



## Conway Township Planning Commission Meeting Minutes

Monday, June 12, 2023 | 7:00pm EST

Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, MI 48836

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<p>PC Members Present: Jeff Klein, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio, Shawn Morrison, Lucas Curd, and Kayla Poissant</p> <p>Zoning Administrator – Gary Klein</p> <p>Livingston County Planning Commissioner: Dennis Bowdoin</p> <p>Township Attorney: Abby Cooper, JD, Michael D. Homier</p>	None
<b>Call to Order/Pledge</b>	Chair, M. Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm and led the Pledge of Allegiance.	None
<b>Approval of Agenda</b>	Motion to accept the meeting agenda as amended for June 12, 2023. Motion by D. Whitt. Support L. Curd. Motion Approved.	Motion Approved
<b>Approval of April 28th, 2023 Minutes</b>	Motion to accept meeting minutes from April 28th, 2023. Motion by J. Klein. Support by S. Morrison. Motion Approved.	Motion Approved
<b>Approval of May 8th, 2023 Minutes</b>	Motion to accept meeting minutes from May 8th, 2023. Motion by D. Whitt. Support by J. Klein. Motion Approved.	Motion Approved
<b>1<sup>st</sup> Call to the Public</b>	Steve Smith- Robb Rd.- He complimented L. Curd on last month's meeting. He stated that he would speak later in the Public Hearing regarding specifics on the proposed ordinance, but wanted to say a few general things now. He stated that they have been concerned about solar for many reasons, but that one reason included a couple of Conway residents speaking with a couple currently living near Angelica living near the solar farm. He stated that the couple has had numerous issues including drain pipes being crushed, propane tank bloating, sump pump continuously running, flooding, etc. The couple is still trying to fix the issues. He stated another man living near a facility stated that there were tons of garbage left from workers, trucks causing tons of dust, and many other issues. He asked commissioners to check to see if	None

	everything is covered in the ordinance to prevent these types of situations from happening.	
<b>Communications</b>	<p>a. Zoning Administrator Report: G. Klein stated that there was one wavier for windows last month, and six land use permits (two for decks, one for a driveway, and three for accessory buildings).</p> <p>b. Livingston County Planning Commission Report: D. Bowdoin stated that last month's meeting was pretty short, and everything is in the packet. M. Swain-Kuch stated that the LCPC was starting their monthly newsletter again, and included it in the packet as well as their minutes from the meeting.</p>	<p>None</p> <p>None</p>
<b>Public Hearing on the proposed amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems</b>	<p>Motion to open the Public Hearing for the proposed amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems. Motion by D. Whitt. Support by G. Pushies. Motion Approved.</p> <p>M. Swain-Kuch stated that the proposed ordinance was included in the packet, and that there was one thing to address which included setbacks. She asked M. Homier to respond to a public comment on how the Public Hearing works.</p> <p>M. Homier stated that it is where the public has three minutes to speak on their concerns, issues, or comments and then the PC could deliberate on the public's statements when working on the final draft of the proposed ordinance.</p> <p>Jim Dannemiller- Chase Lake Rd.- He was speaking on behalf of Sarah Porter who could not be in attendance. S. Porter sent an email to the PC which is what he read. Copied below is her email.</p> <p>1. Page 2, Section A #1 - Delineation of the Overlay District - All of Parcel No. 01-12-100-003. I believe this sentence is incorrect and should be: That portion of Parcel No. 01-12-100-003 located south of the Conway Cohoctah Union Drain as depicted on May A. The overlay only includes half of this parcel as it also goes north of the noted drain. The stated language would increase the overlay by another 40 acres.</p>	Motion Approved

2. Page 2 Section A #2 - Parcel 01-12-200-002 is noted as south and 'west' of the Conway Cohoctah Union Drain. I believe this should read 'south and east' of the drain.

3. Page 5 #3 f - Roof or Building Mounted - Abandonment - In the Friday, April 28th meeting, Mr. Homier stated this section was a "tricky issue", stating "the courts say the passage of time is not enough and there has to be intent to abandon.". He said he would like to pair this with another event like a bankruptcy. I am just wondering if this section needs further edits based on his statements.

4. Page 6 i - Ground Mounted - Abandonment - This section should match the above section under Roof/Building Mounted. It currently does not list the abandonment period of six months and if the Roof Mounted is edited, both should match.

5. Page 11 #4 d - The set back of 150 feet is listed from the edge of any wetland, shoreline, or drain easement. On the west side of both parcels 01-11-200-002 and 01-11-400-002 according to a map from the Livingston County Drain Commission, the drain that runs north/south is a Private Open Drain. The Conway Cohoctah Union Drain runs along the north of the two top parcels all the way to Marsh Road and then jogs down and continues southwest. How does a Private Open Drain fit into the categories listed for the 150 setback in this section? Will the fencing be set back 150 feet from this drain or run right up to it?

6. Page 11 #6 - Screening - the language included in the 4/28/23 draft from the community stated in the last part of the sentence "to obscure, to the greatest extent possible, the Solar Energy System from all sides and open views surrounding the Participating Property". The current draft states "all sides and any open views from **Non-Participating Property**". The idea was to screen the entire project. I noticed the language change during the meeting with Laura from Foster Swift but I wanted to review it again while looking at the parcels. This overlay creates issues with screening because the Participating Property is portions of the same farmer's adjoining land. I would challenge the commissioners to individually draw how they think this overlay should be screened if an application were submitted. The farmer certainly will not want two rows of Norway Spruce planted through the middle of a field. What will the south side have for screening? If the west side is a Private Drain, is any screening required on that side which will be most viewed from everyone

traveling Marsh Road? The north side has the Conway Cohoctah Union Drain, is any screening required there? I feel it would be a good exercise to draw it out according to the current ordinance language as it stands and see everyone's interpretation of what the screening should look like. Does the ordinance reflect the interpretation of the PC and adequately address the public concerns?

7. Page 13 #11 - Underground Transmission - the last sentence states "except for power switchyards or the area within a substation". Should this be stricken because we prohibited substations?

8. Page 13 #15 - Inverters - The set backs are blank - I would just caution that all the sides closest to the road and Ms. Smith in the house across from the Van Gilder farm are adjoining participating properties. It seems we should create a large setback for the only two residents along the Marsh side of the overlay.

9. Page 16 #24 - Compliant Resolution - This section does not include an escrow account for complaint resolution. Many residents were interested in this due to our experience with the DTE Weather Station.

Kennedy Parker- Hayner Rd.- She reiterated Mr. Dannemiller's comments. She discussed Page 2 Section A #2 - Parcel 01-12-200-002 is noted as south and 'west' of the Conway Cohoctah Union Drain believing this should read 'south and east' of the drain, screening should say even non-participating properties, underground transmissions, inverter setbacks were not completed, and tree screening distance should be "not more than". She also stated that she hopes this will be successful, but that it has been a very disappointing experience. She said she is disgusted by way things have gone in this process.

Steve Smith- Robb Rd.- He stated that the ordinance seems to be really good, but he believes some touch-ups are needed. He said that Mr. Dannemiller and Mrs. Parker said most of it. He thanked the PC on their work last month. He would like to hear that Mr. Homier is happy with the ordinance regarding the legality and wording. He also stated that in regards to screening, it may be more beneficial to plant the tree screening along the road instead of the middle of the field. He recommended that inverters be at least 1000 ft from non-participating properties, and 500 ft from participating properties. He also mentioned about an

	<p>escrow account to have the funds to fix issues that arise from violations.</p> <p>Brandon Primeau- Saddle Drive- He said he is against putting solar panel where his food comes from. He said this doesn't make sense, none of it, and he is worried about this community for his kids. He believes the panels should go somewhere else, and it is cheaper to place on residential land. He also made a comment regarding the three-minute rule, saying that it comes and goes.</p> <p>Mike Beyer- Pierson Rd.- He had a few questions about how often the ordinance is going to be reviewed, and regarding the overlay district in general if it is the first one or only one.</p> <p>G. Pushies asked M. Homier to respond to those questions. M. Homier explained that zoning is a legislative matter, and things can be changed in the future. He stated that the ordinance could be removed, change it, move the overlay, or even make more than one district.</p> <p>Tom Parker- Hayner Rd.- He wanted to comment on the drains, and recommend changing the wording of "drain easement" to drains period to cover public, private, and open drains.</p> <p>Mike Brown- Sober Rd.- He reiterated what Mr. Parker stated. He is concerned with the language of drain easement, and it should cover public and private drains.</p> <p>Don Smith- Hidden Circle Dr.- He stated that he is concerned about the future and growing technology of solar panels. He is concerned about when the panels become outdated and what the operator/owner does with the panels.</p> <p>Motion to close the Public Hearing for the proposed amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems. Motion by L. Curd. Support by G. Pushies. Motion Approved.</p>	<p>Motion Approved</p>
<p><b>Old Business</b></p>	<p><b>a. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District and replacement of existing Section 6.26 regarding Solar Energy Systems</b></p>	

	<p>M. Swain-Kuch stated that she believed all setbacks were set last month, but the inverters were blank in the draft. G. Pushies stated that all setbacks were set last month, except for the inverters. Mr. Homier made a recommendation of 150 ft inside of the overlay district boundary, and not from non-participating or participating. Mr. Homier also stated that the inverters also have to meet the sound requirements, and may need to move back even further based on the sound study evaluation. The PC agreed with this recommendation.</p> <p>K. Poissant asked about the drain easement wording, and whether that included public and private drains. M. Homier stated that he changed it to just “drain” to cover that issue.</p> <p>G. Pushies asked about screening, and recommending screening around to cover non-participating and participating properties. Mr. Homier stated that the ordinance does require screening on all sides.</p> <p>Mr. Homier also stated that based on Sarah Porter’s email, corrections were made in some of the wording of the proposed ordinance.</p> <p>Motion to recommend adoption of the proposed amended amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems. Motion by M. Swain-Kuch. Support by G. Pushies. Motion Approved.</p> <p><b>b. Shipping Containers [Accessory/Principal Use]</b></p> <p>M. Swain-Kuch stated that the Marion Township proposed ordinance was sent out, and sent to A. Cooper for review. A. Cooper stated that she wanted to know in what districts would the containers be allowed. She also brought up the subject of temporary storage like “pods”. D. Whitt recommended that shipping containers could be used in agricultural and residential as long as the ordinance is followed. M. Swain-Kuch asked G. Pushies if he had a shipping container on his property, due to a possible conflict of interest. G. Pushies replied that he did not have a shipping container, but S. Morrison stated that he did have one on his property for storage. In regards to temporary storage or “pods”, it was discussed</p>	<p>Motion Approved</p> <p>None</p>
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	<p>and agreed upon to have a six-month allowance, but allow another six months after a review. Livingston County has an ordinance that if the container is over 200 sq. ft., it would require a permit. A. Cooper said that she would take this information, and come back with a recommendation at the next meeting.</p>	
<b>New Business</b>	<p><b>a. Zoning Ordinance on Windmills Update</b></p> <p>M. Swain-Kuch stated that she spoke with Mr. Homier about a recommendation on Windmills. He stated that they have a working draft, and that the PC will receive a copy of it in the next couple of weeks for review.</p> <p><b>b. Solid Waste Disposal Areas (Landfills)</b></p> <p>M. Swain-Kuch stated that she researched this issue, and made some calls on these issues. Mr. Homier stated that the State has overall sighting, but that Townships can have some input on it. Mr. Homier stated that his firm is looking into this issue, and can bring more information on this at a future meeting. D. Bowdoin stated that the FAA has a regulation stated that a landfill can not be placed within a five-mile radius of an airport due to bird concerns.</p> <p><b>c. House Bills 4526, 4527, 4528 (Sand/Gravel)</b></p> <p>M. Swain-Kuch stated that there are bills going through the house. She stated that there are concerns about the State taking over local control on gravel and sand dig sites especially since there is a lack on resources at this time. She said she spoke with a local representative, and is planning to go to a hearing regarding this.</p> <p><b>d. Senate Bills 152 and 153 (Community Solar)</b></p> <p>M. Swain-Kuch stated that the bill allows a local community to tie-into solar energy, but that 30% of it must go towards low-income housing. She stated that she will keep the PC updated on further developments regarding this.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
<b>Commission Discussion</b>	<p>M. Swain-Kuch stated that K. Poissant will not be in attendance at the July PC meeting. K. Poissant stated that it can be recording on the recording device, and would transcribe the minutes when she returns.</p>	<p>None</p>

<b>Last Call to the Public</b>	<p>Steve Smith- Robb Rd.- He stated that we all should have had more patience and understanding with communication throughout the process, and he has come to like the PC members.</p> <p>Mike Brown- Sober Rd.- He asked about “pods” and the permit from the county. He also mentioned that depending on the language of the ordinance, someone could be ten of containers on their property.</p> <p>The PC agreed that this issue needs to be addressed.</p>	
<b>Adjournment</b>	<p>Motion to adjourn at 8:17pm. Motion by D. Whitt. Support by G. Pushies. Motion Approved.</p>	<p>Motion Approved</p>

Respectfully Submitted:

Approved:

*Kayla Poissant*

Kayla Poissant,  
PC Secretary

Meghan Swain-Kuch,  
PC Chair