

CHARTER TOWNSHIP OF ALPENA PLANNING COMMISSION

MINUTES – Public Hearing

Monday, August 14, 2023

MEETING COMMENCED: 6:00 PM

PLEDGE OF ALLEGIANCE

THOSE PRESENT

Corey Code, Larry Dehring, Chairperson Tom Hilberg, Norm Poli, John Stender and Vice-chairperson Michelle Woodruff

ABSENT

Delynn Pauly

OTHERS PRESENT

Lynn Daoust – Acting Secretary
Nathan Skibbe – Township Supervisor
Evann Rohloff – Harvest Solar (Applicant)
Rob Miller – Harvest Solar (Applicant)
Carey Styma
Erwin Styma
Stephen Subu – Northstar Clean Energy
Tammy Buvia
Michelle Buvia
Kim Burns
Janelle Werda
Lisa West – Applicant
Jeffrey Scott – Holcim
Nanci & Jeremy Baldwin – via Zoom

Tammy Schaedig – Applicant
Kim & Stuart Adams
Bill Schaedig – Applicant
Dalton Schaedig
Carlee Sauls
Mary & Erv Lewandowski
Sue & Dennis Wagner
Mike & Kim Dodd
Lisa Rosenbeck
Reed & Linda Woodruff
Barbara Rigg
Jim Stachlewicz
Beverly Banks

ADOPTION OF AGENDA

L. Dehring made a **motion** to adopt the agenda, **supported** by Vice-chairperson Woodruff. *Motion passed unanimously by voice vote.*

APPROVAL OF MINUTES

Vice-chairperson Woodruff made a **motion** to approve the June 12, 2023 minutes, **supported** by N. Poli. *Motion passed unanimously by voice vote.*

PUBLIC COMMENT

Supervisor Skibbe asked the audience to participate in the Master Plan survey and that copies were available or to fill the survey out online at the township website.

CORRESPONDENCE

- a. Reports #06-23, #07-23 (Amended), #08-23 (Amended) & #09-23 – R. Deuell
- b. Emails Regarding Case #P-07-23 – T. & M. Lenard and R. & P. Martinez

PUBLIC HEARING

1. Case #P-07-23, William Schaedig, requested a SPECIAL APPROVAL USE for a cottage industry to recycle metals. Property is located on Brooke Street, Parcel No. 018-410-000-030-00 in a Mixed Residential (R-3) zone district.

Supervisor Skibbe introduced the case and explained that there has been a blight issue with the applicant's property at 609 Brooke Street since he took office. In trying to work with the Schaedig's, the cottage industry seemed the best route since it would afford the planning commission more control over their recycling and scrapping instead of them simply constructing an accessory building without stipulations. Supervisor Skibbe explained that it would clean-up several issues including removing a blight case, satisfying an existing non-conformity via terms of a use, and with stipulations set by the planning commission, will house all the blight that has been visible for years.

L. Dehring made a **motion** to open the Public Hearing, **supported** by N. Poli. ***Motion passed unanimously by voice vote.***

Mr. Schaedig explained that the purpose of the building would be cold storage, without water or heat at this time, in order to store all his stuff and remove it from site. There will be a concrete floor and any hazardous material will be placed in containers and taken to Walmart. They will use the existing drive, not create another. They plan on constructing it once approved and felt the size of the pole barn would be adequate to house everything. Chairperson Hilberg read item #1 of Rick Deuell's report. The property is surrounded by woods but they would put up a fence, if needed. An empty lot will remain between the home and the pole barn plus the lots facing Lawn Street will remain undeveloped. Tammy Schaedig explained that they want to keep the pole barn separate from their home and other lots so that they can be handed down to their children and sold separately, if desired. Supervisor Skibbe explained that even though they are asking for a cottage industry, no commercial activity would be taking place. This would simply clean-up the existing practice and get it out of site. Chairperson Hilberg reviewed item #2 of Rick Deuell's report. Mr. Schaedig had addressed hazardous material such as oil and antifreeze that will be contained and removed from the property. Chairperson Hilberg reviewed item #3 of Rick Deuell's report and stressed that safety is so important. Vice-chairperson Woodruff voiced concerns regarding smoke, fire, dust, sound, and other issues. She verified with Mr. Schaedig that it is only a hobby, not a business and will be used for cold storage. There will be no employees. N. Poli was concerned with how he would do work without power but Mr. Schaedig replied it would be with a generator and hand tools. That the main purpose of the building is to remove his things from the yard to store inside. He might install power and water at a later date. Supervisor Skibbe mentioned that the property had municipal water and sewer. J. Stender asked why call it recycling. Supervisor Skibbe replied that some of the activities were scrapping and based on Ordinance No. 142, the best way to define that activity is under a cottage industry because it does not occupy 25% of the home. It is non-commercial but there is some monetary, commercial gain. It could have been a permitted special accessory building but if there is activity later on, the planning commission has no control. This is an opportunity to clean-up a blight situation and the commission can add stipulations to the case.

Stuart & Kimberly Adams, 820 Lawn Street – They live directly behind the Schaedig's and complained about the junk at the property. They would like a tall fence erected. They are concerned about the cold storage not being contained and possible noise from a generator. They currently have a 6' fence and cedars planted but they can still see the junk from their property.

Lisa Rosenbeck, 608 Brooke Street – Lives directly across the street from the Schaedig's and can see all the stuff from her window. There are four trailers, a tractor, two boats and various things underneath tarps making it blight. Concerned building will not be large enough to contain everything. Feels his activity affects traffic and is also concerned about contamination.

Michelle Buvia, 604 S. Brooke Street – Read an email that she previously wrote stating her concerns regarding the upkeep of the Schaedig's home and safety. A fire burned for three days that was unattended and the fire department had to be called. Concerned about the traffic and a recycling business being ran.

Supervisor Skibbe mentioned to the commission that stipulations can be added such as fencing, leaving existing vegetation, etc. Although zoning defines cottage industry as commercial activity, that does not mean they will have a 9-5 business going on. This just gives the planning commission more power by placing stipulations on the special use than Supervisor Skibbe would have granting a permitted special use for an accessory building. The commission can add stipulations that void the special use if broken and felt this was the best approach for the case.

Stuart Adams reapproached the commission to add that he is concerned this type of commercial activity will affect property values in the neighborhood by going down in value. Supervisor Skibbe added that businesses are allowed in an R-3 zone district and commercial activity might actually influence property values to go up. Chairperson Hilberg felt that if constructing the building resulted in the all the items being cleaned up, it would not be a detriment to the neighborhood. However, without power, hours of operating a generator is a concern. Vice-chairperson Woodruff voiced her concerns regarding overflow, fencing, noises and if re-inspections could be listed as a stipulation. Supervisor Skibbe replied that yes, inspections such as bi-annual or quarterly can be required. If they do not follow the stipulations then they would lose the special use and be void. They would have one opportunity to comply and if upon reinspection they have not, then he can bring the case back to the commission asking them to nullify the special use and proceed with it under blight. This case is complex and has existed for quite some time so he felt the special use for cottage industry was the quickest way to contain it. The applicant does not do commercial activity, except for some recycling, but because there is some commercial gain and the activity is not done from the home, it is a cottage industry and not a home occupation. Regarding contamination, that is not controlled by the township or county but rather EGLE and any concerns would need to be addressed to them or District Health Department #4. The slab in the cold storage building would help mitigate leaks.

Ms. Buvia asked if the applicants could move the stuff somewhere else until the building was constructed. Supervisor Skibbe replied that it would create a second issue. There is nowhere for the items to be housed.

C. Code asked if there was a noise ordinance in the township, especially pertaining to generator use. Supervisor Skibbe answered there is no noise ordinance that pertains to stationary objects, just vehicle stereos. However, the commission has the ability to control it by declaring hours of operation and use of the generator. Also, have the applicants obtain power when economically possible. Chairperson Hilberg asked that if the special use was not granted, could the Schaedig's still build. Supervisor Skibbe replied, yes and then he would pursue Blight Ordinance No. 137 but the special use affords the commission more control by placing stipulations on the applicants.

Vice-chairperson Woodruff made a **motion** to close the Public Hearing, **supported** by L. Dehring. *Motion passed unanimously by voice vote.*

J. Stender commented that he would like to take more time to look into the stipulations based on the discussion that took place because there are several not listed in Rick Deuell's Findings of Facts report that he would like to add such as a time frame on when things have to be done, what happens if it does not meet the criteria of the inspector and what quantity hazardous fluids will be stored in.

A **motion** was made by J. Stender to table Case #P-07-23 for further considerations and conditions to be met until the next meeting scheduled for September 11, 2023, **supported** by Vice-chairperson Woodruff.

Roll call vote: C. Code-aye; L. Dehring-aye; T. Hilberg-nay; D. Pauly-absent; N. Poli-aye; J. Stender-aye; and M. Woodruff-aye. Motion passed.

2. Case #P-06-23, Northeast Sanctuary, requested a SPECIAL APPROVAL USE for a child care center/nursery school. Property is located at 745 Thunder Bay Avenue, Parcel No. 018-405-000-408-00 in a Mixed Residential (R-3) zone district.

Vice-chairperson Woodruff made a **motion** to open the Public Hearing, **supported** by J. Stender. *Motion passed unanimously by voice vote.*

Supervisor Skibbe introduced the case explaining that the applicants want a daycare facility not specific to church members and for more than six (6) children which requires special use.

Chairperson Hilberg stated that all of the criteria had been met for the special use according to Rick Deuell's Findings of Facts report.

Applicants Nanci and Jeremy Baldwin were present via Zoom to address this case.

Chairperson Hilberg asked if there was a playground and Nanci informed him that the state is allowing it to remain as a natural outside play area and it is not mandatory. Vice-chairperson Woodruff asked what their construction timeline is and Nanci replied, September 1st, and they hope to be open sometime this year.

Barbara Rigg, 740 Thunder Bay Avenue – Is very concerned with the amount of traffic down that road and lack of parking. The road is gravel and in disrepair. There is a channel next to the church and she has had to pull children away from it and is very concerned for their safety. There are meetings throughout the week creating more traffic and she feels a daycare will increase it even more. Requests that the case be denied for these reasons.

Susan Wagner, 606 Thunder Bay Avenue – Questioned why she did not receive a public hearing notice in the mail like her neighbor did. Stated she was not against daycare but feels the road is not built to accommodate all the traffic on it, especially when there are church services. Part of it is paved, part is gravel with no sidewalks and narrow shoulders and people drive way too fast down it. She asked how many children they were approved for and Nanci answered fifteen (15).

Mary Lewandowski, 718 Thunder Bay Avenue – Agreed that daycare is needed in the community and is not against the church. However, there are a lot of small children and senior citizens along the road. She is also concerned about the channel, lack of a playground and did not feel there was a natural place for the children to play. Believes it is not appropriate for a daycare.

Sue Wagner reapproached the commission and asked what it will be zoned and also mentioned that there is no speed limit sign on that road. Supervisor Skibbe agreed that the road commission does not always post signs and added that the zoning will remain the same. The special use is just for this property and will not affect the other empty lots down there. Chairperson Hilberg stated that anything allowed in an R-3 district would be allowed on those lots and also any special uses the commission permits. Supervisor Skibbe added that the applicants could have a daycare with six (6) children or less without having to approach the planning commission. Ms. Wagner asked if any of the planning commission members had been down the road and most replied they had. C. Code asked if the applicants owned up to the channel and if there was any way to make it safer for the kids.

Vice-chairperson Woodruff made a **motion** to close the Public Hearing, **supported** by L. Dehring. ***Motion passed unanimously by voice vote.***

Chairperson Hilberg re-opened the public hearing. Applicant Nanci Baldwin asked to speak to the commission regarding the concerns of the neighbors. She was not aware that the neighbors felt this way and thought there had been open communication between them. The church has been there for thirty years and they have been the pastors for the last five. They are aware that they are outgrowing the building and are actively looking for a larger one but it has not happened yet so they brought in the relocatable building. They do not currently hold weekly bible studies or services so the heavy traffic being seen is not just from their church but also the community. Traffic uses their parking lot to turn around and

they have to haul in gravel every year because of it. The state fire inspector has been out to inspect it and give them guidelines. The state licensing has also come out to look at the property and they know the children will be behind the relocatable building, not the main building but even so, they hope to put up a fence someday. There is a high demand for childcare and they are trying to fulfill those needs and serve the community. There is currently a waiting list of children needing childcare and they are all from the community. They will talk to the congregation about the speeding again. Jeremy Baldwin added that they have a lot invested already into this project. Nanci offered to have the neighbors visit the center and ask questions.

Erv Lewandowski, 718 Thunder Bay Ave – Has a lot of respect for the applicants and thought they did a great job building up the church but feels it is in the wrong location. Traffic is a huge concern because of speeding, parking on the side of the road, plus traffic is tearing up the road surface. Also, the parking lot is too small and the parking spills over to the Woodruff's vacant lot. He is also concerned there is no playground.

Barbara Rigg reapproached the commission and pointed out that even though the Woodruff's have not spoken up, they own a lot of rentals and she is seeing more children in the neighborhood and fears for their safety.

Vice-chairperson Woodruff made a **motion** to again close the Public Hearing, **supported** by L. Dehring. *Motion passed unanimously by voice vote.*

Vice-chairperson Woodruff made a **motion** to deny the special land use for a childcare center and nursery school, **supported** by L. Dehring.

Roll call vote: C. Code-aye; L. Dehring-aye; T. Hilberg-aye; D. Pauly-absent; N. Poli-nay; J. Stender-aye; and M. Woodruff-aye. Motion passed.

3. Case #P-09-23, West Design Center, requested a SPECIAL APPROVAL USE for the vertical expansion of an existing non-conformity. Property is located at 9170 US 23 North, Parcel No. 013-011-000-445-00 in a Waterfront Residential (WR) zone district.

Vice-chairperson Woodruff made a **motion** to open the Public Hearing, **supported** by C. Code. *Motion passed unanimously by voice vote.*

Lisa West of West Design Center gave an overview of the case and explained that the owners would like to expand vertically. She previously spoke to the building official and a 1-hour fire rated wall will be required inside and outside giving that neighbor and the applicants protection on both the first and second floor. There will most likely be no windows on that wall. Both the first floor and second floor will be 8' in height with an average roof pitch and approximately 23' to the middle of the roof. Chairperson Hilberg asked if it will block the view to the lake but it will not. Ms. West felt that the improvements and fire wall will keep both homes safer instead of making no improvements.

Chairperson Hilberg asked about property stakes and owner, Irwin Styma, replied that they had the property re-surveyed. Ms. West confirmed that there is an existing well and septic at the home which the health department deemed adequate.

Supervisor Skibbe expressed one neighbor's concern regarding utilization of their property to complete construction and not degrade it but the other neighbors seem to be in favor of the special use.

Kim Burns, next door neighbor, said the applicants had less than two feet of property to work with and wondered how they will be able to complete construction. She already gave them permission to install underground utilities and her driveway was damaged in the process. Styma's did offer to patch the damage but Ms. Burns does not want a patch on a new driveway. There is about five feet between the houses and Styma's eaves hang over her property line. She is very concerned about additional damage.

Owner Kari Styma, explained they had the property lines surveyed and have no desire to be on the neighbor's property. With construction, the eave issue will be corrected. Lisa West added that gutters will be installed to draw water away from Ms. Burns property. She agreed construction could be difficult because there is only 2 1/2 feet to the property line and hope for neighborly cooperation during that time. Everything will be put back to original state once construction is complete. She also mentioned that maintenance performed by either party would require access so they need to work together. Chairperson Hilberg asked if 1.4 feet is enough to construct the second story. Ms. West explained that the builders will methodically remove the roof but the siding and fire sheathing will be the hardest part. Cranes and booms will be used to place the trusses and the walls will be built from the inside of the home. Chairperson Hilberg added that the planning commission cannot make the rules regarding private property and the agreement would have to be between the neighbors.

Owner Irwin Styma, explained there was a two-year project with Thunder Bay Electric to remove the old overhead power lines and place them underground, which they paid for. They also plan on patching any openings on the neighbor's property. He also addressed the marks left on the neighbor's driveway and although Thunder Bay Electric denied doing it, they would still try to fix it. Chairperson Hilberg pointed out that the power pole is still there but Mr. Styma replied it will be removed now that the project of underground boring to three cottages is done.

Kim Burns reapproached the commission and pointed out that the Styma's wanted the underground power, not her and now she has it running along her foundation and cannot do anything to it, if needed. She will not grant them permission to go on her property.

Tricia Girard, Kim Burn's daughter, is concerned about snow falling from the heightened roof to her mother's. Feels the lots are too small in that area to be expanding homes.

Vice-chairperson Woodruff made a **motion** to close the Public Hearing, **supported** by L. Dehring. ***Motion passed unanimously by voice vote.***

Supervisor Skibbe added that the only option for these existing non-conforming properties, according to Ordinance No. 142, is to let them expire with one exception being private property has the right to go up. The construction burden falls on the contractor and the planning commission cannot set stipulations on civil matters. However, a stipulation that any damages from construction be remedied within a certain timeline could be added.

Vice-chairperson Woodruff made a **motion** to approve the special use with the stipulation that the builder and property owners remedy any and all damage to neighboring property during construction in a timely matter and adhere to property boundaries, **supported** by J. Stender.

Roll call vote: C. Code-aye; L. Dehring-aye; T. Hilberg-aye; D. Pauly-absent; N. Poli-aye; J. Stender-aye; and M. Woodruff-aye. **Motion passed.**

4. Case #P-08-23, Harvest Solar, requested a SPECIAL APPROVAL USE for the installation of a 25MW solar array. Property is located on Misery Bay Road, Parcel No. 014-018-000-001-00 in a Forest Recreation (FR) zone district.

Vice-chairperson Woodruff made a **motion** to open the Public Hearing, **supported** by L. Dehring. **Motion passed unanimously by voice vote.**

Jeff Scott, plant manager for Holcim, addressed the commission. His company would like to reduce their carbon footprint and be carbon free by 2050 and have renewable energy by 2030 as a company worldwide. The reasons for 25 megawatts is to stay within a footprint and avoid wetlands and also it will provide about 75% of the energy needed to run the plant. The subject property is contiguous to the quarry property and that side will be used for construction access instead of the easement. J. Stender asked if the property will need to be logged off and J. Scott replied only a portion of it, about 80 acres. L. Dehring asked if it would be fenced in and yes, there will be a fence around the panels. J. Scott mentioned that a wetland survey was completed along with a bat survey and vegetation survey to make sure there were no endangered species on the property. The interconnection will be on Holcim's side of the meter and run across Ford Avenue then brought back into the plant. They already have an interconnect with Alpena Power so any energy they do not use will go back to them. N. Poli stated he is not familiar with solar energy and asked if all EGLE requirements would be met along with the zoning ordinance. J. Scott answered yes, that is why all the surveys were completed, even soil samples to ensure no contamination plus silt run-off was addressed. Supervisor Skibbe stated that Harvest Solar has been proactive and any concerns he had have been addressed such as the west side of the property next to the quarry will be used for ingress and egress, not an existing easement. Also, the topography will not be changed affecting run-off and wetlands. They completed all the necessary studies and are even working with MSU Extension regarding pollinator plants. He added that solar does not have a negative eye appeal such as wind energy.

Chairperson Hilberg addressed Section 602, A. 4. of Rick Deuell's report asking if neighboring property values would be impacted but the property is already next to a quarry which already affects that.

Jim Stachlewicz, Misery Bay Road – Although he is not against solar energy, he is concerned with the impact removing 80 acres of trees will have on the environment. Also, risk of fire and compensating the township for emergency services. He asked where will battery storage be, if any. Also, will the solar panels handle the vibration from the quarry blasts.

Beverly Banks, 5864 Misery Bay Road – Asked how is it determined who receives the public hearing notices. Secretary Lynn Daoust explained that property owners within 300' of the subject property receive the notices and the case includes a map showing those property owners. She is concerned with removing 80 acres of trees and also excessive dust from the plant. B. Banks asked if Supervisor Skibbe had read all of the reports mentioned earlier such as EGLE. He has seen the reports and approvals. She is concerned with electrical, sound and light pollution and how it will affect the wildlife.

John Dodd, 5276 Misery Bay Road – He is concerned with how much access will be needed when using the easement and only a 15' gate. Although not opposed to solar energy, where will the batteries and converters be stored. Asked how will the lithium batteries be disposed of. Will there be additional noise from the solar panels. How will they clean the dust from the panels and where will the chemical run-off go.

Steven Subu with CMS Energy answered concerns and questions. First, there will be no batteries at the site, it is not a battery storage facility. The invertors do not make much noise and would not be heard through even a single line of trees. They do not generate light or glow at night. There might be some very small lights on the invertors that indicate they are on. J. Scott added that Holcim will consume most of the energy generated and any excess will go to Alpena Power, and that is why no batteries are needed. S. Subu stated that they will not use the access north of Mr. Dodd's property except in case of a fire which is a rare occurrence without battery systems.

Robb Miller, in charge of engineering for Harvest Solar, stated there will be a buffer or space between properties and also an additional buffer from the fence to the solar modules. There will be a minimum of 50' between the property line and the fence. Pollinators will be planted where able to. They are willing to meet with the fire department and devise a plan. Cameras will be onsite 24/7 and will send out an alarm if there is an error.

J. Scott stated that access will only be through the quarry but some adjustment will need to be made to the easement (not the Dodd's). Chairperson Hilberg asked what the life expectancy of the panels are. S. Subu answered 30 years and their lease with Holcim is for 20 years. A reclamation plan will need to be a stipulation. Part of the lease agreement between CMS Energy and Holcim is to remove all of the equipment and plant trees, returning it to the original state. R. Miller added that even though it was not required, they had an FAA level glare study done to assure there will be zero glare. J. Stender asked if the commission could see the lease agreement between Holcim and CMS since the commission will be relying on it. They feel they can redact it enough to provide the commission with a copy of the lease and closure clause. Holcim owns the property, CMS is the lessee and Harvest Solar is the general contractor and will do operations and

maintenance of the site. Harvest is a family based company with approximately 80 employees. S. Subu agreed that the dust is also a concern of theirs and they can track that by looking at energy production. A biodegradable soap will be used to clean the panels, if needed. To control water run-off, a pollinator blend will be planted plus there will be soil erosion sediment control in place during construction. The soil erosion permit through the county requires weekly inspections of the entire site and after rainfall of over 2". The pollinator and erosion blend they plant will have a lower run-off rate than the existing trees and vegetation.

Vice-chairperson Woodruff made a **motion** to close the Public Hearing, **supported** by C. Code. *Motion passed unanimously by voice vote.*

Supervisor Skibbe recommended that the commission consider a 50' buffer for the south and east sides of the property and a 20' buffer for the north and west sides. J. Stender would like to see a reclamation plan detailing removal and restoration. Supervisor Skibbe agreed that a stipulation can be added to the special use to include one. J. Stender mentioned a possible bond like they have in Gratiot County which is in place to assure decommissioning of the property. S. Subu replied that they have not been required to obtain bonds before but is familiar with the process. Supervisor Skibbe stated that a bond is county driven and asked if the commission was requesting that Alpena County do a bond for the decommissioning of the solar farm. He does not feel that the county is equipped to handle bonds at this time and that stipulations added to the special use could be adequate to assure proper decommissioning. Supervisor Skibbe asked when they planned on starting construction. S. Subu answered this October and will take about a year to complete.

J. Stender made a **motion** to approve the special use with the stipulation that the property owner is responsible for restoring property to original condition at time of decommissioning, **supported** by C. Code.

Roll call vote: C. Code-aye; L. Dehring-aye; T. Hilberg-aye; D. Pauly-absent; N. Poli-aye; J. Stender-aye; and M. Woodruff-aye. Motion passed.

DISCUSSION

Supervisor Skibbe stated that numerous lawn complaints are received so he is exploring the option of a lawn maintenance ordinance. L. Dehring asked if there was someone to enforce it and Supervisor Skibbe replied that he might have someone lined up for it.

NEXT MEETING – September 11, 2023 at 6:00 p.m.

ADJOURNMENT – Vice-chairperson Woodruff made a motion to adjourn, supported by J. Stender. Meeting adjourned by Chairperson Hilberg at 9:05 p.m.

Respectfully submitted,

Lynn Daoust
Acting Secretary