 3.24, b, 2, lengthy discussion regarding this section, Catherine stated the reason the legal reference is listed in the draft ordinance is to establish potential harmful secondary effects of wind energy systems. Jeanette Mansfield had concerns of listing this in the ordinance. Jeanette stated that she had a document from the Massachusetts Department of Environmental Protection that she would like everyone to read. Rick Sible stated that he has read the documents listed in the draft ordinance. He would like the language to remain as drafted in order to protect the township from potential harmful secondary effects of wind energy systems. Kim Anderson stated that the potential harmful effects were the reason she initially voted against the wind turbines and would also like the draft language to remain. Rick Sible has done extensive research and checked all of the documents listed as reference in this section and agrees they are creditable source and would like it to stay in the ordinance. Craig Montgomery also agreed to leave this section as is. Jeanette Mansfield's concerns are that the health report information is not accurate. She would like the entire section removed. Catherine stated that when the ordinance states there are potential negative health effects associated with a use, the ordinance needs to site the basis for those findings. This is a common legal practice in order to support whatever regulations are to come thereafter. Catherine recommends that we leave some type of finding if we feel there are possible potential health effects with wind energy systems. Catherine noted that the draft ordinance being reviewed by the Planning Commission was based on an ordinance that was recently reviewed and upheld in courts on the east side of the state. Jeanette said she is not seeing any real evidence and referenced her own report that she brought and wanted the committee to review. Catherine reminded Jeanette that is the same

report referenced in this section of the draft ordinance. Jeanette noted her concern that this information is hearsay. However, all references listed in the ordinance have been reviewed by a federal district court.

Kim Anderson stated that from the beginning of this process, she had concerns of the health implications the turbines had on the community. She is in support of keeping this language in the ordinance. Kim Anderson has read information that supports that wind turbines may have negative effects on the community.

Rick Sible has read all the reports and spent a lot of time doing so. Rick said these articles were provided and paid for by the organizations writing the material. They were not paid for by an outside blogger. This was not sponsored or funded by any environmental group. Each one was able to make a claim of evidence. Most of the articles will tell us what we learned in our last meeting, that open space around wind energy systems mitigates some concerns that people are having. Most articles related the potential health impacts to the people who actually live by a turbine. The articles cited in the draft ordinance reference the World Health Organization and have been proven in court. Science was able to support the studies. He agrees that we need to list some of the concerns that we have for health issues possibly caused by turbines. He is a proponent for property owners and feels this give both parties some rights. Many of these findings were sustained in previous lawsuits. These studies were vetted. Some studies regarding potential harmful effects of turbines were tossed out because there was some level of bias. The studies listed in the draft ordinance were the findings that were upheld in federal courts. The last sentence was key for Rick, emphasizing that this is potential harmful secondary effects. We are acknowledging this is a potential. Keep in mind this a legally heavily vetted document. See this as legalese, we are claiming there is some acknowledgement of these possibilities.

Craig agrees that we are stating these are potentially harmful secondary effects.

Jeanette said she has been to Ludington and the turbines located there are very loud.

Definitions: No comments or concerns with definitions. Committee felt everything was listed out clearly. Usual and customary ordinance language.

Access Driveways:

1. Janette Mansfield had a question regarding access driveways. She is concerned that a 300' setback distance is too large and cuts into the farm fields. Jeanette would like to see the distance reduced to 200'.
2. Catherine identified that the ordinance gives the parties the option to change the distance if both parties agree and record a signed waiver. The commission can make this a lesser number.
3. Kim Anderson does not want the language changed because this is to protect the non-participating land owner, but also give both parties the option to come to a different agreement. It is the land owner's choice to put a wind energy system on their property in the first place, not the choice of the non-participating owner.
4. Craig Montgomery said the 300' will allow the non-participating owner protection from dust and disturbance during building, and when the road is used for turbine maintenance.
5. Commission agreed to leave the ordinance at 300'.

Commercial Wind Energy Conversion Systems:

1. Emma pointed out there is a difference between exempt wind turbines (where the energy produced is only utilized on the subject property) and utility-scale turbines. As proposed, the utility-scale WECS turbines are only allowed in the A1 district. This is listed on page 6, letter F, for Commercial Wind Energy Conversion Systems.

Ground Water Testing:

1. Rick Sible questioned if the proposed regulations should match what is proposed for turbine setback guidelines.
2. Commission agreed this should match the required set back distance for turbines.

Escrow Account:

1. Kim Anderson asked for clarification on the escrow account. Catherine reviewed this section with the Commission.
2. This section will be adjusted to reference the Township's adopted escrow policy. This section will be looked at, so it provides adequate coverage.

Environmental Assessment:

1. Commission agreed to leave this at 3 miles outside of the Township due to potential impacts on migratory birds and animals.

Commission reviewed all information that will be required to be in the application.

Decommissioning Insurance:

1. Talked about the formula for decommissioning.

Standards and Requirements:

Setback: Discussed there is a mechanism for both participating and non-participating parties to come to an agreement to modify the setback requirement as provided in the draft ordinance.

Blade Clearance: Committee agreed the 100 feet was good.

Special Use Permit Renewal: Will make sure there is language included that requires the Special Use Permit to be reviewed by the Planning Commission at specified intervals.

Strobe Effect: Committee agrees to leave the language as written. Add language to include other systems similar to Vestas.

Ice Detection: Committee would like language changed to remove the last sentence about shutting down all turbines. Add language to include other systems similar to Vestas.

Voltage: Remove language that applicant shall be responsible for repairing any damage made by stray voltage. This matter should be resolved between the operator of the Wind Energy System and the affected party. Leave the Township out of the situation.

Removal of Turbines / Site Renovation: Add language that Planning Commission can grant an extension for site renovation.

Complaint Resolution: Discussed that complaints go to the Township and the 3rd party switchboard paid for by the applicant. Complaints go to the Township Board and the WECS operating company at the same time.

Sound: Sound was discussed and the Commission agreed the draft ordinance covered what research was done and suggested. Changed the time period from 8 am to 9 pm not to exceed the 45 dba. Rick Sible did an online survey of what 45 dba would sound like. The sound requirements are spelled out in great detail.

Compliance: Reviewed compliance standards of this ordinance. Add language that permit holder must respond within 30 days to compliance issues.

Emma will make recommended changes to the draft ordinance for the Public Hearing on October 3rd. A revised draft will be posted on the Township website.

Jeanette wanted to discuss the health section again, as she has visions of people looking at the ordinance and believing that wind turbines caused all of their health issues. Catherine explained the legal framework again of why the language is suggested to be in the ordinance. It serves as the basis of regulations that come after.

6. **PUBLIC HEARING:** None
7. **PUBLIC COMMENT:** Paul Black, 210 Canada Road – Thanked the Planning Commission and discussed the decommission cost and details, suggested that the decommission section should specify how WECS will be removed and disassembled. This was considered and will be added to the ordinance.
8. **OLD BUSINESS:** None
9. **PLANNING COMMISSIONERS COMMENTS:** None
10. **ADJOURNMENT:** There being no further business, Jeanette Mansfield adjourned the meeting at 8:37 PM.