

3. **Z15Uv2-0723** **MERRILLVILLE SOLAR, LLC BY LIGHTSOURCE BP PETITIONER AND ALBERT DEYOUNG, ELIAN PROPERTIES LLC, TRUST NUMBER H-1, (DAVID HEURING) MOHAMED KRAD AND ANN ,M. MERKEL OWNERS**

Request: Located at South of Hwy 30 between Colorado/Clay, W of Grand Variance of Use Approval from Section 21-136 in a M-1, Industrial Zoning District, M-2, Industrial Zoning District and R-1, Residential Zoning District

Purpose: To Allow a Solar Farm and Battery Storage Project

Attorney Richard Anderson of 9211 Broadway came before the Board and explained that the petitioner is part of British Petroleum, and he introduced some members of the petitioners' team. He also stated that the petitioner is withdrawing the request for Battery Storage from this petition and that if the battery storage is required in the future, the petitioner will need to file for that additional petition. The notices of the withdrawal were in the newspaper, it was also provided to the adjacent property owners, and to the Attorneys.

Mr. Jake LiBaire of Lightsource BP, came before the Board he stated that the sun hits the panels and gets the electronics flowing which sends the DC power to the inverter, which will convert it to AC power, and then sends it to the grid, where it mixes with power generated of other sources and then ends up to power homes, businesses, and churches. The solar panels are made up of glass and silicone and are recyclable. He continued to state that the solar panels are integrated with the landscape of the project site. He stated that this is a temporary land use. He stated that this project will create jobs, and that after the construction there will be maintenance requirements, there will be local landscaping, there will be regular inspections, and there will be security. He continued to state that there will be ongoing jobs for three and a half decades of the project life span. At the end of the project there will be a decommissioning agreement to remove the panels and to remove the pilings and to restore the site to how the petitioner found it. Since it is a temporary land use, the solar panel will be above the ground and vegetation below the ground so that the site can return back to its original use once the project is removed from the site.

Attorney Richard Anderson stated that this will tie into the nearby NIPSCO sub-station.

Attorney Richard Anderson stated there are the following conditions that the petitioner will follow through with:

1. The project site viewable from adjacent residences will be screened by vegetation.
2. The solar panel will be designed and installed to prohibit glare towards vehicular traffic on roads adjacent to the project or on any habitable adjacent structure.
3. The height of any solar panel will not exceed sixteen feet at a totally vertical position.
4. All solar panels will meet the EPA requirements.
5. No solar panels will be installed in any setbacks.
6. If the solar project ceases to perform its originally intended function for more than twelve consecutive months then the petitioner and the successor shall remove the collectors, the mounts, the associated equipment and facilities from the property by no later than ninety days after the twelve -month period.

Attorney Joseph Svetanoff inquired about the maintenance and upkeep of the facility.

Mr. Jake LiBaire stated that the petitioner will hire local landscapers for this project. He stated that the height of the fencing will be six feet or eight feet, and will be around the panels and other equipment.

Sheila Shine read the Staff Report.

Vice Chairman Tim Fortier inquired about the project such as how many megawatts are planned to be produced, how many units, where the infrastructure will be, and will all of the properties be connected underground or overhead.

Mr. Jake LiBaire stated that the properties will be connected underground, and the sub-station connection will be underground and maybe partially above ground and that easements will be required of the underground connections. He continued that sometimes the petitioner will be acquiring the right-of-way thru NIPSCO.

Vice Chairman Tim Fortier inquired about how this project will impact the wildlife.

Jackie Kiche who is the Director of Development in the northern region came before the Board and stated that that a survey was done to see if there was any evidence of endangered species and the petitioner will not be impacting the wetlands or the wooded areas with the mature trees, and that the wildlife animals will be able to move around the fencing. She continued that the petitioner also consulted with the State and with the U. S. Fish & Wildlife Service to make sure that the petitioner will be adhering to any of their guidelines. She continued that the petitioner will lease the land from the landowner for thirty- five years. She continued that the investment is \$100,000,000.00. She continued that there will be fencing to deter trespassing, but there will not be razor wire fencing. The landscaping will be maintained and mowed as needed on a regular basis. The company has a storm tracking system which can rotate the angel of the panel to minimize damage from hail or wind. The panels can handle up to 95 mph winds.

Chairman Ric Holtz stated that there was not a site plan provided.

Mr. Jake LiBaire stated that at the beginning the petitioner will start to remove some of the vegetation on the proposed site, and wildflowers will be planted before the solar panels are installed.

Councilman Shawn Pettit stated that the petitioner has met with the Town staff at least two times and that there will not be a lithium battery storage for these properties because the fire chief has expressed that the fire department does not have the experience, or the equipment to handle if there should be an emergency with the batteries. He asked his constituent's if they were opposed to or in favor of the solar panels. He stated that this proposed project could create assessed value which can help with the Towns's tax base and can create jobs. He stated that the petitioner needs to attend a workshop with the Town staff and that the petitioner needs to submit a layout of the proposed project site. He continued that this proposed project may help the NIPSCO grid in the long run since there have been a few power outages in that part of town.

Vice Chairman Tim Fortier stated that he lives in the same section of town as the proposed site, he is also with the Merrillville Fire Department and he stated that he is not in favor of the battery storage and is glad that the battery storage is not part of the petition.

Mr. Andrew Sylwestrowicz stated that this project won't have a lot of noise, or traffic and will provide a nice tax income.

Joyce Macey of 7801 Taft Street inquired about how this will impact the 93rd Avenue extension, and how this proposed project will affect the environment.

Leslie Shellhart of 7200 East 93rd Avenue inquired about the petitioners PLA, she would like see the petitioner's liability insurance, and would this proposed project affect the surrounding homeowner's insurance policies. She also stated that a lot of eagles, wildlife, and pollinators are in the proposed site, and inquired how this will affect the wildlife, pollinators, the migratory birds and also how will it affect her property, and the view of the proposed site.

Colleen Roop of 9106 Clay Street inquired about how this would affect her property and would she be able to sell her property, will she and her family be able to reside at her property, or will it be eminent domain if she doesn't choose to sign up for this project.

Attorney Joseph Svetanoff stated that if the resident has questions about an offer from the petitioner than the resident should hire an attorney.

Councilman Shawn Pettit expressed for all to come back for a Workshop on Tuesday, August 15, 2023 at 6:30PM to further discuss this proposed project. He continued that he will defer this until the residents and the Board gets the answers, or until the people are satisfied.

Attorney Joseph Svetanoff asked Councilman Shawn Pettit about a comment about the views from a property owner, and that since this property is zoned M-2, it could possibly be a warehouse, and the R-1 zoned sections could possibly be housing development.

John Shellhart of 7200 East 93rd Avenue spoke in favor of having the workshop to inquire about the project and to get more information of the proposed project.

Sheila Shine read a letter of communication and it reads as follows:

Dear Merrillville Town Council, Lightsource BP Representative, and other concerned citizens, along with my family, I am a registered voter, and taxpayer since 1966 at 7210 East 97th Avenue. Please require Lightsource, BP to agree and to provide the following items as part of the approval requirements if the solar farm proposal is passed and permitted to proceed. Within view from the primary Kirk home a gap of visual exposures that is greater than ten feet or more between the Heuring and Kirk shared property lines shall be filled with esthetically pleasing natural landscaping and visual barriers. Fencing around the property within visual exposures to the Kirk property will not be of an industrial style, but instead of a similar to an agricultural style fencing that will blend in with the current landscape of farms, nature, and woods. No chain link grey metal, or razor wire or fencing similar to the solar farm fence located at the 85th Court and Grand Boulevard. All trees on the Kirk property will not be damaged or removed. If trimming is required it must be done by a professional that will remove the overhanging branches on the Heuring property only and not cause trees to die. Protection to the wildlife will be provided to the best of Lightsource ability. If wildlife should get trapped in the fencing, Lightsource will expediently dispatch appropriate animal rescue service upon notification. Decommissioning funds will be provided and protect the future use should the company decide to remove the solar farm and cease operation. Video surveillance will be limited of the solar farm and will not infringe upon the Kirk property. Any construction and/or maintenance to be facilitated at any time on the solar farm will not require access onto through 7210 East 97th Avenue property only. Pesticides, insecticides, and herbicides will not be applied to the solar farm facility that may have an opportunity to leak into the nearby creek or onto the Kirk property. If the property line encroaches, concerns arise, Lightsource will secure and pay for an accurate survey and markers defining the install by the licensed local surveyor. As a life long resident of the country side section of Merrillville for close to sixty years the land deserves a chance to maintain a current beauty as close as possible with minimal impact on landscape and wildlife habitat in this area of the Town. I implore Town officials to make these decisions and to add these requirements as listed above for the financial preservation and the esthetic protection of all the current and future local homeowners located near this project. Thank for your time and consideration. Property owners Priscilla Kirk, Nancy E. Kirk, and Linda Kirk

Chairman Ric Holtz stated that the site plan provided didn't have enough detail and that he would like to see a better site plan.

Attorney Richard Anderson stated that the petitioner didn't want to invest in a site plan yet until they've secured this petition at the preliminary level. He addressed the Macey concern and stated that the proposed project solar panel is at least 700 feet away from the Macey property line and that the Macey property is vacant. He continued that due to the closure of coal plants there are more wind mills and solar panels being used for energy sources. He stated that the solar panels have been approved by the EPA, and that BP has insurance. He continued that this use of solar panel is a quiet use compared to that of 250 homes. He stated that BP isn't forcing anyone to lease anything. The petitioner has been in communication with Mrs. Kirk to leave the tree line in place.

Jackie Kiche replied that she has been taking notes and that she and the others representing the petitioner will be happy to come back on Tuesday, August 15th, 2023 for further discussion of this proposed project. She stated that the petitioner plants pollinator grass at their sites to encourage pollinating, and that the tree lines will be kept and will be maintained.

Councilman Shawn Pettit stated that he will make a recommendation. He asked that everyone who spoke at this meeting to please sign in with name and address on the sign in sheet on the podium. He asked Sheila Shine for a copy of the sign in sheet. He requested that he be given a copy of the mailing list that the petitioner had acquired from Lake County, and that the Town will send out mailings through regular U.S. mail.

Mr. William Byers stated that he didn't think that a decision can be made at this time and made a motion to defer this petition.

Attorney Richard Anderson stated that BP won't spend money to do more drawings unless they get a positive response.

Attorney Joseph Svetanoff stated that the petitioner has heard from the Board of Zoning Appeals and from the Councilman that a preliminary site plan is being requested of the petitioner, and there is also a question about the mega-watts that are produced off the property that needs to be answered, how many panels will be on the site, and the building that will be done on the site, and if that is not completed, good things will not happen. He stated that the preliminary site plan was not included in the parkettes for people to review.

Mr. Pete Guip seconded the motion to defer this petition.
The Board voted 4 – 1 to defer this petition.

OTHER BUSINESS

NONE

ADJOURNMENT

Mr. Pete Guip made a motion to adjourn the meeting. Mr. Andrew Sylwestrowicz seconded the motion. The Board voted 5 – 0 to adjourn the meeting.
The meeting was adjourned.

Respectfully Submitted,

Marie Wilson,
Recording Secretary