

CHARTER TOWNSHIP OF FILER
PLANNING COMMISSION SPECIAL MEETING MINUTES
FOR TES FILER CITY SPECIAL USE PERMIT
JULY 10, 2017

Present: Karen Kolk, Shirley Ball, Richard Mark, Roger Dittmer, Jennifer Williams and Linda Rogers

Absent: Christa Johnson

Also present: Larry Thompson, Zoning Administrator and Brad Fisher, Township Attorney

Meeting was called to order by Richard Mark, Chairman at 7:00 p.m.

Motion by Williams, seconded by Ball, to approve the meeting agenda as presented. All in favor. M/C

Motion by Williams, seconded by Rogers, to approve the June 20, 2017 meeting minutes with the following changes to #1 and #14 by Linda Rogers and meeting adjourn time.

~~1. She was ok with sound levels~~ **DELETE**

~~14. To cross out Linda's statement (Linda Rogers still has a few questions on the sound study)~~ **DELETE**

Meeting adjourned at 7:43 not 8:47.

All in favor. M/C

Larry Thompson addressed his fact sheets that were handed out and wanted to add that most sound studies throughout the State of Michigan were measured from 500 feet or from the nearest residential property line from an industry.

Discussion was requested of the Commission members by the Chairman on each of the twelve elements of 31.86.8608 Special Use Permit Decision and Standards.

1. **Will be harmonious with and in accordance with the general objectives, intent and purposes of this chapter, both generally and for the particular district.** Yes - The gas-fired power plant is consistent with the Master and Zoning and District Ordinances.
2. **Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.** Yes - It's located in Lakefront Industrial District - Article 67.
3. **Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal, or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.** Yes - Will meet all state, federal and local requirements and Fire Protection.
4. ~~Will not be hazardous or disturbing to existing or future neighboring uses.~~ No - Guidelines must be written for dust and trash restrictions, construction standards. Also, noise and sound condition requirements.
5. **Will not create excessive additional requirements at public cost for facilities and services.** ~~Yes~~ - Wade Trim has report for review and replacements at TES cost.
6. **Will be consistent with the general public health, safety and welfare.** Yes - Will comply with all state, federal, and local requirements and ordinances.

NO

7. **Will not affect adversely the land use plan for physical development of the Township as embodied in this chapter and in any master plan or portion thereof adopted by the Planning Commission.** Yes - Complies with Master Plan see pages 12-24-29 ordinance 3167-6701.
 8. **Will not affect adversely the purposes of this chapter and the specific purposes of the respective land use district embodied in this chapter.** Yes – Fits ordinance 3167-6701.
 9. **Will be in conformity with any specific standards given with special or temporary uses listed elsewhere in this chapter.** Yes - Again will comply with all Federal, State, local health, safety, and welfare rules and regulations.
 10. **The design complies with all applicable general regulations and specific district regulations listed elsewhere in this chapter.** Complies with zoning district & zoning ordinance.
 11. **Will not impair, pollute, or destroy the air, water or other natural resources, including Township parks and other properties, or the public trust therein.** Yes - A sound study will be conducted for compliance after new gas plant is up and running. Plus will be checked by DEQ, DNR, State and Federal requirements. ^{THE NATURAL} [^] [^] [^] **FIRE TURBINE**
- Motion by Mark, seconded by Ball, to use the Anderson Sound Study as a base, now and future use. All in favor. M/C
12. **Will not create an immediate endangerment to life or the public health, safety and general welfare, and will not otherwise constitute a nuisance or unreasonable interference with the use and enjoyment of private and public property.** Yes – Will have to meet all State, Federal and Local regulations and standards plus to agreed sound levels.

Motion by Mark, seconded by Rogers, that the findings of fact support 31.86.8608 Special Use Permit Decision and Standards. All in favor. M/C

EXCEPT WHERE CONDITIONS ARE REQUIRED

The consensus of the Commission members was that Findings of Fact were supported by the Special Use Permit Application with the following exceptions which shall be addressed by 31.86.8609 Special Use Permit Conditions.

1. T.E.S. shall bear the cost of making appropriate changes to the existing eight inch water main per the recommendations contained in the Wade Trim report.
2. T.E.S. shall send final design drawings regarding fire protection to Filer Township Offices for review by the Filer Township Fire Chief.
3. Fugitive Dust and Trash control which are to be in accordance with the State of Michigan Dust Control Rules and Filer Township Chapter 53, Littering.
4. Sound Levels from the proposed plant shall be limited to a level based on ANSI S12.9/Part 5: Sound Level Descriptors for Determination of Compatible Land Use with consideration to the Sound Level Assessments of May 9 and June 15, 2017 by Robert Anderson Group.
5. Sound Levels due to steam venting during Start-Up of plant equipment shall be suppressed by 30 db as compared to an open valve venting directly to atmosphere ^{USING} appropriate equipment. Manufacturer's drawings for the devices to be installed shall be sent to Filer Township for the Township's records.

Chairman Mark next addressed what a good decibel (db) level number would be at TES property line. After much discussion a motion by Mark, seconded by Ball, that the number be 60 db at TES property line. Roll call vote – Rogers-no, Ball-no, Kolk-no, Mark-no, Dittmer-no, Williams-no. 0 yeas, 6 nays. Motion denied.

Motion by Williams, seconded by Dittmer, to set the number of decibels at 75 at the TES property line. Discussion followed. Roll call vote – Rogers-yes, Williams-yes, Dittmer-no, Ball-no, Kolk-no, Mark-no. 2 yeas, 4 nays. Motion denied.

NO

YES

IN THE ORIGINAL SPECIAL USE PERMIT

Rogers asked if they used Ldn or L90 chart on the Anderson sound study. Motion by Mark, seconded by Williams, to use the L90 Anderson Study chart at the TES property line. All in favor. M/C

There was more discussion on the db level with much consideration given to all concerned. Motion by Mark, seconded by Williams, to make the sound level at 71 dbs, L90 at the TES Property Line. All in favor. M/C

Other items addressed were fines for sound violations, restrictions, construction noise, silencer valves and wording the Special Use Permit conditions.

Motion by Mark, seconded by Kolk, the Township attorney, in cooperation with the Township Engineer, to prepare a report reflecting the PC's discussions and findings of this evening, together with a proposed special use permit consistent with those discussions and findings, for consideration and potential adoption by the PC at our next meeting. All in favor. M/C

Public Comment:

Joe Tondu reviewed and explained a future cost saving to the customers of Consumers Power after the plant gets up and running.

Terry Walker stated he was very disappointed with the decision from the planning commission because of the sound level.

Phil Vadeboncoeur also agreed with Mr. Walker that he was also disappointed in the decision.

Motion by Williams, seconded by Ball to adjourn the meeting. All in favor. M/C

Meeting adjourned at 8:50 p.m.
Respectfully submitted,

Roger Dittmer, Secretary
Charter Township of Filer Planning Commission