

DRAFT

Open Meeting of Casco Township Planning Commission  
For Public Comment on WECS Ordinances  
January 16, 2013, 7PM – 9PM

**MEMBERS PRESENT:** Bruce Barker, John Stroud, Dian Liepe, Daniel Fleming, Paul Macyauski, David Campbell and Judy Graff

**STAFF PRESENT:** Janet Chambers, Recording Secretary

**ALSO PRESENT:** Patrick Hudson, Planner, and Allan Overhiser, Supervisor

1. **Call to order and review of agenda** Chairman Barker called the open meeting for public comment on WECS to order at 7:10 PM. He explained that the Planning Commission started work on wind energy about 14 months ago. Chairman Barker thanked citizens for input and information they have provided to the Planning Commission on Wind Energy. After an open meeting the PC will review and revise what they have, and a public hearing could be scheduled. At a public hearing, the Planning Commission is required to take action to recommend the Township Board adopt or not adopt the amendment to the ordinance. Because there is a number of pages to review, and several issues that may be more controversial, Chairman Barker asked Hudson to walk us through the latest changes. As the changes are reviewed, citizens are invited to raise their hands, and areas of concern will be noted and discussed at the end of the meeting.

2. **Public Comment Correspondence; From, Date Received & Subject;**

Chairman Barker stated the following correspondence will be noted in the minutes as a matter of record and will be addressed as we cover sections that each pertains to.

- Letter from Diana Ostermann, 7364 North Shore Drive, Regarding Wind Energy Noise Levels (*attachment #1*)
- Email from Robert Baker, 54 Lincoln, Regarding Wind Energy (*attachment #2*)
- Email Response by Dr. Marty Graber to Ostermann's Letter (*attachment #3*)

3. **Wind Energy Conversions System Ordinance Additions and Amendments – Revised from 12/12/12 meeting.** Latest revision 1-7-13 (*attachment #4*)

Hudson said that GVSU recommends a 1,000 ft. setback from property line. Based on experience Mason County recommended a 2,000 ft. setback from the base of the wind tower to property line, because they have received complaints up to 1800 ft.

Diana Ostermann, 7364 North Shore Drive stated that Mason County has put a one year moratorium on any further wind energy developments to allow time to research health and noise issues raised by Commissioner Susan Boes.

Graff said that the basic issue is noise, whether it is noise you can hear or not. Noise is the key issue. Hudson said that studies are referring to psychological issues, not physical issues. Which makes it difficult to determine the exact cause.

Chairman Barker suggested that 2,000 to 3,000 ft. be used for now, and come back to the issue of setbacks as more information comes and pin down an exact number later.

Campbell asked if farmers could sign off giving permission for lesser setbacks. Hudson said yes, a neighboring property owner can sign off, allowing the WECS to be closer to his property line. He said there needs to be a balance between those that object to the WECS and the farmer who is in favor of WECS. He added that one county says that a neighboring property owner within the 2,000 setback would have to be paid to sign off, or sometimes are offered a share of the profits. The complaints disappeared when there was monetary incentive.

Macyauski said he would like to see a plat map marked 2,000 feet from neighboring properties to see what it would look like.

Chairman Barker asked to move forward and come back to setbacks later.

Hudson said that Mason County recommended the Site Plan Drawing (page 1, #3) include locations and height of all adjacent buildings and structures up to 2,000 ft. instead of 300 ft.

Hudson, referring to page 4, i, said that, although there are c and g decibels, most ordinances measure dB(A), because it is a more affordable frequency to measure. Mason County suggested 40 decibels. 40 dB(A) is equivalent to 57 dB(C).

Graff stated that affordability is not the issue.

Campbell added that if someone complained about the noise level and requests a noise level be measured, the property owner of the WECS would have to pay the bill if the noise was proven to be excessive. If the noise was not excessive the complainer would pay for the cost of measurement. The Township should not be responsible for the cost. Hudson said that could be added.

Chairman Barker stated that the PC started at 50 decibels and went down to 40 decibels, noting that the lower the number, the less sound.

Graff said she like the idea of a lower decibel requirement at night. Chairman Barker asked Hudson to look up what other ordinances have for day / night levels.

Graff expressed concern about why other townships listed in Ostermann's letter (*attachment #1*) had bigger setbacks than Casco has been considering.

Chairman Barker said that the PC really needs more information on the sound levels to make a decision.

Shadow flicker was discussed. Hudson stated that Mason County prohibits operation ½ hour during sunrise and ½ hour during sunset if there would be shadow flicker within 500 ft. There should be an analysis showing where the shadow flicker would occur, taking into account trees, hills, etc.

Theodore Ostermann, 7364 North Shore Drive, said that flicker distance is way off. Based on his calculations the flicker would be much further than 500 ft.

Hudson stated that page 6, M, Performance guarantee needs to be looked at by an attorney.

Macyauski asked if "abandonment" is under the definition section. Chairman Barker said the 9a description for abandonment could be used as the definition. It should be spell out in both places.

Page 9, B, 250 feet needs to be changed to 200 feet.

Chairman Barker said that technology is changing on almost a daily basis. There may need to be amendments as technology changes.

Ira Dimmer, Mt Pleasant Manor, questioned a private WECS being 75 ft. from a property line could be 85 feet from the next house.

Question was raised about the noise level of private WECS.

Campbell questioned not limiting number of private WECS a person could have. Chairman Barker said that the setbacks will limit them.

Pg. 11 is a recommendation to the Board to amend the existing noise ordinance to this provision.

Section Z.02 Vibrations or Wind Current, line 5, the word "at" needs to be added to read "measured at the nearest occupied..."

Add dB(C) to Section Z.02.

Hudson reminded the PC that this section is a nuisance ordinance. Test, proof, and a fix it order.

Ira Dimmer asked about the possibility of a development being added after the WECS are constructed and the noise becoming a problem. Hudson said they could complain under the noise ordinance, but if someone moves after towers are constructed it might be a matter for the courts. Hudson added that a residential development cannot be put in the agricultural district. The problem could be a farmer cutting out a 2.5 acre lot for a home.

Dianna Ostermann thought setbacks should be measure from turbine to non participating property lines. Not just where someone lives to alleviate problem with future homes.

Macyauski questioned we are just getting all of the information on other township or county WECS ordinances.

Hudson said there are low pitch sound as the blades pass the tower. Sound similar to waves and rain.

D. Ostermann said that the difference between dB(A) and dB(C) is dB(A) is designed to measure what people can here. Not measuring anything below 2000 hz. To measure lower frequencies you must

measure dB(C). When comparing dB(C) to the sound of waves, D. Ostermann said that the low frequency sound is much more unpleasant, low pulsating, not a gentle wave sound.

Connie Shafer, 735 North Shore Drive, said sometimes wind is very soft, sometimes it is 60 miles an hour. Waves can be a soft relaxing sound. Some people sleep with white sound. Some sounds are comforting and some not. It may be a decibel thing. Waves can be intense, but not every day.

Graff was concerned about all the townships that require setbacks in the thousands of feet. Supervisor Overhiser said it is clear that those who have such high setbacks are people who do not want the windmills. 1800 ft is the longest distance they had complaints in Mason County.

Chairman Barker said there are parameters that will have to be checked into. He thanked everyone for their input. The PC will take a harder look in several areas, information will be weighed, passed on to the Board, and the Board will have to make a decision.

Supervisor Overhiser said that WECS have been provided for in the Master Plan. Farmers are trying to hang on to their farms and WECS would provide the revenue to help them. The taxable value could double the Casco Township's tax income.

Theodore Ostermann asked why Casco is working on setbacks that would allow even one turbine. The law says that they cannot be disallowed outright, but if there is no suitable site, they do not have to be allowed. Chairman Barker said there have been requests by farmers.

T. Ostermann said flicker cannot be determined until you have setbacks. Blade size will also affect flicker.

Chairman Barker asked how long it would take to get information so that a decision could be made. Hudson said he would need a couple of weeks to research a couple of things.

Chairman Barker would like to schedule a public hearing or another open hearing, possibly February 20<sup>th</sup>. If that does not work, it could be the 2<sup>nd</sup> week of March. The next regular meeting will be February 6<sup>th</sup> and if Hudson could get the information by then, the PC could hone in on setback and noise levels at the next regular meeting.

Campbell said the PC has been focusing on the wind farms because that is mainly what has been covered by the ordinance. He is not comfortable with the individual wind energy at this point and would like to consider separating the residential from the wind farms. He felt it would be easier to understand with a table. Hudson will do a table for the private residence turbines.

Chairman Barker said that if there was a Public Hearing on Wed. Feb. 20<sup>th</sup>, it will need to be noticed in the paper 15 days prior. If that does not work, it could be scheduled in March.

Chairman Barker encouraged everyone to attend the Saturday, February 9<sup>th</sup> meeting where infrastructure, zoning issues, density issues, water and sewer will be discussed. This is an opportunity to say what is on our minds. Discussion is for good of township.

Supervisor Overhiser said that on March 27<sup>th</sup> at 7:00 PM will be a joint meeting with South Haven Township, Casco Township and the Water & Sewer authority.

**4. Resolutions requiring Planning Commission action; none required None**

Motion to adjourn by Fleming, seconded by Stroud. All in favor, MSC. Meeting adjourned at 9:17 PM.

The next regular Planning Commission meeting will be Wednesday, February 6<sup>th</sup> at 7:00 PM  
A joint meeting will be held on Saturday, February 9<sup>th</sup> at 9:00 AM until noon.

Minutes prepared by Janet Chambers, Recording Secretary

- attachment #1:* Letter from Diana Ostermann, Regarding Wind Energy Noise Levels
- attachment #2:* Email from Robert Baker, 54 Lincoln, Regarding Wind Energy
- attachment #3:* Email Response by Dr. Marty Graber to Ostermann's Letter
- attachment #4:* Proposed Wind Energy Conversions Systems Ordinance, draft 1-17-13