

**MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
OCTOBER 20, 2009**

The meeting was called to order by Chairman Randy Horton at 9:35 a.m.

Roll call was taken by Recording Secretary, Marty Stinson.

MEMBERS PRESENT: Christopher Eveleth, Elizabeth Frasier, Sandra Harvey, Randy Horton, Dan Jozwiak, and Alternate Jack Davis.

MEMBERS ABSENT: none

OTHERS PRESENT: Brent Morgan, Director of Economic Development & Neighborhood Services; Carmine Avantini, LSL Planning, Inc.; Phil Hathaway, Town Plans LLC; Gregg Jones, TiAl Products

MINUTES:

It was moved by Board Member Harvey and supported by Board Member Jozwiak to approve the minutes of the meeting of September 15, 2009, as presented.

AYES: All. Motion carried.

NAYS: None.

VARIANCE REQUEST:

Case # 2009-05
TiAl Products, Inc.
450 S. Shiawassee St.
Gregg Jones

Chairman Randy Horton stated that his place of employment had a relationship with Mr. Jones, though he didn't personally. He wanted that known before the meeting was underway for this particular case.

Mr. Carmine Avantini, LSL Planning, Inc. suggested that the Zoning Board make a decision on how they felt about Chairman Horton voting on this topic. Alternate Jack Davis was available if the Chairman was not allowed to vote.

Motion by Board Member Harvey, supported by Board Member Eveleth to allow Chairman Horton to vote on this particular case.

AYES: All. Motion carried.

NAYS: None.

Chairman Horton invited Mr. Jones and Mr. Hathaway to present their request. Mr. Phil Hathaway of Town Plans LLC, stated that Mr. Jones wanted to develop a wind turbine system high enough to catch as much available wind power for better testing. Several informational sheets were handed out to board and audience members involving common sound levels, wind speed considerations, and noise level assessment. Mr. Hathaway continued that this was a small system; this is a research facility; the company would become a manufacturer; the airport does not have a problem with the height of the proposed tower; the previous silos on this site were 165 feet tall; and the wind tower needs to be above the tree height.

Mr. Avantini stated that the applicants need to prove that the height is really necessary and that the setback, which is also the fall zone for the tower, is sufficient. He noted that usually these types of tower collapse in place. The conditions set forth on page 4 of his letter of October 7, 2009 to the Zoning Board of Appeals should also be referenced. Because of the size of the unit, flicker will not be a problem for residents in the area, nor is there a noise problem.

Motion by Board Member Eveleth, supported by Board Member Harvey to open the hearing to the public.

AYES: All. Motion carried.
NAYS: None.

Tom Ochodnický introduced himself and his wife Holly, residents of Woodard Station. He asked about the noise level.

Mr. Jones answered that behind the building, the level will be lower than the ambient noise level.

Travis Yaklin, Guido's Coffee Lounge, wanted to see Gregg's presentation. He is very supportive of alternative energy and is pleased to see it coming to the area.

Mr. Morgan read comments that were received at City Hall. Meredith Dixon, a resident of Woodard Station is opposed to the wind energy system. Richard and Kathy Kozan are also opposed to the windmill.

The public hearing was closed and it was brought back to the Board. Mr. Morgan asked Mr. Avantini to review the variance. Mr. Avantini commented about the height request for 130 feet, the front yard location, and the fall zone. He also commented on the conditions mentioned in his letter of October 7, 2009, page 4.

Board Member Eveleth asked how loud is 60 decibels?

Mr. Jones replied that is the level of an ordinary conversation. The noise levels are measured at the turbine and then measured again as you move away.

Board Member Jozwiak asked if the city had received any complaints about the windmill on Main Street.

Mr. Morgan replied no, none. He also asked Mr. Jones about the improvements that he has done to the site at 450 S. Shiawasseé Street.

Mr. Jones stated they had done landscaping to make it pleasant for the residents of Woodard Station to look at and less like an industrial site. They are a manufacturing business, but very quiet. They moved their recycling bins to the back of the property.

Mr. Morgan stated that Mr. Jones is being modest. The grass is beautiful there and the fencing is very nice also.

Mr. Jones said being an industrial area, they could have put up chain link fencing at one quarter of the cost, but they wanted nicer looking fence material.

Board Member Harvey personally endorsed the project because we need the jobs in the area. Does page 4 of the October 7th, A though H apply to all three variances, or are they different to each issue?

Mr. Avantini replied they would apply to each issue. He also stated there are two sites. The primary location is the west end of the building, centered between the property lines, closer to Cedar Street.

Board Member Harvey asked if you would need more height.

Mr. Jones replied, not at this point. Who knows what might happen in 15 years?

Mr. Morgan asked Mr. Jones to discuss the collapse tower and wind speed.

Mr. Jones said that studies show that at 123 mph that the tower is not going to come down at those speeds. That is typically tornado speeds in this area.

Board Member Jozwiak asked when it is spinning at a low rpm, what is the noise level?

Mr. Jones replied it should not be audible at 250 feet.

Board Member Jozwiak asked which way it is facing.

Mr. Jones replied that it varied by wind direction.

Mr. Hathaway requested a modification that should read 55 decibels at the property line. That is less than ordinary conversation.

Motion by Board Member Eveleth supported by Board Member Harvey to approve the request for 130 foot variance for the tower height with the following conditions:

- a) The applicant's consultant states that the WECS electrical system conform to the International Electrical Commission. The WECS must comply with all applicable state construction and electrical codes.
- b) The noise generated by the WECS should not exceed 55 decibels, as measured on the DBA scale, measured at the property line.
- c) The WECS must comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.). The applicant must provide written evidence that these requirements and regulations will be met.
- d) If the proposed WECS facility is required by federal or state regulations to have warning lights, the lights must be shielded to reduce glare and visibility from the ground.
- e) The WECS must have an automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. The applicant's consultant states that the rotor will be equipped with an automatic braking system.
- f) The WECS towers must be designed and constructed so that it cannot be climbed. The applicant's consultant states that the tower will not be climbable up to 15 feet above grade.
- g) The following information for the WECS system must be provided in a visible, easily read, and easily accessible location:
 1. Equipment weight of the tower subsystem;
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. The survival wind speed in miles per hour and meters per second;
 6. Name of installer;
 7. Name of person responsible for maintenance;
 8. Emergency telephone number for 6 and 7 above.
- h) The following information for the WECS power conversion subsystem must be provided in a visible, easily read, and easily accessible location:
 1. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. Emergency and normal shutdown procedures;
 6. Underwriters label, where appropriate.

AYES: All. Motion carried.

NAYS: None.

Motion by Board Member Jozwiak, supported by Board Member Eveleth to approve the primary location closest to Cedar Street with the following conditions:

- a) The applicant's consultant states that the WECS electrical system conform to the International Electrical Commission. The WECS must comply with all applicable state construction and electrical codes.
- b) The noise generated by the WECS should not exceed 55 decibels, as measured on the DBA scale, measured at the property line.
- c) The WECS must comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.). The applicant must provide written evidence that these requirements and regulations will be met.
- d) If the proposed WECS facility is required by federal or state regulations to have warning lights, the lights must be shielded to reduce glare and visibility from the ground.
- e) The WECS must have an automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. The applicant's consultant states that the rotor will be equipped with an automatic braking system.
- f) The WECS towers must be designed and constructed so that it cannot be climbed. The applicant's consultant states that the tower will not be climbable up to 15 feet above grade.
- g) The following information for the WECS system must be provided in a visible, easily read, and easily accessible location:
 1. Equipment weight of the tower subsystem;
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. The survival wind speed in miles per hour and meters per second;
 6. Name of installer;
 7. Name of person responsible for maintenance;
 8. Emergency telephone number for 6 and 7 above.
- h) The following information for the WECS power conversion subsystem must be provided in a visible, easily read, and easily accessible location:
 1. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. Emergency and normal shutdown procedures;
 6. Underwriters label, where appropriate.

AYES: All. Motion carried.

NAYS: None.

Motion by Board Member Harvey, supported by Board Member Eveleth to approve the setback for the primary location with the following conditions:

- a) The applicant's consultant states that the WECS electrical system conform to the International Electrical Commission. The WECS must comply with all applicable state construction and electrical codes.
- b) The noise generated by the WECS should not exceed 55 decibels, as measured on the DBA scale, measured at the property line.

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- c) The WECS must comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.). The applicant must provide written evidence that these requirements and regulations will be met.
- d) If the proposed WECS facility is required by federal or state regulations to have warning lights, the lights must be shielded to reduce glare and visibility from the ground.
- e) The WECS must have an automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. The applicant's consultant states that the rotor will be equipped with an automatic braking system.
- f) The WECS towers must be designed and constructed so that it cannot be climbed. The applicant's consultant states that the tower will not be climbable up to 15 feet above grade.
- g) The following information for the WECS system must be provided in a visible, easily read, and easily accessible location:
 - 1. Equipment weight of the tower subsystem;
 - 2. Manufacturer's name and address;
 - 3. Model number;
 - 4. Serial number;
 - 5. The survival wind speed in miles per hour and meters per second;
 - 6. Name of installer;
 - 7. Name of person responsible for maintenance;
 - 8. Emergency telephone number for 6 and 7 above.
- h) The following information for the WECS power conversion subsystem must be provided in a visible, easily read, and easily accessible location:
 - 1. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.
 - 2. Manufacturer's name and address;
 - 3. Model number;
 - 4. Serial number;
 - 5. Emergency and normal shutdown procedures;
 - 6. Underwriters label, where appropriate.

Motion was withdrawn by Board Member Harvey and Board Member Eveleth.

Motion by Board Member Harvey, supported by Board Member Eveleth to approve the setback for the primary location with the following conditions; and if the tower goes unused for 24 months it is to be removed at the expense of the property owner:

- a) The applicant's consultant states that the WECS electrical system conform to the International Electrical Commission. The WECS must comply with all applicable state construction and electrical codes.
- b) The noise generated by the WECS should not exceed 55 decibels, as measured on the DBA scale, measured at the property line.
- c) The WECS must comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.). The applicant must provide written evidence that these requirements and regulations will be met.
- d) If the proposed WECS facility is required by federal or state regulations to have warning lights, the lights must be shielded to reduce glare and visibility from the ground.
- e) The WECS must have an automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. The applicant's consultant states that the rotor will be equipped with an automatic braking system.

- f) The WECS towers must be designed and constructed so that it cannot be climbed. The applicant's consultant states that the tower will not be climbable up to 15 feet above grade.
- g) The following information for the WECS system must be provided in a visible, easily read, and easily accessible location:
1. Equipment weight of the tower subsystem;
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. The survival wind speed in miles per hour and meters per second;
 6. Name of installer;
 7. Name of person responsible for maintenance;
 8. Emergency telephone number for 6 and 7 above.
- h) The following information for the WECS power conversion subsystem must be provided in a visible, easily read, and easily accessible location:
1. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. Emergency and normal shutdown procedures;
 6. Underwriters label, where appropriate.

AYES: All. Motion carried.

NAYS: None.

BOARD MEMBER COMMENTS:

Board Member Harvey commented that she thought this project was great and she's glad to see more jobs in the area.

Mr. Morgan commented about the Oakwood Street Bridge being renamed the John F. Archer Bridge.

Chairperson Horton commented on Mr. Archer's health and if anyone wanted to send him an encouraging card it would be appreciated. He also appreciated Mr. Avantini's advice and help with today's variance.

ADJOURNMENT:

The meeting was adjourned at 10:34 a.m.

Dan Jozwiak, Secretary

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