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FAIRGROVE TOWNSHIP PLANNING COMMISSION  
5002 CENTER  
FAIRGROVE, MICHIGAN  
THURSDAY, JUNE 21, 2018  
7:00 P.M.

PLANNING COMMISSION MEMBERS:  
Carl Childs, Chairperson  
Brian Pike, Member  
Anne Leen, Member  
Marilyn Grzemkowski, Member  
Jeff Montei, Member (NOT PRESENT - EXCUSED)  
Doug Shannon, Member  
Mike Day, Member

FOR THE TOWNSHIP:  
Adam Flory, Township Attorney

SPICER GROUP:  
Alan Bean, AICP  
Jennifer Clawson, AICP

NEXTERA:  
Erico Lopez  
Mark Trumbauer  
John Lauderbach, Esq.

EPSILON:  
Rich Lampeter

ATWELL:  
Tim Jones  
Bourke Thomas

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:  
Jim Erdody  
Mary Brissette

TRANSCRIBED BY:  
Quentina R. Snowden,  
Certified Shorthand Reporter-5519

RECORDED BY:  
Tamara Ireland

## AGENDA

- 1
- 2 1 Call to order and roll call
- 3 2 Approval of Agenda
- 4 3 Public Hearing on a special use permit for a  
5 proposed permanent Meteorological Tower.
  - 6 a. Open the public hearing
  - 7 b. Overview of the proposal
  - 8 c. Open public comments: Anyone wishing to  
9 address the Planning Commission can do so at  
10 this time and speakers will be limited to  
11 four (4) minutes. Individuals will be asked  
12 to state his or her name and address.
  - 13 d. Close the public hearing
- 14 4 Public Hearing: Second amendment to the  
15 Special Land Use Permit for a Utility Grid  
16 Wind Energy System Previously Granted to  
17 NextEra Energy Resources by the Township on  
18 12/20/2017 and amended on 2/22/2018.
  - 19 a. Open the public hearing
  - 20 b. Overview of the proposal
  - 21 c. Open public comments: Anyone wishing to  
22 address the Planning Commission can do so at  
23 this time and speakers will be limited to  
24 four (4) minutes. Individuals will be asked  
25 to state his or her name and address.
  - d. Close the public hearing
- 5 Review Meteorological Tower Application  
Special Use Permit and Site Plan Review
  - a. Presentation of staff/consultant report
  - b. Planning Commission deliberation
- 6 Review of second amendment to the previously  
granted Utility Grid Wind Energy System  
Permit, Special Use Permit Amendment Request
  - a. Presentation of staff/consultant report
  - b. Planning Commission deliberation
- 7 Site plan review - Two additional turbines
  - a. Presentation of staff/consultant reports
  - b. Planning Commission deliberation
- 8 General Public Comment
- 9 Adjournment

1 Meeting Rules: Any person wishing to address the  
2 Planning Commission shall be allowed to during the  
3 public comment portion of the agenda under General  
4 Public Comment. Speakers will be limited to four  
5 (4) minutes in which to address the Planning  
6 Commission. That will be the only time permitted  
7 during the meeting for public comments to be heard,  
8 except for any planned public hearing(s). At a  
9 public hearing, speakers will be limited to four (4)  
10 minutes in which to address the Planning Commission  
11 regarding the specific matter relating to the  
12 purpose of the public hearing. Individuals will be  
13 asked to approach the podium, state his or her name  
14 and address.  
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1 Fairgrove, Michigan

2 Thursday, June 21, 2018

3 7:00 p.m.

4 CHAIRPERSON CHILDS: If I can get  
5 everybody's attention. It's 7:00. We will start  
6 the meeting. We'll start out with roll call.

7 Pike?

8 MEMBER PIKE: Here.

9 CHAIRPERSON CHILDS: Day?

10 MEMBER DAY: Here.

11 CHAIRPERSON CHILDS: Leen?

12 MEMBER LEEN: Here.

13 CHAIRPERSON CHILDS: Grzemkowski?

14 MEMBER GRZEMKOWSKI: Here.

15 CHAIRPERSON CHILDS: Childs? Here.

16 Shannon?

17 MEMBER SHANNON: Here.

18 CHAIRPERSON CHILDS: And Jeff Montei  
19 is excused. He won't be here tonight. So before  
20 you is the agenda. We need to have somebody approve  
21 the agenda unless you have some changes that need to  
22 be made. It's basically the same as what we had  
23 whenever it was, the last meeting that we couldn't  
24 have.

25 MEMBER SHANNON: I'll move that we

1 approve the agenda.

2 MEMBER PIKE: I'll second.

3 CHAIRPERSON CHILDS: Okay. It's been  
4 moved by Shannon and seconded by Pike that we  
5 approve the agenda. Any discussion? Hearing none,  
6 all those in favor say "Aye."

7 (All ayes.)

8 CHAIRPERSON CHILDS: Any opposed say  
9 "Nay."

10 (None.)

11 CHAIRPERSON CHILDS: Okay. The agenda  
12 has been approved. The first item of business is a  
13 public hearing on the special use permit for  
14 proposed permanent MET towers. Opening up to  
15 public -- the public hearing.

16 The first thing is the overview of the  
17 proposal by Mr. Bean.

18 MR. BEAN: Great. Thank you, Chairman  
19 Childs. Yes, the first public hearing tonight is  
20 for a 301-foot permanent MET tower to be sited in  
21 Section 1 to the -- basically along the side of the  
22 Pegasus Wind Project in Fairgrove Township. This is  
23 the first public hearing of this evening. This  
24 public hearing is specific to the MET tower. It has  
25 its own public hearing just because of the way that

1 the application was submitted last year, and we've  
2 gone through and reviewed and amended the special  
3 use permit that has allowed 30 turbines to be built  
4 by NextEra. This is just an add-on. It needs its  
5 own separate special use permit, so that request is  
6 being addressed tonight.

7 This application was submitted in May,  
8 and so with this, the purpose here would be to -- to  
9 document any questions or concerns that the public  
10 has specifically to the MET tower in Section 1, and  
11 then later on in the agenda under number 5, the  
12 Planning Commission will review the special use  
13 permit application contents inclusive of the site  
14 plan review, deliberate and make a decision on that.  
15 So that's how that relates tonight on the agenda.

16 So right now we're just going to take  
17 the input from the public on this MET tower issue.

18 CHAIRPERSON CHILDS: Okay. And before  
19 I open it up, any of the questions that were asked  
20 at the other meeting, we will be trying to answer  
21 those questions when we get to that point. So you  
22 can ask again if you want, to bring it up again if  
23 you want, but we will be addressing those -- those  
24 issues.

25 So, I'll open up to the public. For

1 anyone wishing to address the Planning Commission  
2 can do so at this time and speakers will be limited  
3 to four minutes. Individuals will be asked to state  
4 his or her name and address. And as before, if  
5 there isn't a lot of public comment we may open it  
6 up for a second four minutes for you if it's needed.

7 So who would like to speak first?  
8 Anyone like to speak about the MET towers or tower?  
9 I'm sorry. It's a tower.

10 Okay. Having not heard any  
11 individuals wanting to ask questions or make  
12 comments about the MET tower, we'll be closing the  
13 public hearing at this time on the MET tower.

14 So now we will have the second  
15 hearing, public hearing, second amendment to the  
16 special use permit for a utility grid wind energy  
17 system previously granted to NextEra Energy  
18 Resources by the Township on 12/20 of 2017, and  
19 amended on 2/22 of 2018. And I will turn this over  
20 to Alan again for the overview.

21 MR. BEAN: Great. Thank you. So the  
22 Applicant, NextEra, for the Pegasus Wind Project is  
23 requesting a second amendment to their previously  
24 awarded -- or previously approved special use permit  
25 from December of last year. And at that time, in

1 December, there were 30 turbines that were approved  
2 along with driveways and underground power lines.  
3 This time, with this second amendment, the Applicant  
4 is requesting the addition of two turbines, one in  
5 Section 26 and another one in Section 28, and along  
6 with that some additional underground power lines  
7 and driveways.

8 They've submitted updated information  
9 pertaining to shadow flicker, sound and site plans.  
10 They've got site plans for Sections 26, 28, 31 and  
11 32, and all of the new participating parcels are  
12 located in Section 31.

13 So any comments, questions or concerns  
14 related to this matter, which is the second  
15 amendment to the previously approved special use  
16 permit that's already granted NextEra to build 30  
17 wind turbines, we'll take those comments right now.

18 CHAIRPERSON CHILDS: Okay. And as  
19 with the previous one, anyone wishing to address the  
20 Planning Commission can do so at this time, and  
21 speakers will be limited to four minutes.

22 Individuals will be asked to state his or her name  
23 and address.

24 So who would like to ask questions at  
25 this time? Anyone like to ask questions or make



1 comment about the public hearing -- or at this time  
2 up for the public hearing?

3 MS. BRISSETTE: I have a question.  
4 Mary Brissette, Deckerville Road property.

5 So, I had a drone from DroneView  
6 Technologies fly over my house the other day, and I  
7 did call Mr. Childs on this, and the DroneView  
8 Technologies was hired by an engineering firm that  
9 was hired by NextEra. My question is -- this drone  
10 flew over my property. I did confront the young man  
11 that was on Sheridan Road and did call DroneView  
12 Technologies to confirm this young man's story. My  
13 question is: Does Fairgrove Township have any  
14 ordinances that would prevent this man from flying a  
15 drone over my property? I understand he was taking  
16 aerial view, but he was on my property, or over my  
17 property, and he got scolded for doing so. And --  
18 and Mr. Childs didn't know anything about these  
19 drone flyovers. So that is my question.

20 CHAIRPERSON CHILDS: Okay.

21 MS. BRISSETTE: And then, I had the  
22 underground water question from before.

23 CHAIRPERSON CHILDS: Right.

24 MS. BRISSETTE: Do we know anything  
25 further about either one?

1 CHAIRPERSON CHILDS: I will answer  
2 those. Anyone else like to ask a question or make a  
3 statement?

4 MR. ERDODY: I guess. Jim Erdody.  
5 You said they approved 30 of them in December and  
6 now they want 2 more to be approved. Now, is this  
7 all Fairgrove Township will be getting? We already  
8 got 37, I understand, now they want to put in 32  
9 more. Will that be all that our Township will  
10 receive?

11 CHAIRPERSON CHILDS: Okay. Anyone  
12 else like to ask a question or make a comment?

13 All right. Last time. Anybody else  
14 like to make a comment or ask a question? All  
15 right. At this time we will close the public  
16 comment, then. We'll be closing the public hearing,  
17 I'm sorry.

18 And next on the agenda is the review  
19 of the MET tower application, special land use  
20 permit and a site plan review on the MET tower only.  
21 And I'll turn this back over to Alan.

22 MR. BEAN: Thank you, Chairman. The  
23 staff report you've had since late May, which we  
24 reviewed the MET tower per your zoning ordinance  
25 standards and as that report illustrated,

1 information that's required for its review and  
2 approval has been submitted.

3 Our recommendation, per that report,  
4 is to approve the special use permit and site plan  
5 with four conditions, conditions being that the MET  
6 tower shall meet the requirements of the Michigan  
7 Tall Structures Act.

8 That NextEra shall submit proof of  
9 liability insurance to Fairgrove Township on an  
10 annual basis.

11 That NextEra shall obtain all  
12 necessary permits from FAA, MDOT, Tall Structures  
13 and county planning and building prior to  
14 construction, and at the end of that MET tower's  
15 useful life or at the time of decommissioning for  
16 the Pegasus Wind Project, NextEra Energy Resources  
17 or their assignees shall be responsible for the  
18 decommissioning and site restoration of the proposed  
19 MET tower.

20 So with that, I -- you can go into  
21 discussion, and ask the Applicant any questions that  
22 you might have.

23 CHAIRPERSON CHILDS: Anyone on the  
24 Board have questions or comments about the MET  
25 tower?

1           MR. BEAN: You may recall last year,  
2 in the late summer, early fall, that NextEra had  
3 come in and asked for a couple MET towers. If you  
4 recall, one was a permanent MET tower that measured  
5 the wind speed and other atmospheric quantum -- or  
6 atmospheric data that they want to record to -- I  
7 think to corroborate with the onsite statuses on  
8 each -- on the wind turbine. I think it was more or  
9 less to true-spot GE's turbine output numbers.

10           And the second one was more of a  
11 temporary MET tower that had guidewires. So we have  
12 been through this process before and we have --  
13 we've -- I think this is the second request since  
14 wind turbines were built in Fairgrove Township going  
15 back to 2013.

16           MEMBER SHANNON: So they're going to  
17 take down the temporary before they build the other  
18 one or what's the timetable on that?

19           MR. BEAN: I haven't -- I haven't  
20 revisited that report for tonight's public hearing,  
21 but I can get back to you on that in a future  
22 meeting.

23           MEMBER SHANNON: Just wondered.

24           CHAIRPERSON CHILDS: The temporary one  
25 was out here.

1                   MEMBER SHANNON: Right by my house,  
2 just on Russell there.

3                   CHAIRPERSON CHILDS: Oh, there's one  
4 there too?

5                   MEMBER SHANNON: Yeah, Section 12.

6                   CHAIRPERSON CHILDS: Erico?

7                   MR. LOPEZ: Yeah. So we usually take  
8 those temporary MET towers within a year of  
9 construction.

10                  MEMBER SHANNON: Okay. Within a year  
11 of construction of the new one, you'll take the old  
12 one down?

13                  MR. LOPEZ: The (inaudible) MET tower  
14 will be in place of the --

15                  MEMBER SHANNON: The one you're  
16 putting up is just down about a mile from where the  
17 one is now? Okay.

18                  CHAIRPERSON CHILDS: Okay. I'm trying  
19 to review the questions that were asked at the last  
20 meeting. I don't see any that was related to the  
21 MET tower. All of the rest of the questions are  
22 related to the turbines.

23                  MR. BEAN: Right.

24                  CHAIRPERSON CHILDS: So what is the  
25 pleasure of the Planning Commission? As in the

1 past, we have some conflict of interest with some of  
2 our planning members. You still can ask questions  
3 and make comments, but when it comes down to making  
4 a motion, or voting, you won't be able to do that.

5 So, at this time, we need to declare  
6 who has a conflict.

7 MEMBER PIKE: Brian Pike, and I have a  
8 conflict with a proposed turbine site and a  
9 transmission line.

10 MR. BEAN: Chairman, can I briefly,  
11 but quickly interrupt here? This is for the MET  
12 tower. The conflicts, this is a separate decision  
13 so I don't know if whoever is around and in Section  
14 1, this is a separate permit. So, Adam, I don't  
15 know if --

16 MEMBER SHANNON: Yeah, is it a  
17 conflict with the MET tower if we -- where we're  
18 going to have a windmill in this project?

19 TOWNSHIP ATTORNEY FLORY: I think it  
20 would be safer just to -- just to have those who  
21 have a conflict with the project just to abstain  
22 since we have, you know, a voting -- a sufficient  
23 number to vote.

24 MEMBER SHANNON: That's fine.

25 MR. BEAN: I just wanted to make sure

1 that we understood that this is a separate decision  
2 and may impact whatever conflict of interest  
3 declarations that we're sort of aware of that we  
4 need to make.

5 CHAIRPERSON CHILDS: Right. Right.  
6 And, you know, on that line, I have had a number of  
7 conversations with our lawyer, and that was his  
8 decision that just to be safe, it would be better if  
9 we --

10 MEMBER SHANNON: We don't vote?

11 CHAIRPERSON CHILDS: Right.

12 MR. BEAN: Understood. Good. Okay.

13 Good. Thank you.

14 CHAIRPERSON CHILDS: All right.

15 MEMBER LEEN: So, but I could make a  
16 motion to --

17 CHAIRPERSON CHILDS: Oh yeah, yeah.

18 MEMBER LEEN: All right.

19 CHAIRPERSON CHILDS: Mike?

20 MEMBER DAY: I have a wind lease with  
21 the company too, so I have a conflict of interest.

22 MEMBER LEEN: I have no conflict.

23 MEMBER GRZEMKOWSKI: No conflict.

24 CHAIRPERSON CHILDS: I have no  
25 conflict.

1           MEMBER SHANNON: I do have a conflict,  
2 I have a couple prospective windmills and the power  
3 lines to the -- the transmission lines.

4           CHAIRPERSON CHILDS: So, having that  
5 out on the table, is there any comments or questions  
6 from the Board?

7           MEMBER LEEN: I will make a motion to  
8 approve the SUP and site plans for the MET tower.

9           MEMBER DAY: I'll second it.

10          MEMBER LEEN: Do I just read the -- "A  
11 motion to approve a Special Use Permit and site plan  
12 for NextEra Energy Resources, LLC to build a  
13 permanent Anemometer Tower --" I'm not sure if I  
14 said that right "-- in Section 1 with the following  
15 conditions:

16                 1. The proposed MET Tower shall meet  
17 all requirements in the Michigan Tall Structures  
18 Act, as amended (Act 259 of 1959).

19                 2. NextEra shall submit proof of  
20 public liability insurance to Fairgrove Township on  
21 an annual basis.

22                 3. NextEra shall obtain all necessary  
23 permits from FAA, MDOT's Tall Structures, and County  
24 Planning/Building prior to construction.

25                 4. At the end of the MET Tower's



1 useful life or at the time of decommissioning for  
2 the Pegasus Wind Project, NextEra Energy Resources  
3 or their assignees shall be responsible for the  
4 decommissioning and site restoration of the proposed  
5 MET tower."

6 CHAIRPERSON CHILDS: Okay. So Ann  
7 made the motion and Marilyn, you're seconding it; is  
8 that true?

9 MEMBER GRZEMKOWSKI: Yes.

10 CHAIRPERSON CHILDS: Okay. Again, I  
11 have to ask questions before we vote. Is there any  
12 questions, comments? Hearing none, I will call for  
13 a vote. Leen?

14 MEMBER LEEN: Yes.

15 CHAIRPERSON CHILDS: Grzemkowski?

16 MEMBER GRZEMKOWSKI: Yes.

17 CHAIRPERSON CHILDS: Childs? Yes.

18 And the rest of you are abstaining. So the motion  
19 passes.

20 All right. The next step is a review  
21 of the second amendment to the previous granted  
22 Utility Wind Grid System Permit-Special Use Permit  
23 Amendment Request. Presentation by staff. Alan.

24 MR. BEAN: Great. Thank you. The  
25 amendment to the amended special use permit is

1 seeking to add a wind turbine in Section 26, a wind  
2 turbine in Section 28, additional underground power  
3 lines as shown on the site plans, and adding new  
4 participating parcels. And those new participating  
5 parcels are in Section 31 and they are there to  
6 support additional underground power line -- power  
7 lines.

8 The applications -- the amendment was  
9 thorough, it already had much of the information  
10 back in December. Here it was just updating shadow  
11 flicker, sound, the microwave beam path information  
12 to show these turbines as -- as they contributed to  
13 the overall change in shadow flicker, sound,  
14 microwave beam path information.

15 So, with that, we have in the staff  
16 report a recommendation to approve with a number of  
17 conditions, and those conditions are listed in  
18 this -- potential conditions are listed in your  
19 staff report. So, with that, that's all I have to  
20 contribute at this point unless we have further  
21 discussion.

22 CHAIRPERSON CHILDS: Okay. I'll go  
23 back to some of the questions that were asked last  
24 time, and one of the questions -- the first question  
25 was who the manufacturer of these turbines are. Ask

1 Erico for --

2 MR. LOPEZ: Yes, so that's General  
3 Electric.

4 CHAIRPERSON CHILDS: There's three  
5 different sizes, but they're all General Electric,  
6 right?

7 MR. LOPEZ: That's correct.

8 CHAIRPERSON CHILDS: Okay. Mr.  
9 Levitte asked the minimum distance of a turbine must  
10 be from a property line of two contingent property  
11 parcels that have different owners. And according  
12 to our zoning, as long as both are signed up, they  
13 get -- it could be placed on the property line.  
14 There is no setback for participating.

15 He also asked about shadow flicker,  
16 and they have been -- as Mr. Bean said, they have  
17 submitted shadow flicker analysis, and his  
18 particular property is under the 30 hours that is in  
19 our ordinance. And that was -- you know, studies  
20 have been done by Atwell, I think, right?

21 MR. LOPEZ: Epsilon.

22 CHAIRPERSON CHILDS: Epsilon.  
23 Epsilon. Great. And we have copies of those.

24 The exact height of the proposed wind  
25 turbines, I don't remember the exact height, do you

1 right offhand?

2 MR. LOPEZ: I think we were around  
3 499 feet.

4 MR. BEAN: They go up to 499 feet.  
5 You got three different sizes based on tower height  
6 and rotor height -- or rotor diameter. So it varies  
7 from basically 480 to --

8 MR. LOPEZ: To 457 --

9 MR. BEAN: -- to 499 feet, yeah.

10 CHAIRPERSON CHILDS: But the two that  
11 we're talking about tonight to add would probably be  
12 the tall ones, right?

13 MEMBER PIKE: I believe it's 487.6  
14 feet.

15 CHAIRPERSON CHILDS: Oh, all right.

16 MEMBER PIKE: They're GE 2.5116  
17 turbines.

18 CHAIRPERSON CHILDS: Okay. Good  
19 enough.

20 Another question that Mr. Levitte had  
21 was, has the Township Board or Planning Commission  
22 ever done independent studies to see if our  
23 ordinances have been followed completely by NextEra.  
24 And yes, we have. Spicer has been hired in the  
25 past. I'm quite sure that we will be hiring them

1 again to follow this project through. Myself, I  
2 quite often go to their construction meetings.  
3 Bruce Turner is the zoning administrator. He also  
4 tries to check on that stuff.

5 So, yes, we -- we follow it the best  
6 we can. We don't necessarily get a tape measure out  
7 and measure right to the inch, but most of that is  
8 done on the computer.

9 MR. BEAN: Or GPS. Their as-built  
10 information. The whole point of having to submit it  
11 weeks before the public hearing and Planning  
12 Commission meeting is so that we can review and make  
13 sure all of the information is correct. And that is  
14 what that report for this special use permit,  
15 application amendment addresses.

16 CHAIRPERSON CHILDS: Okay. And Aaron  
17 Riddle asked a question about the light on them  
18 and -- just to see if -- if frequencies from the  
19 tower have any effect on anybody else. And the  
20 light, of course, not all of the windmills -- or  
21 turbines will have a red light on them. That is  
22 determine by the FAA. If you notice in the ones  
23 that are constructed, that there are some that don't  
24 have lights, that was, like I said, determined by  
25 the FAA. And along that line, they have -- I say

1 "They", NextEra has committed to installing lights  
2 that are -- what's it called?

3 MR. LOPEZ: Aircraft detection  
4 lighting system.

5 CHAIRPERSON CHILDS: Right. So that  
6 the lights will not be on all the time, only when  
7 there is a plane in the area, the lights will come  
8 on to notify the aircraft. So it's a step forward,  
9 I think, in -- in helping with the views.

10 All right. The next questions were --  
11 were asked by Mary Brissette. And they -- basically  
12 the question was to do with an old landfill that has  
13 been abandoned for 40 years at least, but it's out  
14 here on Shreeves Road, and she wanted to know if  
15 there was a baseline for any drift from the  
16 landfill.

17 Was there verification prior to  
18 construction, or the wells, were they tested in the  
19 vicinity of this landfill to make sure they weren't  
20 already contaminated. And was there  
21 post-construction analysis on the site or wells.

22 And I -- the best I could research  
23 that, the answer is no through all of those. This  
24 was before those type of tests were done. There  
25 wasn't any regulations at the time, and they have

1 not been done. And I don't think, unless somebody  
2 has an issue, that they -- they will be done.

3 Within Fairgrove Township Wind  
4 Ordinances there is stipulation for this project  
5 sponsor be liable for water wells and should there  
6 be a difference between pre-construction versus  
7 post-construction well quality.

8 No, there are no provisions in our  
9 ordinance. And from everything that I've been able  
10 to gather, Fairgrove Township wells are pretty much  
11 all deep wells. There are very few shallow wells  
12 and with the clay going down to upwards of 100 feet  
13 before you get to rock there shouldn't be any issues  
14 with it since they're only going down less than  
15 20 feet. So, that was not a concern when we were  
16 setting up the ordinance and at this time I don't  
17 see it being a problem.

18 And the next question was if -- if the  
19 wind company does not accept liability for the  
20 ground contamination, does the Township. I cannot  
21 answer for the Township. We are a Planning  
22 Commission, we're not the Board. I think it would  
23 be up to the landowner that thinks they have a  
24 problem to -- to work with that. That's just my  
25 personal opinion.

1                   And her last question dealt with  
2 pre-construction and post-construction analysis to  
3 make sure that there's a baseline study for drift  
4 analysis to make sure -- and this is to do with the  
5 wind turbines, Shreeves Road site since we already  
6 know there's turbines there. It was a dump site at  
7 one time. And that goes right along with my answer  
8 before, that we're not investigating that. Don't  
9 figure there's going to be a problem. It hasn't  
10 been a problem in 40 years or more, and so, if there  
11 is, I'm sure it's -- the property owner or whoever  
12 is involved will have to explore their options at  
13 that time.

14                   That's the last of the -- oh --

15                   MR. BEAN: And the questions for  
16 today. You probably didn't have that.

17                   CHAIRPERSON CHILDS: I thought about  
18 it, but I wrote it on another piece. So what was  
19 the question?

20                   MR. BEAN: There was a question about  
21 DroneView Technologies --

22                   CHAIRPERSON CHILDS: Oh, yes.

23                   MR. BEAN: -- some contractor about  
24 some -- the drone invading someone's air space.  
25 Erico or somebody, I don't know if you can address



1 that, like how -- who -- does one who flies a drone  
2 have to get FAA approval and then how do they  
3 address airspace issues?

4 MR. LOPEZ: So basically what I  
5 understand is that you just have to be a certified  
6 drone pilot. But in terms of the airspace, it is  
7 not regulated. So you can fly over properties just  
8 like any other pilot would fly over properties.

9 MEMBER SHANNON: Uncontrolled air  
10 space.

11 MR. LOPEZ: Exactly. And obviously  
12 we're not going to be flying, you know, to people's  
13 windows or doing anything like that, this was very  
14 much to get a lay of the land post-construction so  
15 that we can document it visually in terms of where  
16 collection and various other turbines are going to  
17 be going.

18 MR. BEAN: And I recall from my  
19 undergraduate land use law class that Dow Chemical  
20 sued a company that was taking aerial imagery over  
21 the city back in the '70s and the Supreme Court  
22 ruled against Dow Chemical in that the private  
23 entity did not own -- you don't own your air rights  
24 above --

25 MR. LAUDERBACH: Actually, the EPA

1 doing aerial flyovers of the plant.

2 MR. BEAN: Okay.

3 MR. LAUDERBACH: And Dow said "You  
4 can't do that", and the Supreme Court said "Yes, you  
5 can", so --

6 MR. BEAN: Very good.

7 CHAIRPERSON CHILDS: And I do know  
8 that here in the Village of Fairgrove they did pass  
9 an ordinance to allow -- trying to attempt to -- to  
10 curtail that, but I don't know if it's legal or  
11 what. I guess, Adam, would you have any off the  
12 cuff --

13 TOWNSHIP ATTORNEY FLORY: As to  
14 whether the Village's Ordinance would apply to the  
15 Township?

16 CHAIRPERSON CHILDS: No, it wouldn't.

17 TOWNSHIP ATTORNEY FLORY: Correct.  
18 Right. I concur with what Mr. Lauderbach said,  
19 that -- you know, my recollection is that the space  
20 above your home, I mean, it's basically unregulated  
21 and unrestricted in terms of that. I'm not aware of  
22 any -- any ordinance or anything like that in terms  
23 of Fairgrove Township specifically to address -- to  
24 address the matter.

25 CHAIRPERSON CHILDS: Well, I know that

1 Fairgrove Township has not addressed the issue. And  
2 I don't -- like I said, the Village tried to address  
3 it, but whether it would be legal or not, I don't  
4 know.

5 TOWNSHIP ATTORNEY FLORY: Right.

6 CHAIRPERSON CHILDS: Right.

7 TOWNSHIP ATTORNEY FLORY: Yeah, I know  
8 that -- the general rule of thumb is that you're not  
9 allowed to restrict the -- the air -- you know, the  
10 space above -- above your property.

11 CHAIRPERSON CHILDS: Okay. And Mr.  
12 Erdody asked about how many --

13 MEMBER SHANNON: If we were going to  
14 have --

15 MR. BEAN: Is this all the Township  
16 will receive. I think the answer to that is, this  
17 is the application we have in front of us, it's a  
18 second amendment. There's nothing in the ordinance  
19 that says "Whoa Nelly", so we just have to take it  
20 as it comes. And, you know, we understand -- we  
21 understand there's issues in adjacent townships and  
22 other Federal entities that are -- are  
23 necessitating -- my understanding, necessitating the  
24 need to site turbines in alternate locations.

25 So, to the -- you know, and the

1 design -- we -- NextEra designed the layout and they  
2 found that they could integrate two turbines in the  
3 former (inaudible) the group got in December. So,  
4 we think this is it.

5 I think Erico would say that this is  
6 probably it, but I'll let him speak for himself.  
7 But as we have seen since December, who knows.

8 CHAIRPERSON CHILDS: And I also know  
9 that, you know, there possibly could have been more,  
10 but the land was not leased. So in the future  
11 somebody might lease some land, but we can't control  
12 that, so -- do you have any comment on that, Erico?

13 MR. LOPEZ: I was just going to say  
14 there is some land available. We personally have  
15 internal setbacks from existing structures that  
16 that's our personal setbacks.

17 Obviously if we were to -- to request  
18 more turbines, we would have to come before the  
19 Planning Commission and put in an application and  
20 have them meet the zoning ordinance. So, at this  
21 point in time this is the proposal before -- before  
22 the Township.

23 CHAIRPERSON CHILDS: Right. All  
24 right. Is that the last?

25 MR. BEAN: That's the last.

1                   CHAIRPERSON CHILDS: The last of the  
2 questions. I hope those answers, you know, answered  
3 your questions the best we could.

4                   So, now we'll go to the Board. The  
5 Board have any questions, comments?

6                   Well, at this time I guess I will make  
7 a motion that we amend the special use permit  
8 motion. That the 12/20/17 conditional approval and  
9 the 12/20 -- or 2/22 of '18 special use permit to  
10 the Pegasus Wind application submitted by NextEra  
11 Energy Resources be amended a second time to include  
12 parcels 10 -- I'm sorry, 010-013-000-0400-00, and  
13 010-031-000-0100-00, and property  
14 01-031-000-0800-01, two additional wind turbines,  
15 access roads, associated underground electrical  
16 power collection lines, and to require all previous  
17 approved conditions to apply to this second  
18 amendment.

19                   Prior to issuance of the permit: Upon  
20 completion of a mutually acceptable host agreement  
21 which addressed the taxation and assessment of the  
22 wind energy improvements, including the appropriate  
23 cost multiplier table as will be defined by the host  
24 community agreement for use in assessing the  
25 improvements. That has been signe by both parties.

1           And provide the Township with signed  
2 permits approving the turbine locations listed in  
3 the January 22nd motion for the Tuscola Area  
4 Airport.

5           Prior to construction: A submittal of  
6 information and approval or appropriate  
7 documentation to ensure conformance to the  
8 certifications per Section 708(d)(8).

9           Submit a summary list of the type and  
10 quantity of all materials used in operations per  
11 Section 708(d)(13).

12           Submittal of FAA documentation of no  
13 hazard letters to ensure conformity to visual impact  
14 Section 708(d)(21).

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

22           And if anybody wants to see, we have a  
23 map of those signals.

24           Finalize surety bond for  
25 decommissioning agreement per Section 708(d)(28) --

1 MEMBER LEEN: 26.

2 MR. BEAN: 26.

3 CHAIRPERSON CHILDS: What's that?

4 MEMBER SHANNON: (d)(26). You said  
5 28.

6 CHAIRPERSON CHILDS: I'm sorry. It is  
7 (d)(26) -- which has been approved by the Township  
8 Board and NextEra Pegasus. And last, provide  
9 Planning Commission copies of any Federal Aviation  
10 Administration applications and correspondence  
11 indicating implementation requirements, if any, for  
12 the aircraft detection lighting system.

13 Number 3. Prior to commercial  
14 operation, the Applicant will restore any damaged  
15 roads to the same or better condition prior to the  
16 beginning of the construction of the Pegasus Wind  
17 Project.

18 Number 4. Post Construction: Annual  
19 submission of insurance policy certificates to  
20 ensure conformance with Section 708(d)(5).

21 B. Annual submittal of Pegasus Wind  
22 complaints to ensure conformance with Section  
23 708(d)(27).

24 C. Within 60 days after commercial  
25 operation, submit a sound modeling report that

1 conforms to Section 708(d)(18)(h), and

2 D. Within one year after commercial  
3 operation, submit as-built plan of Utility Grid Wind  
4 Energy System in electronic PDF and hard copy  
5 formats, including locational data of site features  
6 that can be read in both CAD and GIS mapping  
7 systems.

8 Number 5. The special use permit that  
9 was approved on December 20th, 2017, and  
10 submitted -- subsequential --

11 MR. BEAN: Subsequent.

12 CHAIRPERSON CHILDS: -- subsequent  
13 amendments approved on February 22nd, 2018 and  
14 May --

15 MR. BEAN: And June 21.

16 MEMBER SHANNON: We don't have that.

17 MEMBER PIKE: We don't have that.

18 MR. BEAN: Right. On the (inaudible)  
19 there's a whole meeting on 8/31, so -- and June 21,  
20 2018.

21 CHAIRPERSON CHILDS: Okay. And  
22 May 31, 2018 --

23 MR. BEAN: Nope, June 21.

24 CHAIRPERSON CHILDS: That's June.  
25 Okay. I see.



1 MEMBER PIKE: That's today.

2 CHAIRPERSON CHILDS: I follow you --  
3 are valid for one year per the requirements of  
4 Section 7054 of the Fairgrove Township Zoning  
5 Ordinance requiring construction of the Pegasus Wind  
6 Project to commence prior to May --

7 MEMBER LEEN: June.

8 MEMBER PIKE: June 21.

9 CHAIRPERSON CHILDS: Yeah, it would be  
10 June again. June 21 of 2019.

11 MEMBER LEEN: '18.

12 MEMBER PIKE: It's good for a year.

13 CHAIRPERSON CHILDS: '19. Anybody  
14 like to support that motion?

15 MEMBER LEEN: I'll support it.

16 CHAIRPERSON CHILDS: Who was it?

17 MEMBER LEEN: I will.

18 CHAIRPERSON CHILDS: Anne? Okay. Any  
19 discussion or questions? If not, I'll call for a  
20 vote, and again, three members are abstaining for  
21 conflict of interest, so Leen?

22 MEMBER LEEN: Yes.

23 CHAIRPERSON CHILDS: Grzemkowski?

24 MEMBER GRZEMKOWSKI: Yes.

25 CHAIRPERSON CHILDS: Childs? Yes.

1 Motion carried.

2 All right. Now we go into the site  
3 plan review for the two additional turbines. And  
4 again, I'll turn it over to Alan to go over that.

5 MR. BEAN: Thanks, Chairman.

6 So, the site plans depict the two  
7 turbines in Sections 26 and 28. Included are site  
8 plans for Section 26 showing the addition of turbine  
9 62, an additional underground power lines and  
10 driveways. The addition of turbine 63 in Section 28  
11 showing rerouting of the underground power lines and  
12 a new access driveway.

13 And then the addition of underground  
14 power lines in leased parcels in Section 31. And I  
15 believe there's one last Section. Section 32  
16 showing turbine 26 with the additional underground  
17 power line and a change in the access drive. We  
18 have a staff report for each turbine. They  
19 recommend approval of both with minimal conditions.  
20 Those conditions are listed in the staff report.  
21 The recommendation is to approve with conditions  
22 because the site plans conform to the Fairgrove  
23 Township Zoning Ordinance.

24 CHAIRPERSON CHILDS: Okay. Any  
25 questions or comments before we go further? If not,

1 somebody like to make a motion one way other the  
2 other on this?

3 MEMBER GRZEMKOWSKI: I make a motion.  
4 "Motion to amended site plans: Motion to approve  
5 site plans submitted on May 4th and updated on  
6 May 10th, 2018, with a revision date of April 30th,  
7 2018, pertaining to Turbine 62 and 63 in Sections 26  
8 and 28, including related access roads, underground  
9 electrical collection system, and other ancillary  
10 fast utilities also located in Sections 31 and 32  
11 submitted by Pegasus Wind, LLC, as represented by  
12 NextEra Energy Resources, which conforms to the  
13 Fairgrove Township zoning ordinance, be approved  
14 with the following conditions:

15 1. Applicant must comply with the  
16 conditions outlined at the December 20, 2017 and  
17 February 22, 2018 public hearing.

18 2. Provide the Township with signed  
19 permits approving the turbine locations listed above  
20 from the Tuscola Area Airport."

21 MEMBER LEEN: I'll second it.

22 CHAIRPERSON CHILDS: Okay. It's been  
23 moved and seconded that we approve the site plan as  
24 read -- or as presented. Any questions or comments?  
25 Again, I'll ask for a vote, and we have three

1 members that will be abstaining because of conflict  
2 of interest. Leen?

3 MEMBER LEEN: Yes.

4 CHAIRPERSON CHILDS: Grzemkowski?

5 MEMBER GRZEMKOWSKI: Yes.

6 CHAIRPERSON CHILDS: Childs? Yes.

7 Motion passed.

8 All right. At this time I will open  
9 it up for public comment. If anybody would like to  
10 make a comment, now is the time to do it.

11 MR. ERDODY: I just had one more  
12 question. Because they can build turbines -- like  
13 if two landowners, they can build one on the line.  
14 But let's say like if you're a homeowner, whether  
15 you're a participant or not participant, that  
16 turbine has got to be so far back from your house  
17 whether you're participating or not participating;  
18 am I right?

19 MEMBER SHANNON: Correct.

20 MR. ERDODY: What's the distance on  
21 that?

22 MR. BEAN: 1,400 feet.

23 FROM THE AUDIENCE: 1,400 feet.

24 MR. ERDODY: Is that from the  
25 homeowner's property line?

1                   MEMBER SHANNON: I believe it's from  
2 the house.

3                   CHAIRPERSON CHILDS: It's from the  
4 house.

5                   MR. ERDODY: 1,400 feet from the  
6 house.

7                   MR. LOPEZ: 1,320 is the actual  
8 ordinance.

9                   CHAIRPERSON CHILDS: Right.

10                  MR. LOPEZ: 1,400 is our internal  
11 setback.

12                  CHAIRPERSON CHILDS: Yeah. Our  
13 ordinance says a quarter of a mile, 1,320. NextEra  
14 has their own, they go to 1,400. All of these are  
15 more than 1,400 feet from the house, the occupied  
16 house. It's not from -- necessarily from a shed or  
17 a garage or whatever, but from an occupied house.

18                  MR. ERDODY: Well, there's a -- well,  
19 I know that where I'm at there's a half mile of road  
20 between Merry Road and Ringle Road and there's like  
21 four houses involved there, it's only a half mile,  
22 they're placing one out there, I don't see how they  
23 can be 1,400 feet from four different houses.

24                  CHAIRPERSON CHILDS: He's talking  
25 right here, this --

1                   MEMBER SHANNON: Yeah, this is his.  
2 He lives right there. He's talking these back here,  
3 I think.

4                   CHAIRPERSON CHILDS: But the one  
5 that's in the Section behind you is more than -- I'd  
6 have to get the exact map out, but I'm sure it's  
7 more than the 1,400 feet from your house and the  
8 other houses.

9                   MR. ERDODY: The one behind me is, but  
10 the one in front of me --

11                   MEMBER SHANNON: They all have to be  
12 at 1,400 feet from an occupied -- well, 1,320. But  
13 they're putting them 1,400 feet.

14                   MEMBER PIKE: Right.

15                   MR. ERDODY: But the ordinance says  
16 1,320, so it could go 1,320.

17                   MEMBER SHANNON: The ordinance says  
18 1,320.

19                   MEMBER PIKE: Right, it could.

20                   MEMBER SHANNON: They could go 1,320,  
21 which is a quarter mile.

22                   CHAIRPERSON CHILDS: Any other  
23 questions, Jim?

24                   MR. ERDODY: I guess when I ask the  
25 other question when they get done with these, but

1 the best I took that answer was it's going to be  
2 until they ask again.

3 MEMBER SHANNON: Yeah, as far as  
4 building more windmills?

5 MR. ERDODY: Yeah.

6 MEMBER SHANNON: Yeah, if they  
7 requested more windmills, if they met the -- our  
8 zoning -- Zoning Ordinance.

9 CHAIRPERSON CHILDS: There definitely  
10 is places in the Township that they would meet our  
11 ordinances, but I think most of them places are not  
12 leased at this time. But, I'm sure that they --  
13 because of the collection lines and everything else,  
14 it would be hard for them to add anymore into their  
15 system.

16 MR. ERDODY: I guess when is enough  
17 going to be enough then, you know?

18 CHAIRPERSON CHILDS: Can't answer  
19 that.

20 MR. ERDODY: Well, I mean, that would  
21 be up to you people to approve them, I guess.

22 MEMBER LEEN: No, because the  
23 landowner --

24 MEMBER PIKE: As long as they meet the  
25 standard.

1 MEMBER LEEN: It's the landowner's  
2 right to have it if it meets the --

3 CHAIRPERSON CHILDS: The standard.

4 MEMBER PIKE: Meets the standard.

5 CHAIRPERSON CHILDS: Karen?

6 MS. GOODCHILD: Karen Goodchild, 3706  
7 West Gilford Road, Caro. Have you had your main  
8 site plan meetings where you approve all of the site  
9 plans?

10 MEMBER PIKE: Yes.

11 MEMBER LEEN: That was back in  
12 December.

13 MR. BEAN: Well, the public hearing in  
14 December, and then January was the second one.

15 CHAIRPERSON CHILDS: Yes, we have,  
16 Karen.

17 MS. GOODCHILD: Oh, okay.

18 CHAIRPERSON CHILDS: Tonight we're  
19 just doing the two additional ones that they asked  
20 for.

21 MS. GOODCHILD: Okay. I missed that.

22 CHAIRPERSON CHILDS: Mary?

23 MS. BRISSETTE: Is this a viable  
24 project if Juniata does not approve or if -- if the  
25 permits do not come through in Juniata and their



1 lawsuit is able to stop turbines in Juniata  
2 Township, does Fairgrove continue with theirs? Is  
3 it a viable project altogether? Is one dependent  
4 upon the other?

5 CHAIRPERSON CHILDS: I can't answer  
6 that. It's up to the developer. We -- we give out  
7 the permit, and they have a year to start  
8 construction. If they don't start construction  
9 within the year, well then they would have to ask  
10 again. But --

11 MS. BRISSETTE: Is that starting  
12 construction or finishing, starting?

13 CHAIRPERSON CHILDS: Starting.

14 MS. BRISSETTE: Okay.

15 CHAIRPERSON CHILDS: That's correct,  
16 right?

17 MR. BEAN: Yeah. I mean, we can't  
18 answer the question on what's going on in other  
19 townships.

20 CHAIRPERSON CHILDS: Right. Any other  
21 questions or comments?

22 MEMBER DAY: I make a motion to  
23 adjourn.

24 CHAIRPERSON CHILDS: Okay. I would  
25 like to thank you all for coming. I think, you

1 know, it had some -- some good questions. I'm glad  
2 to see the public involved. We have, as a Board,  
3 have done a lot of work trying to get this Ordinance  
4 in effect, and we're trying to enforce it the best  
5 we can. So I guess you're going to make the motion  
6 to adjourn?

7 MEMBER LEEN: I'll second.

8 CHAIRPERSON CHILDS: Discussion? All  
9 those in favor say "Aye".

10 (All ayes.)

11 CHAIRPERSON CHILDS: Any opposed say  
12 "Nay."

13 (None.)

14 CHAIRPERSON CHILDS: Motion carried.  
15 We're adjourned.

16 (Proceedings concluded at or about the  
17 hour of 7:55 p.m.)

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