**WALES TOWNSHIP PLANNING COMMISSION**

Regular Meeting/ Public Hearing

October 16th 2023

**MINUTES**  DRAFT

**Opening**

1. Call to Order- Time 7:00 PM
2. Pledge of Allegiance
3. Roll Call – Kimmen, Downey, Jewell, Perry, Watkins, Affelt – Present

Glass - Excused

Public Comments on **Agenda Items**: (3 Minute Time Limit) All will be given a chance to speak during the Public hearing on the Site Plan Review

* Jessica Maynard would like to know if on Old Business regarding Solar and Wind Ordinances if the Chair would open it up to a townhall style meeting so public can converse with Planning Commission while discussing ordinances.
* Jewell – stated it can be opened to Public Comment
* Sandra Tannehill – is the overlap on solar/wind on the same location, is there a map provided, how many acres are requested by lawyer and what destination is being discussed
* Kimmen – this will be the first discussion Planning Commission has had on Solar and Wind Ordinances drafts
* Tannehill – questioning roads listed on draft for Solar and Wind Ordinances
* Kimmen – there are some errors in draft; it is used for multiple townships that they contract with; errors have been highlighted for correction
* Tannehill - Ordinance in another township had an escrow set aside in case of water contamination; main concern where overlay map will be and what areas in the Township are being discussed.
* Kimmen – taking to township board to get approval to have Foster & Smiths attorneys present possibly at February meeting to answer questions from Planning Commission members and any questions received from the public.

**Approval of Consent Agenda**

Motion by- Watkins Second by- Affelt

Vote: All ayes; motion carries

**Approval of Minutes** of the September 11th, 2023 Workshop/ Public Hearing

Motion by - Perry Second by- Downey

Vote: All ayes; with the notation to correct roll call and add Affelt as absent.

**Correspondence and Announcements**

1. St Clair County Metro Planning Workshop Tuesday October 24th 6pm

-sign in and registration starts at 5:30pm

**Reports**

1. Zoning Administrator – nothing at this time
2. Planning Consultant or Representative- Recommendation on Site Plan Review
3. Township Board Representative- Carly Kimmen-

-Board of Trustee Minutes 9/5/2023, 9/7/2023, 9/21/2023, 10/3/2023

- Farmer’s Market listed on sign held at Township park on 10/22/23 from 10am -2pm

- October 3rd minutes are still a draft; please note in old business the board did motion to have the

supervisor contact the attorney to review the proposed Battery Facility Moratorium ordinance

1. Zoning Board of Appeals Representative- Kevin Glass; not in attendance
2. Committees

-ZBA – John Minor – nothing for ZBA

-Parks and Recreation - Downey – nothing at this time

1. Other

*Scheduled Public hearing on Application for Site Plan Review:*

*-Chair opens public hearing 7:09 pm*

*-Chair summary of issues.*

*i. Statement of General Case- Application for Site Plan Review for 8730 Sparling Rd.*

*ii. Explanation of Order of Business.*

*iii. Statement of Rules for Public Hearing*

1. *All comments be made through the Chairperson, Chairperson may respond or have another commission member respond.*
2. *Time limit on comments will be 3 Minutes. If you have a spokesperson for your group, please raise your hand or stand when that spokesperson speaks so that we may tally the time allotted.*

*-Correspondence received- Planner Recommendation, letter from Zoning Administrator, letter from SJW Engineering*

***-Persons speaking in support of Application***

*-John Minor – what is the purpose of this application; feels the request should be an amendment; there are conditions that are in the original special condition use permit; have these conditions been met before approving additional changes*

*-Kimmen – purpose of application is for construction of three additional mini storage buildings and expanding a fourth building, along with adding six new parking spaces; to my understanding this is a site plan review*

*-Jim Waddy – believes conditions were sent to Planner as part of his review*

*-Liz Masters – can comment back checking and sending history to Professional Planner for review*

*-Edward Bishop (Owner of mini storage) – he has met everything that was required by Bob Soma; everything that needed to be addressed has been done*

*-Minor – noticed there is outside storage*

*-Kimmen – outside storage has been addressed*

*-Waddy – there cannot be any outside storage; it can be three sided with open front that faces interior of storage facility*

*-Watkins – in regards to Mr. Minor’s concern; going forward if conditions are met they should be documented such as listing of what conditions were made and which ones were met*

*-Kimmen – changes are not being made to special use they are being made to site plan*

*-Affelt – concern one of the conditions that was noted has not been met since the beginning – outside storage area is still on property*

*Waddy – outside storage has to be removed*

*-Ed Bishop – will not be having outside storage*

*-Samantha Jaskolski – when property was purchased it was not in good condition; neighbors are happy it is being taken care of now and property looks beautiful; happy it is lighted and has been cleaned up; the majority of people using the facility are residents and residents of surrounding areas, there is a need for this facility*

***-Persons speaking in opposition of Application***

*- none*

*-Chair Closes public hearing- 7:23 pm*

**Considerations of Application of Site Plan Review:**

-Jewell – do we have requirements for measurement of poles for lighting

-Ed Bishop– nothing over 32 feet

-Kimmen – in Section 18.44 it states that building shall be constructed of decorative prefinished concreate block or other material approved by the planning commission which is durable, decorative and low maintenance in nature; do you know what material the buildings are being constructed of

-Ed Bishop – pole barn steel; door color will be white, royal blue doors have been discontinued, siding will be grey

-Kimmen - what is height for new buildings

-Ed Bishop – 8 ft with 9 x 7 doors

-Kimmen – in regards to question by Liz Masters regarding access in case of fire

-Ed Bishop- there is a key pad, the Fire Department would have a number

-Watkins – is there a backup in case of loss of power; Ed Bishop – there is a battery backup

-Kimmen – asked if sign is being changed; Ed Bishop states not at this time

-Jewell – What are planner’s comments on gravel parking / gravel drives

-Kimmen – Professional Planner stated it would be adequate if an engineer wrote a letter stating that gravel would be sufficiently structural; engineer did provide a letter including standards

Perry – asked if shielding of lighting has been taken of

Waddy – lighting has been addressed and is shielded from shining on residents houses

**Motion** **by** - Kimmen **Second** **by** – Downey to approve site plan review for 8730 Sparling Road

**Additional** **Discussion**: Watkins – moving forward wants to ensure that process is documented correctly to answer any questions public may have such as in the case of Mr. Minor’s questions regarding conditions being met

**Finding of Facts 8730 Sparling Rd Site Plan Review**

1. The parcel in question is currently zoned B-2 General Business. Purposed uses for this district, section 13.02. Special Approval uses, section 13.03 #23 Mini-warehouses, used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis as provided in section 18.44. Section 18.44 provides the requirements for Mini-Warehouses and shall be met.
2. The applicant is requesting an approval to construct three (3) additional mini storage buildings and expand a fourth building, along with adding six (6) new parking spaces. Two of the new buildings are 3,750 square feet in area, the third building is 6,000 sq ft and the expanded building has an addition of 2,112 square feet.
3. The setbacks, per the site plan, seem to be met. The Zoning Administrator shall confirm upon construction.
4. Parking- Width between the buildings is 25 ft which meets the requirement for maneuvering lane. The applicant’s engineer, SJW Engineering, Steven M Whitican, has provided a letter on behalf of the applicant, stating that the gravel parking lot will be sufficiently structural as to not decay and significantly settle. Gravel shall be installed over 4” packed sand and gravel shall be packed. All driveways, parking, loading, and vehicular circulation areas shall be surfaced in accordance with Section 20.20.1.L which provides for pavement design and construction standards. All one-way driveways shall provide for one ten (10') foot parking lane and one fifteen (15') foot travel lane.
5. Exterior lighting post shall not exceed 30 feet in height. All lighting shall comply with section 20.12 of Wales Township Ordinance no. 43.
6. There shall be no outside storage. The applicant would need to obtain a special use approval for outside storage. All storage on the site shall be kept within enclosed buildings, except that up to fifty percent (50%) of the storage units may be "open front" three-sided buildings for the storage of boats, recreational vehicles, snowmobiles, and automobiles. The "open front" of such buildings shall face the interior of the complex.

**Conditions**

1. Building shall be constructed of Pole barn material, siding color grey, white doors.
2. The building height shall not exceed 8 ft.
3. Must comply with all local fire department right to know protections and obligations.
4. The applicant shall obtain all permits needed to construct the project through all necessary Township, County and State departments, such as Drain Commission, Road Commission, Building Inspector and any other agencies. All approvals must be submitted to the Township prior to the issuance of a Certificate of Occupancy.
5. The driveway between the buildings must be one way directional driveways given the separation width between buildings is only 25 ft.
6. The addition of any signage shall comply with Wales Township Zoning Ordinance no. 43, section 20.27 conditions.
7. Lighting post shall not exceed 30’
8. Must abide by all ordinance regulations listed in section 18.44 of Wales Township Zoning Ordinance no 43

Watkins – is it noted no hazardous waste can be stored

Kimmen – this will fall under following all regulations listed in section 18.44

**ROLL** **CALL**

Kimmen – yes, Perry – yes, Affelt – yes, Watkins – yes, Jewell – yes, Downey – yes.

Vote: All Ayes

**Old Business**

1. Draft Solar and Wind Ordinance

* Maynard – why is set back farther from the road than persons property line.
* Kimmen – these are all questions that I would like to gather to email attorney a month before he comes out to meet with planning commission.
* Watkins – is there a way to notify the public so they can submit their questions ahead of time.
* Kimmen – can put announcement on website, will mention it at next board meeting; would like to give as many questions as possible ahead of time to attorney prior to meeting.
* Watkins – would like to ensure public has a chance to have questions answered.
* Kimmen – will be able to ask questions at meeting and also will have a public hearing on ordinances.
* Jewell – would like to recommend public contact their senators in regards to bill that is going to house floor in a week to allow the State to take over the placing of solar and wind farms. It is an important thing to do to let them know how you feel about this bill. The senate is going to committee Wednesday; the MTA think this is a done deal.
* Watkins – is there bipartisan support for this?
* Jewell – it is mainly partisan decision. It will go to Public Service Commission and they will make decisions.
* Watkins – if its partisan there is a chance there is a fight we can change.
* Jewell – there was an hour presentation Q & A period with lawyer present; maybe we could get a copy of presentation for planning commission to view.
* Kimmen – reviewed draft, thinks it sounds reasonable and protects our residents, not anything alarming.
* Waddy – the setback has to do with glare off the panels affecting the cars on the road and for drivers’ safety.
* Maynard – depending on glare and depending on tilt of solar panel it could affect residents homes

Also the height is 16 ft is this too high?

- Kimmen- not high compared to others I’ve seen

- Masters has seen average 12 to 15 ft

- Waddy – 16 ft would be at full tilt

- Tannehill – some people are putting FAA in ordinance to have a Glare Study

- Kimmen – pg 10 section D - Study determines glare’s visibility from airports, airstrips, residences and

roadways; analysis will take into consideration changing position of the sun throughout the day and year

and its influence on the utility scale solar energy system

- Kimmen – 150 ft from any watershed

- Tannehill – doesn’t feel 150 ft isn’t very far, river runs all over the place, where will the overlay be?

- Kimmen – has the 150 ft setback noted; agrees this isn’t very far

* Kimmen – how close can you build from a drain?
* Waddy – you have to be off the easement; when it comes to a stream or creek you have to be 500 ft from it and have a permit from the county
* Tannehill – concerned if overlay is near her property and there is a fire or well goes bad she would not be able to afford repairs; this goes back to Township having an escrow for such repairs so it doesn’t fall on the residents to do so
* Minor – though there are some reasonable points to having solar / wind may not necessarily be reasonable to our master plan; current politicians are for green movement; we still have a certain amount of leverage that can be used. We should be strengthening ourr watershed areas if they are going to put something down they will be immediately confronted by zoning district that has to do with protecting our watersheds. We should be strengthening our residential areas as well and where we are planning them. So we don’t have a problem with solar farms being established close to residential areas. There is glare from solar and windmills also have vibration and noise that come into play. So as we move forward we should concentrate on strengthening some of our other options. Attempted to implement flood plain and river district to protect watersheds. It wasn’t passed we had an ordinance that would have restricted to building on flood plains and protect water sheds. The 1200 to 1600 acres all involve our watersheds; how do they plan on keeping grass down; are they using herbicides which would all go into our watersheds. We need to be strengthening our Master Plan and Zoning Districts making it harder for powers to be to move something where we are trying to protect our natural look.
* Maynard – agrees with points made regarding watershed issues; ditches near her flood when there is consistent rain and different areas flood heavily; closer to Marquette on lambs first house has a “moat” around the house. Drain is flowing consistently but at maximum; concerned if soil is compacted to allow for solar or windmills could affect these areas and increase flooding and drainage area. It’s a big concern. It will drain and it takes a few days for the water to drain off.
* Watkins – point well taken we need to strengthen our Master Plan. If things are going to be under the state, we need to figure out how to make it work for us. Fighting it is a waste of time. We need to put energy money resources and time into strengthening Master Plan so they can’t just come in and have their way you have to meet our regulations and that could hold up in court for us. Make it so they have to meet our requirements; make our requirements as beneficial to community as possible. They can’t come in and change our Master Plan.
* Kimmen – doesn’t know if we have to have minimal amt of acres. We can’t be exclusionary. We have to find an area. Its the same thing as multi-family. Every township has a zoned are for multi-family. We have one; will it ever turn in to that maybe not but we have to have an area zoned for it.
* Tannehill – concerned where overlay is because you are basically telling the solar companies and government “yes this is where you can put it” that’s why it’s important to make sure that we put it in best area where least amount of residents impacted. Doesn’t agree with not fighting having the bill passed where state takes control over solar and wind. A year before bill takes affect if passed; we have a new election coming in November if we get the right people in there bills can be changed.
* Kimmen – sadly we don’t have an area in our township where we have no houses.
* Minor – we are unique only a few townships that have this situation with conduit running through it; all these solar farms have to be integrated into the grid. Many peripheral townships don’t have this. We need to start focusing on that because technically they could put solar panels all along the grid and wherever they are putting these they will need a transfer station. We have to keep in mind of this too.
* Affelt – in the purpose for both ordinances where the district is to be put the way it is worded it is kind of broad it states reasonable proximity to the existing electric power transmission infrastructure. What does that mean? How can that be interpreted in a court of Law? It could mean within 5 miles or 10 miles.
* Minor – there is no place in township where we are going to run into that problem
* Kimmen – disagrees …it means they would like to be within 5 miles but it doesn’t mean they can’t put their project anywhere.
* Masters – there were communities near central western Michigan there are areas over there where they are panning out new transmission lines.
* Minor – those solar panels have to be tied into something
* Affelt – near Metcalf a station is being put in
* Kimmen – Clyde Township may be building transfer station too
* Maynard – when they put a solar field in the further away the more inverters you need
* Kimmen – concerned how fast technology moves;
* Maynard – the misconception solar panels and wind turbines last for 20 to 30 years but that’s not true parts don’t last that long. Waddy – we could end up with solar / wind farm graveyards
* Discussion took place regarding what to do with these fields when they are no longer in use
* Kimmen – when attorney formed our draft there are areas that were not changed to reflect our township

This is just a draft for us to rework and make more specific to us.

* Minor – is there a place for assurity bonds or cash bonds or both. Jewell – there is general maintenance bond. Minor – assurity bonds to insure the bonds you have to go to court. Cash bonds stay in escrow. So if someone fails to comply you have money in hand. We as a township don’t have the means to always engage ourselves in the argument in court. The cash bond would be much easier for us to function with if someone is failing to maintain site or question of pollution.
* Masters – pg 15 23 b cash bond is addressed. Kimmen – also on page 17 addresses general maintenance bond. Masters – this provides us with some security. If our own county won’t take it where would we send it if developer picked up and left? We are in a county where we own our own dump and this would fall onto the township to dispose of solar field / wind farm remnants. How much would it cost us?
* Tannehill – regarding noise. Does company come out and investigate noise complaint or does township hire their own company for study? Kimmen – we choose the company that will come out and investigate noise complaints and it is to be done annually.
* Masters – all complaints have to be done instantaneously.
* Kimmen – if there is a violation it has to be corrected. Waddy – they must respond in 10 business days.
* Tannehill – noise is such a trigger for so many illnesses, once a year doesn’t seem to be enough. Asked if the township pays for a company to come out to check noise; can we ask the lawyer if we can have the noise tested twice a year. Kimmen – company pays for noise to be test; thinks testing twice a year is a reasonable request
* Maynard – believes noise study should be done at least twice a year due to changes in environment. In the winter there are less leaves to block sound
* Discussed $500 fine if company does not respond to complaint within 10 days. There is an additional fine for each day past the 10 days. Masters – stated this is in Zoning Ordinance and we would have to check with lawyer
* Waddy – if they decide to fight you on a decision you made they could run you out of court most townships cannot afford to fight this in court
* Maynard – what happens if someone else purchases the solar field or farm. Waddy – they still have to follow ordinances.
* Affelt - a lot of the solar farms in upper part of thumb were all developed by other companies but have now been bought by DTE
* Maynard – we are not near airports but does Selfridge want to know about the windmill farms or solar fields as they do a lot of flybys in our area
* Minor – there are regulations you have to comply with regarding height for FAA
* Masters – two communities facing the tallest turbines it was discussed they are seeking an injunction to correct a decision by conflicted board. Talked about FAA clearance. FAA is very lenient.
* Kimmen – why do companies not just purchase land and not lease. If company folds that leases land and whose problem does it become?
* Minor – property becomes a liability so you a business is better off leasing land
* Waddy – are they paying personal property tax? Kimmen – yes but land would be zoned industrial. Waddy – the land owner is risking their taxes being increased
* Discussion – what happens to land that is being leased if company folds? Is land owner responsible for taxes, blight, decommissioning?
* Kimmen – please review ordinances and forward any additions or questions so attorneys can answer these questions

**New Business**

1. Schedule next workshop

-Affelt would be in agreement to hold workshop in November

Motion by: Kimmen Second By: Watkins to hold workshop November 13, 2023 at Township Hall

Vote: All ayes

Adjourn- Motion by- Kimmen Second by- Jewell Time: 8:42 pm

Next Meeting date: November 13, 2023, 7 pm

**Submitted** **by**:

**Stacey** **Wright**

**Recording Secretary**