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FAIRGROVE TOWNSHIP PLANNING COMMISSION
5002 CENTER
FAIRGROVE, MICHIGAN
THURSDAY, FEBRUARY 22, 2018
7:00 P.M.

PLANNING COMMISSION MEMBERS:

- Carl Childs, Chairperson
- Brian Pike, Member
- Anne Leen, Member
- Marilyn Grzemkowski, Member
- Jeff Montei, Member
- Doug Shannon, Member
- Mike Day, Member

FOR THE TOWNSHIP:

- David Meyer, Township Attorney

SPICER GROUP:

- Alan Bean, AICP
- Jennifer Clawson, AICP

NEXTERA:

- Erico Lopez
- Mark Trumbauer
- Ashley Chrysler, Esq.

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

- Jim Wissner
- Mark Hadaway

REPORTED BY:

- Quentina R. Snowden,
- Certified Shorthand Reporter-5519

AGENDA

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3	1 Call to order and roll call	03
4	2 Approval of agenda	04
5	Approval of minutes	05
6	3 Public Hearing: Amendment to the	05
7	Special Land Use Permit for a	
8	Utility Grid Wind Energy System	
9	Previously Granted to NextEra Energy	
10	Resources by the TOWnship on	
11	12/20/2017	
12	A. Open the public hearing	
13	B. Brief overview of the	
14	Proposed development and	
15	tonight's process (Spicer)	
16	C. Presentation by applicant	
17	D. Open public comments: Anyone	
18	wishing to address the	
19	Planning Commission can do	
20	so at this time and speakers	
21	will be limited to four (4)	
22	minutes. Individuals will be	
23	asked to state his or her name	
24	and address	
25	E. Close the public hearing	
	F. Presentation of staff/ consultant report	
	G. Planning Commission deliberation	
	4 General Public Comment	21
	5 Adjournment	21

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Fairgrove, Michigan

Thursday, February 22, 2018

7:01 p.m.

CHAIRPERSON CHILDS: Okay. If I can get everybody come to order, we'll start the meeting. According to my watch, it's one minute after 7. We'll have roll call. Pike.

MEMBER PIKE: Here.

CHAIRPERSON CHILDS: Day.

MEMBER DAY: Here.

CHAIRPERSON CHILDS: Grzemkowski.

MEMBER GRZEMKOWSKI: Here.

CHAIRPERSON CHILDS: Was that close?

MEMBER GRZEMKOWSKI: Pretty good, Carl.

CHAIRPERSON CHILDS: Childs, here. Shannon.

MEMBER SHANNON: Here.

CHAIRPERSON CHILDS: Montei.

MEMBER MONTEI: Here.

CHAIRPERSON CHILDS: And Leen.

MEMBER LEEN: Here.

CHAIRPERSON CHILDS: Okay. The next thing on our agenda is approval of the agenda. The one thing we should add is approval of the minutes

1 from the last meeting to that.

2 MEMBER DAY: I'll make a motion we
3 approve the agenda and -- can we do it all in one
4 motion?

5 CHAIRPERSON CHILDS: No. I don't
6 think so. Just adding the minutes. Approval of the
7 agenda would --

8 MEMBER DAY: Well, I didn't know if we
9 had to make a motion to approve the agenda and
10 minutes.

11 CHAIRPERSON CHILDS: I think so, two
12 separate motions.

13 MEMBER LEEN: Okay. I'll second the
14 first one.

15 CHAIRPERSON CHILDS: Okay. Any
16 discussion? All those in favor say "Aye".

17 (All ayes.)

18 CHAIRPERSON CHILDS: Any opposed say
19 "Nay." Motion carried.

20 All right. We'll do the minutes then.
21 The minutes of the January 22nd meeting, which was
22 the site plan review. There's four pages of them
23 here. I think most of you have had a chance to read
24 them. Anybody have a question on them or
25 does someone want to make a motion?

1 MEMBER LEEN: I'll make a motion to
2 approve the minutes from the January meeting.

3 MEMBER PIKE: I'll second that.

4 CHAIRPERSON CHILDS: Okay. Any
5 discussion? All those in favor say "Aye."

6 (All ayes.)

7 CHAIRPERSON CHILDS: Any opposed say
8 "Nay." Motion carried.

9 All right. We will go into the public
10 hearing. And this is to amend the Special Use
11 Permit for a utility grid wind energy system
12 previously granted to NextEra Energy Resources by
13 the Township on 12/20 of 2017.

14 At this time, we'll open the meeting
15 up to the public for public hearing. We'll have a
16 brief overview of the proposed development by
17 Spicer.

18 MR. BEAN: Thank you, Chairman Childs.
19 Tonight's public hearing is pretty straightforward.
20 As you know, in December NextEra for the Pegasus
21 Wind project received a Special Use Permit with
22 conditions for 32 wind turbines. And then on
23 January 22nd we reviewed the site plans, and during
24 the review of the site plans, we went through a
25 process and they were all approved. We noted that

1 NextEra wants to request adding two parcels to help
2 reroute and -- reroute their underground power lines
3 to make it more efficient and other reasons. And
4 those site plans are before us today again, but
5 mostly to amend the Special Use Permit.

6 Back in December there were 165
7 parcels in the overall proposal. Since then,
8 NextEra has wanted to add two additional parcels,
9 one in Section 23, one in Section 29. I think
10 tonight is simply a matter of just taking the input
11 from the public, having a little bit of dialogue
12 with the Applicant and just saying, "Hey, let's have
13 a motion to amend the Special Use Permit by adding
14 these two parcels" and ensuring that all the
15 conditions that were attached previously needs to be
16 carried forth moving forward. I think it's that
17 simple.

18 Mr. Meyer, do you have anything to
19 add?

20 MR. MEYER: No. The -- other than --
21 the question is going to come up later as far as
22 voting. When we had the hearing in December, four
23 members of the Planning Commission had conflicts.
24 We are -- basically when you're amending, you're
25 going back into that -- into that proceeding, and I

1 think that you -- the four of you that had a
2 conflict continue to have a conflict, even though
3 the property is -- may not be in an area that
4 you're -- that would impact you.

5 Having said that, you participated in
6 the -- in the -- in public hearing, and discussion
7 when it comes to -- or prior to voting you'll need
8 to announce your conflict and then we can proceed.

9 CHAIRPERSON CHILDS: Okay. Is that
10 it?

11 MR. BEAN: Yeah.

12 CHAIRPERSON CHILDS: Okay. Thank you.

13 MR. BEAN: I would just add that
14 you've had our staff report for about a week and so,
15 it just delineates a very simple review, just adding
16 the parcels, have these conditions.

17 CHAIRPERSON CHILDS: Okay. And so now
18 we'll turn it over to the Applicant, Erico.

19 MR. LOPEZ: Yes. Good evening,
20 Chairman Childs and members of the Commission. Mr.
21 Bean really summed it up. Tonight we're here to ask
22 the Commission to allow -- allow us to incorporate
23 two more parcels that essentially will -- will allow
24 our collection system to become more efficient, and
25 that's -- that's really the ask for tonight, is to

1 incorporate these two parcels into our overall
2 project. So we really do appreciate the time spent
3 by the -- the Planning Commission reviewing this,
4 the work done by Spicer Group, and if there are any
5 questions, we're definitely here to answer them
6 tonight and moving forward. So thank you very much.

7 CHAIRPERSON CHILDS: Okay. Thank you.

8 All right. At this time, we'll open
9 it up for public comment. Anyone wishing to address
10 the Planning Commission can do so at this time.
11 You'll be limited to four minutes. We'll ask you to
12 state your name and address. So, who would like to
13 speak first? Yes.

14 MR. WISSNER: I'd like to -- my name
15 is Jim Wissner. I'm Judy Campbell's husband, 395
16 Hinson.

17 On the parcel that we have, I'd like
18 to make a request on the transmission line if we can
19 shift it to the north 45 feet, minimal. You know, I
20 talked to the agent. I don't think he had time to
21 get back with me, but -- sort of is in with the
22 horses and we can't, you know, expand the fencing or
23 anything else there because we're on the
24 transmission line. So that's all.

25 CHAIRPERSON CHILDS: Okay. Anyone

1 else?

2 MR. BEAN: If I could just -- go
3 ahead, sir.

4 MR. WISSNER: No, I'm --

5 MR. BEAN: If I could just add to his
6 comments. He came up to me before the meeting, Mr.
7 Campbell, about his underground power line on
8 the -- do I have that right, is he Mr. Campbell?

9 MEMBER LEEN: His wife is Campbell.

10 MR. WISSNER: She didn't want to
11 change her name, save a lot of paperwork.

12 MR. BEAN: A spokesperson for Ms.
13 Campbell.

14 In Section 29, you know, we have the
15 site plan of where the power line could go. As you
16 know, your zoning ordinance does not regulate the
17 location of the underground power line. State law
18 doesn't regulate that power line on private
19 property. What the gentleman is referring to is,
20 you know, some particular features on his property,
21 and I believe that land agent is with Atwell and I
22 don't know if anyone from Atwell is here to speak to
23 that. I've only been aware of that issue, but I
24 think, you know, before we close tonight, it would
25 be helpful if NextEra could address what -- address

1 this question.

2 MR. LOPEZ: So essentially what we'll
3 do is we'll definitely pull up with Mr. Wissner
4 after the meeting, and engage our land agent to
5 understand exactly where the power line is suggested
6 to go. We -- NextEra will engage with our
7 engineering and construction team to make sure that
8 we're -- that we can accommodate that request and
9 obviously work with the landowner to make sure that
10 everybody is happy. So 45 feet north is pretty
11 fair, but we just have to make sure from an
12 engineering perspective that that works. But we
13 think that that should be fine.

14 CHAIRPERSON CHILDS: Okay. All right.
15 Anybody else like to speak?

16 MR. HADAWAY: Mark Hadaway, 2150 South
17 Van Buren. I just wanted to know, do they know
18 exactly where this line is going to go yet?

19 MEMBER LEEN: The line on his --

20 MR. HADAWAY: Through Judy's property.

21 MEMBER LEEN: Through Campbell's farm.

22 MR. HADAWAY: Do they have an exact
23 spot that they're going to have it yet?

24 MEMBER LEEN: Just -- just tell them
25 why, Mark.

1 MR. HADAWAY: Well, the reason I'm
2 asking is in behind there, I own the farm to the
3 south of Judy's and I got a 12-inch main that goes
4 across Russel's back there, there's a big ditch.

5 CHAIRPERSON CHILDS: Right.

6 MR. HADAWAY: And I guess I was
7 wondering if they're coming across there and across
8 that main and stuff like that.

9 CHAIRPERSON CHILDS: Do you -- do you
10 have it all laid out yet, where that line is going?

11 MEMBER LEEN: Where the power line on
12 Wissner's is going.

13 MR. TRUMBAUER: Mark Trumbauer,
14 NextEra Energy. You know, our collection lines
15 are -- we have to adjust as we're out there in the
16 field. So if we come up with the tile maps -- and
17 especially we'll work with you, Mr. Hadaway, if
18 you've got a main that we need to work around, we'll
19 certainly have to do that. We can save a lot of
20 money by working early on with landowners as opposed
21 to getting it out there. And so if we haven't got
22 your tile maps yet, we will get them. Most of the
23 landowners have turned in their tile maps. We'll
24 get together after the meeting and make sure that we
25 get those, and if there's a main that we can avoid,

1 we'll certainly do that.

2 MR. HADAWAY: Okay. I just was asking
3 because I figured you're probably going to be coming
4 through there and you're going to have to cross it,
5 I would guess.

6 MR. TRUMBAUER: Yeah, probably.

7 MR. HADAWAY: So I want to make sure
8 you know it's there.

9 MR. TRUMBAUER: Yeah, we need to get
10 your tile maps.

11 MR. HADAWAY: Okay.

12 CHAIRPERSON CHILDS: Okay. Anyone
13 else? Rick?

14 FROM THE AUDIENCE: No.

15 CHAIRPERSON CHILDS: All right. I
16 guess that's the extent of the public, then. We'll
17 close the public hearing -- or the public comment
18 time at this time. We will go on to presentation of
19 the report from Spicer. As he said, most of us have
20 had a copy of it for a week, so --

21 MR. BEAN: We're just recommending
22 that you amend the December 20th, 2017 Special Use
23 Permit to add these two parcels. The project will
24 have a total of 167 parcels. We've got a number of
25 conditions listed in the report. And we have seen

1 the site plans, it's pretty straightforward. So,
2 again, just recommending approval of the proposed
3 amendment.

4 CHAIRPERSON CHILDS: Okay. And as to
5 the community agreement?

6 MR. MEYER: Yes, the community
7 agreement.

8 CHAIRPERSON CHILDS: Has there been
9 anything done on that?

10 MR. MEYER: I e-mailed Dan Ettinger,
11 he's out of town. He said he -- I should have
12 brought the e-mail with me. Ashley, I think
13 your -- it's being worked on --

14 MS. CHRYSLER: That's correct, yeah.

15 MR. MEYER: -- we just don't have a
16 copy of it yet. But the timing of it is that it
17 has -- that has to be approved before the permit is
18 issued, permit for construction.

19 CHAIRPERSON CHILDS: Right.

20 MR. MEYER: It's a single issue.
21 We're not looking at, you know, multiple things in
22 that agreement, so it should be fairly easy to take
23 care of.

24 CHAIRPERSON CHILDS: And it's listed
25 in the proposed motion, right?

1 MR. BEAN: Correct. I believe it's
2 item 8 or 9.

3 MR. MEYER: Probably a little bit more
4 specificity than we did the first time around.
5 Yeah.

6 MEMBER LEEN: So we don't have to make
7 a bunch of phone calls during the meeting.

8 MR. BEAN: We're learning.

9 CHAIRPERSON CHILDS: All right. I
10 guess we're to the point of the Planning Commission
11 deliberation. Anybody have any comments for or
12 against doing what has been recommended?

13 MEMBER MONTEI: The Board doesn't have
14 to approve every tweaking of the line going across
15 somebody's property, do they?

16 CHAIRPERSON CHILDS: No.

17 MR. MONTEI: This is just because
18 we've added some property to the --

19 MEMBER LEEN: This is just to include
20 these other two parcels.

21 MEMBER MONTEI: Right. Now at the end
22 of the project, I'm assuming that we get some type
23 of a layout so we know exactly where all these are
24 down the road?

25 CHAIRPERSON CHILDS: One year after

1 the project is done, we're supposed to get as-built
2 plans.

3 MEMBER MONTEI: Okay. All right. All
4 right.

5 MR. MEYER: But that would be part of
6 the construction documents.

7 CHAIRPERSON CHILDS: Right.

8 MR. BEAN: At the end of the project
9 in 2013, 2014 -- in 2014, for Tuscola Wind II you
10 guys got as-builts as well, so --

11 CHAIRPERSON CHILDS: Any other
12 comments from the Board? I guess I'm asking for a
13 motion, and as it turns out it's between Anne and
14 Marilyn and myself again.

15 MEMBER LEEN: Okay. For the voting,
16 but not necessarily the --

17 MR. MEYER: Yeah. At this point it's
18 probably -- it would be a good time to -- for the
19 members who can't participate to at least indicate
20 what their conflict is.

21 CHAIRPERSON CHILDS: Okay. All right.

22 MEMBER PIKE: Brian Pike. I have a
23 conflict. I have a windmill and a transmission line
24 in the project.

25 MEMBER DAY: Mike Day, proposed

1 windmill.

2 MEMBER SHANNON: Doug Shannon,
3 proposed windmill and transmission lines on my
4 property.

5 MEMBER MONTEI: Jeff Montei, no
6 proposed windmill. There is a transmission line and
7 it's just part of the project, I guess. I have the
8 least ground in (inaudible).

9 CHAIRPERSON CHILDS: And myself, Carl
10 Childs, I have no conflict.

11 MEMBER GRZEMKOWSKI: Marilyn
12 Grzemkowski, no conflict.

13 MEMBER LEEN: Anne Leen, no conflict.

14 CHAIRPERSON CHILDS: Okay.

15 MEMBER LEEN: So you have a written
16 thing that you're going to --

17 CHAIRPERSON CHILDS: Yep. Would you
18 like to --

19 MEMBER LEEN: Do you want me to?

20 CHAIRPERSON CHILDS: Yeah, I --

21 MEMBER DAY: Does it have to -- just a
22 curiosity, does it have to be read out? We can't
23 just hand it over to the --

24 CHAIRPERSON CHILDS: No, in order for
25 it to get in the minutes it's asked to be read.

1 MEMBER LEEN: Okay. I propose a
2 motion that the 12/20/2017 conditionally approved
3 Special Land Use permit for the Pegasus Wind
4 application submitted by NextEra Energy Resources be
5 amended to include parcels 010-023-000-0800-00, and
6 010-029-000-0100-01. And to require all previously
7 approved conditions be applied to this amendment.

8 Number one, prior to construction; A,
9 a submittal of information and appropriate
10 documentation to ensure conformance to
11 certifications per Section 701(d)(8)(sic).

12 B, submittal of summary list of the
13 type of -- and quantity of all materials used in
14 operation per Section 701 -- or 708(d)(13).

15 C, submittal of FAA determinations of
16 no hazard letters to ensure conformance to visual
17 impact per Section 708(d)(21).

18 D, submittal of fixed broadcast,
19 retransmission, RTK, radio, television or wireless
20 phone studies showing the Pegasus project does not
21 produce any interference with signal or reception.
22 If there is inference the Applicant shall provide a
23 replacement signal to the affected party per Section
24 708(d)(23).

25 E, finalized surety bond and

1 decommissioning agreement per Section 708(d)(26).

2 And F, provide the Planning Commission
3 copies of any Federal Aviation Administration
4 applications and correspondence indicating
5 implementation requirements, if any, for aircraft
6 detection lighting systems, ADLS.

7 Two, annual submittal of insurance
8 policy certificates to ensure conformance to
9 insurance per Section 708(d)(5).

10 Three, annual submittal of any Pegasus
11 Wind project complaints due to ensure conformance
12 with complaint resolution per Section 708(d)(27).

13 Four, within 60 days after commercial
14 operation, submit a sound modeling report that
15 conforms to Section 708(d)(18)(h).

16 Five, within one year after commercial
17 operation, submit an as-built drawings -- submit
18 as-built drawings of the utility grid wind energy
19 system in electronic PDF and hard copy formats,
20 including locational data of site features that can
21 be read in both CAD and GIS mapping system.

22 Six, prior to commercial operation the
23 Applicant will restore any damaged roads to the same
24 or better condition prior to the beginning of the
25 construction of the Pegasus Wind project.

1 Seven, upon completion of a mutually
2 acceptable post-community agreement which addresses
3 the taxation and assessment of the wind energy
4 improvement, including the appropriate table for
5 which all -- I'm sorry -- for which as will be
6 defined by the host community agreement for the use
7 in assessing the improvements. The host agreement
8 shall be entered into prior to the issuance of a
9 permit for the construction of the wind energy
10 equipment. That's written pretty tricky, sorry
11 about that.

12 Eight, provide the Township with site
13 permits approving the turbine locations listed in
14 the January 22nd motion for the Tuscola area
15 airport.

16 And nine, the Special Use Permit that
17 was approved on December 20th, 2017, and subsequent
18 amendment is valid for one year per the requirements
19 of Section 7054 of the Fairgrove Township zoning
20 ordinance requiring construction of the Pegasus Wind
21 project to commence prior to February 22nd, 2019.

22 MR. BEAN: Good job.

23 MEMBER LEEN: Holy cow. It's all for
24 you. There you go, Carl.

25 CHAIRPERSON CHILDS: Would you like a

1 copy of that?

2 MR. BEAN: Yeah. There was a part of
3 the motion in 1A where you had said 701.

4 MEMBER LEEN: Oh, I said 701? Sorry.

5 MR. BEAN: It should be 708, so --
6 it's 708.

7 CHAIRPERSON CHILDS: Well, I will
8 second that motion. Is there any discussion?
9 Hearing none, I will call for a vote. We'll do this
10 by roll call. Pike?

11 MEMBER PIKE: I'll be abstaining.

12 CHAIRPERSON CHILDS: Day?

13 MEMBER DAY: Abstaining.

14 CHAIRPERSON CHILDS: Grzemkowski?

15 MEMBER GRZEMKOWSKI: Yes.

16 CHAIRPERSON CHILDS: Childs, yes.

17 Shannon?

18 MEMBER SHANNON: Abstain.

19 CHAIRPERSON CHILDS: Montei?

20 MEMBER MONTEI: Abstain also.

21 CHAIRPERSON CHILDS: Leen?

22 MEMBER LEEN: Yes.

23 CHAIRPERSON CHILDS: Okay. Motion
24 carried. Thank you.

25 All right. At this time, I'll open it

1 up for general public comment. Anybody have any
2 questions, comments? Hearing none, I think we will
3 adjourn the meeting shortly. You guys are going to
4 get together on those parcels. So --

5 MEMBER DAY: I make a motion to
6 adjourn.

7 CHAIRPERSON CHILDS: All right.

8 MEMBER PIKE: Second it.

9 CHAIRPERSON CHILDS: Mike made a
10 motion to adjourn. Brian seconded it. All those in
11 favor say "Aye."

12 (All ayes.)

13 CHAIRPERSON CHILDS: Opposed? We're
14 adjourned. Thank you all for coming.

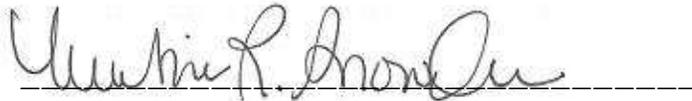
15 (Meeting concluded at 7:23 p.m.)
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C E R T I F I C A T E

I, Quentina Rochelle Snowden, do hereby certify that I have recorded stenographically the proceedings had and public comment taken in the meeting, at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (22) pages, is a true and correct transcript of my said stenographic notes.

Dated: March 2, 2018



Quentina R. Snowden, CSR-5519
Notary Public, Genesee County, Michigan
My commission expires: 1/4/2024