

SHERMAN TOWNSHIP BOARD
PUBLIC HEARING & SPECIAL MEETING
AUGUST 23, 2016

- Members Present:** Don Akers, Sharon Black, Bethany Bolduc, David Eggle, Pete Nemish.
Guests: 13 people.
- Opening:** The meeting was called to order at 7:00 PM by Eggle with Prayer followed by the Pledge.
- Public Comment:** Eggle opened the floor for public comment at 7:03 PM. There was 1 comment and public comment closed. Eggle made a few statements about the process of Zoning and in particular Wind Turbine zoning in Sherman Township asked that during the Public Hearing that we be respectful and only one person talk at a time.
- Agenda:** Motion to approve agenda Bolduc, 2nd Nemish. Passed.
- Public Hearing:** Eggle commented on the framework of what we were taking Public Comments on and reviewed some PowerPoint slides, see attached.
- H. John Iler: Strongly urging the Board to adopt changes to remove mentions of UGWE and add limitation on the ZBA to not grand USE variances, see attached handout.
- Keith Calkins: Strong support of what John Iler said. Not clear if Sherman Twp can even issue a use variance. Reviewed MI Zoning Enabling Act's position on Use Variances.
- This proposal very much is keeping with MI current Law. This would close a loop hole. Some suggested changes run counter to this change.
- William Loveless: Provided a handout, "Of Wind Turbines and Jet Packs" by David Callis printed in The Tennessee Magazine p. 6 (no date on this page). Loveless not in favor of assessing a cost on citizens utility bills for wind turbines.
- Harvey Langworthy: Discussion regards if we need to add language why duplicate. Read from Zoning Ordinance on what ZBA can grand variances. ZBA decision final only subject to Circuit Court ruling. Handed out, see attached, "Smart Growth Tactics" by Andrea Brown printed in MI Map Association of Planning issue 22 highlighted page 3.
- Removal of listed items, SOS has no problem removing references to UGWT. Mentioned 5.18d and 4c questioned removal there (note Board mentioned that those sections were not specifically part of this Public Hearing.)
- Ron Moesta: Commented on 11.5 as proposed, he feels this is exclusionary and may serve as ammunition if a wind company might try to come into our Twp. This needs to not even be in our ordinance. Very much opposed to that. Most defiantly unnecessary.
- Keith Calkins: Had a question regarding something Harvey said about chapter 6. Related to 11.3 changes. Problem, the list given is not an exhaustive list and it's not clear that each item is dimensional. Agrees that we may be limited since we don't know for sure if we (the Twp) ever issued a Use Variance prior to 2006.

John & Gloria Langworthy: Submitted a written statement, see attached.

Deepest feeling to have this over.

Public Hearing concluded at 7:43 PM

Board Discussion and Review:

Eggle invited Ron Moesta Planning Commission Chair, Keith Calkins ZBA Chair, and Harvey Langworthy SOS (Save our Sherman citizen activist group) spokes person/president to contribute. Eggle asked if any on the Board objected. Noted that Akers objected to Harvey Langworthy being included.

Eggle directed the Board to first look at the proposed removals, see attached printout of PowerPoint slides.

Deep discussion with contributions from each Board member going over each point of the proposed changes. No traction from the majority of Board members for the additions proposed by SOS in sections 11.5b and 1.3c which would put in the term "Wind Energy Systems".

MCL 125.3605 ZBA decision final only recourse is Circuit Court.

Harvey Langworthy SOS remove support of the two changes 11.5b and 1.3c.

Motion 20160823-A Motion to modify the Sherman Township Zoning Ordinance as follows: Section 2.2 remove the definition for "Utility-Grid Wind Energy Systems", Section 4.5b "Utility-Grid Wind Energy Systems" is removed from the list of potential special uses for "Agricultural District" zoning., Section 4.6b "Utility-Grid Wind Energy Systems" is removed from the list of potential special uses for "Agricultural/Rural" district zoning., Section 8.2e "Utility-Grid Wind Energy Systems" is removed from the list of "Uses, Buildings, and Structure Subject to Site Plan Review."
Motion made by Black, 2nd Akers. Roll Call vote 5 Yes, 0 No. Motion passed.

Motion 20160823-B Motion to change the wording in Section 11.3 adding the word DIMENSIONAL and the end sentence "The ZBA shall not issue Use Variances." The paragraph in total shall now read (additional words in italics) "The Zoning Board of Appeals is authorized to grand upon application *dimensional* variances to such requirements as lot area and width regulations, yard and depth regulations, and off street parking and loading space requirements. Any requirements of this Ordinance whihc is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance. The Zoning Board of Appeals may attache any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out. *The Zoning Board of Appeals shall not issue Use Variances.*"
Motion mayd by Akers, 2nd Black. Roll Call vote 5 yes, 0 no. Motion passed.

Ext. Pub Comment: Eggle opened the floor for extended public comment at 8:12 PM. There were 9 comments, and public comment closed at 8:18 PM.
Suggested agenda item for next regular meeting, fee from Iler for Zoning Ordinance changes refunded.

Adjourn: Motion by Bolduc to adjourn at 8:19 PM, 2nd Black. Passed.