

Midland Township
Planning/Zoning Commission Meeting Agenda
September 4, 2024
7:00pm

Call to Order

- ↳ Meeting called to order at 7:00 by Robin Holt, seconded by Andrea DuBois.
- ↳ Attendance: Board: Guests:
 1. Deb Braeutigam (see attached list)
 2. Andrea DuBois
 3. Paul Heyse
 4. Robin Holt
 5. Tim Mott

Approval of August 7, 2024, meeting minutes

- Robin Holt called for approval of August 7 regular planning meeting minutes, Andrea DuBois seconded. Minutes approved as they stand.

Summary of findings regarding Special Land Use Permit application for proposed Batter Energy Storage System located on South Bus Road

- Update by Planning Commission Chair – Holt
 - Moved site closer to RR tracks for larger buffer zone
 - Question from previous meeting
 - Separate construction road? ESA informed us that no new road will be utilized – singular main entrance road
 - Duration of Construction? – Approximately 6 mos.

Public Hearing –

- Public input
 - ESA Presentation – Cindy
 - First identified the capacity and size of the proposed station
 - 100 Mega Watt – The size of the proposed development is approximately 10 acres, and area designated - abuts substation
 - Next acknowledged that the proposed station meets or exceeds state & fed. requirements for interconnection & electrical safety
 - ESA Solar Energy is once again present before the Midland Township Planning commission to answer questions regarding, and to seek approval

- for, the proposed batter energy storage facility to be located on South Bus Rd
 - As of the previous meeting before the Planning commission, the biggest update on the project is that it has now gone through most of the interconnection process run by MISO system
 - **Question from audience:** What will be done with any spent batteries? Will they be left onsite and buried, or will the spent batteries be removed and at what cost to the township?
 - ESA: The lifespan of each battery (bank) is approximately 15 years. Each battery can be recycled, however, this means that they need to be removed from substation to an off-site location
 - Follow up question from the gallery; is there any danger of recycling?
 - The batteries are recycled offsite. There is no real danger to the township or its citizens.
 - **Questions from the gallery:** How does ESA respond to the Spicer Report? Has there been anything further?
 - ESA: Spicer not communicated back with ESA, so the township Board has decided to pursue this process [through the planning commission] and Spicer is no longer involved as they generally dropped ball.
 - **Questions from the gallery:** General questions;
 - How does power reach the batteries?
 - Brief explanation provided by ESA rep.
- **Questions from Township Attorney Andrew Thompson**
 - My understanding is that ESA is creating but not operating the project. Will this furnish electricity to the public?
 - Electricity market in mid-Michigan is governed by MISO (Midcontinent Independent System Operator). MISO is a system operator or system regulator. Every project goes through the same regulator. It is likely that it will provide supplementary power, but cannot be sure as it is not derictly up to MISO
 - Question of connection to substation
 - Answer is that the connection is in the process of approval through MISO
 - SUP process is at approval of construction permit; interconnection agreement requires site approval first
 - **Thompson: Are these types of facilities in other residential areas?**
 - ESA:
 - The project is located near to the railroad and the substation. The project location is at the least 500 ft from homes and residences
 - ESA later clarified that these types of facilities are very common and becoming more so throughout the US.

- **Question from the gallery:** Will the project result in insurance rate changes or changes or property values?
 - ESA: Property value study depends on distance from project to houses. The project itself is more than 2x the distance from residences than what is generally recommended. The substation itself is 3x larger than project, and further there is already an industrial railroad nearby. ESA would not expect property value loss
 - ESA, however, remains open to conducting a property value study
- **Thompson:** Difference between project and substation
 - ESA: this is my opinion
 - The substation brings electricity with line at high voltage, and lowers voltage to distribute or transport electricity to other areas
 - There is a difference between the proposed storage system and the substantiation. The substation does not stabilize grid, however the storage system will stabilize but does not transfer power.
 - The storage system is modular and can be connected to the grid with a small footprint
 - The substation distributes energy, this (the ESA storage facility) is merely storage for energy from elsewhere. The project charges and discharges only as needed
 - **Twp. Atty. Thompson (follow up from Assoc. Atty. Sherman):** What is the difference between a transformer and the project?
 - A transformer simply alters voltage levels for transmitted power
 - Electricity requires higher voltage for longer distances to be transmitted efficiently.
 - The Project would not alter the voltage levels but instead just intakes and discharges electricity *at the same voltage levels* as needed.
- **Thompson:** How does power reach batteries?
 - Inverter & transformer change voltage as necessary;
 - The batteries are charged on site
- **Question from the gallery concerning traffic issues:** Would there be traffic issues during construction or during the lifetime of the project? ESA Response:
 - There would be initial traffic concerns during the construction of the project.
 - The facility would be situated with new modules (batteries) as needed over time. Traffic would likely only be a concern during construction. The battery installation process itself is very simple as each is built offsite and merely installed once it reaches the project
- **Question from the gallery:** How many new transmission lines would need to be installed?

- No lines would be installed or span the project, as the project only transfers electricity to and from substation
- **Question from Township Attorney:** Does the voltage level change from the transmission of power to and from the project? ESA:
 - Batteries will charge and discharge at the same voltage.
- General questions and comments from the gallery concerning issues with view and disruptions to the area
- **Question from the Gallery:** How much noise will be generated by/at the project?
 - ESA with assistance from staff (?) ESA has conducted test(s) previously on the site. No more than the ambient level of noise would be generated or perceptible at the edge of the project property.
 - **Follow up question from township attorney:** How many batteries or generators would be installed and would the noise level of each be multiplicative
 - Project itself not found to exceed ambient noise,
 - Sound substantially dissipates w/ distance – regurgitated statistics in report
 - No noise can be heard at property line
 - What about in front of it
 - 500 – 800 feet = difficult to hear anything more than substation
- **Question from the Gallery:** How much Animal Displacement off the site for the project will take place?
 - At least initially, more animals may be diverted into neighboring yards
 - As far as ESA Solar is currently aware, the 10 acres identified for the project do not have large residence of animals.
- **Question from the Gallery:** What sort of fire protection & insulation has been considered by ESA for the batteries and the project?
 - Discussion of the fear of hazards from lithium compounds from neighbors
- ESA: Special Training for Local First Responders will be brief and prepared.
- **Follow up question from township attorney:** what are the special hazards produced by the project?
 - The intent (of ESA) is test ahead of time, but the site would be tested again when the batteries are installed
 - Discussion of the types of safety training necessary for the firefighters.
 - The battery storage cells are very similar to phones. The more isolated that each individual battery unit/bank is, the better. ESA will be constantly monitoring what happens around the batteries; The fire departments would similarly require training in monitoring – fire department will receive same monitoring information that operator would obtain.
- **Question from Township Attorney:** =What is the worst case scenario
 - ESA: The worst case scenario is that something crashes into the Project. In that case the units may catch fire, however, the distance of the individual

units helps to prevent fire, as well as a timely response called for by those monitoring the project

- Follow up question from Township Attorney: What is the hazard radius for each individual unit?
 - Primarily, 100 ft of anything else , at 200 ft the units becomes normal hazard for fires
- **Question from Township Attorney:** Are there similar facilities in other residential areas
 - ESA: Facilities similar to this are very common across the US.
- **Question from township Attorney:** Your application talks about an application for a decommission bond – what would be the cost if required to fully decommission the project?
 - ESA does not currently have answer, but it can submit necessary additional paperwork if required.
 - No matter type of generation, all similar utilities have a decommissioning bond
 - As compared to other types of power generation, the cost of decommission this project would be less, in large part because the area required is significantly less and so less time required is required to fully decommission
 - Importantly, the batteries not left onsite and would be removed.
- ESA: Decommission would return the area to original, natural state
 - The area concerned, in the event of decommissioning, would be returned to status as of today.
 - The model for estimating the cost of decommissioning shows increases over time
 - **Follow up Question from Township Attorney: #1 Inflation** constant concern – how does time and increases in cost affect bond
 - ESA does not recommend changes in bond every year
 - Updates every 5 years reasonable; cost would then not increase or change would be minimal
- **Question from Township Attorney:**
 - Typically high voltage wire is 3’ deep, even with concrete only 3’
 - ESA: the project will returned everything to its original status if necessary
 - Concrete could be left(?)
- **Question from Gallery:** What do we need the batteries for
 - ESA: the batteries may be needed in future for their stabilizing effects.
- **Question from Township Attorney:** What does community commitment mean in you application? Response from ESA Staff:
 - \$750,000 would go directly to the township’s general fund to be used at discretion of township

- Up to \$15k could be apportioned directly to neighbors
- **Question from Gallery:** Can an alternate entrance be constructed?
 - Questions announced from gallery:
 - Why not along Waldo Avenue?
 - Why not along the railroad tracks?
 - ESA: Alternate entrances were explored. The use of the substation entrance was least disturbance. The alternate entrances mentioned were not on property, and were less useful than the current planned entrance.
 - More clarification in near future by the end of the year will be provided by ESA
 - The substation itself is owned by ITC
 - ESA also examined entry from back – but the substation does not go as far as Hoffinger property – west side examined.
 - Discussion pointing at map – pointing at Waldo Avenue/Road on map
 - ESA is currently not able to relocate egress onto the project location
- **Question from Gallery:** Everyone on west side of Bus Road gets water from same aquifer; how will the construction necessary for the project affect the aquifer? ESA:
 - No heavy lifting done on site, as manufacturing all occurs offsite
 - ESA is willing to test water before and after construction to determine any adverse effects.
- **Question from Gallery:** Will the weight of the trucks/ vehicles affect the aquifer? Also, does the aquifer run underneath the road?
 - ESA is unsure where the aquifer is and where it runs.
 - No trucks present during construction will necessarily be overweight for the grade of the road in question.
 - The road where construction would occur is rated for weight and vibration – class b / c road
- **Question from Township Attorney:** How is the cost of this battery storage passed onto the consumer; how do the citizens pay for it? Will consumer pass the cost onto the consumer
 - Will there be rate-increases?
 - ESA: Payment for the project is not rate pay, this is a private development. Grid has needs and Consumers (bus. entity) will pay directly
 - ESA does not anticipate cost to regular consumers
 - Power bills are generally determined by MISO; rate increases depend on cost of power & the utility
- **Question from Township Attorney:** How does this facility get paid for? ESA:
 - The buying & selling electricity from storage to discharge provides revenue to ESA which primarily pays for the project

- Ancillary services, largely stemming from grid stabilization, provide additional revenue.

Close public Hearing

- Planning Commission consideration of Special Land Use application (revised July 2024)
 - Mott– will not recommend the project
 - Cannot determine whether the project is or is it not a public utility
 - Ordinance defines public utility -definition from ordinance recited
 - This seems to be a subsidiary of a public utility – indirect
- Holt – Moves based on information gathered thus far (mos) & info from ordinances – moves to recommend approval to midland township for SUP for BESS system requested by ESA based on township ordinances and compliance by ESA solar to midland township board – with conditions
 - No second
 - No motion allows table
 - Requires a motion to deny
 - Tim recommends tabling this & has recommendation for board
 - Tables until November –
- Andrea DuBois moved to table the SLU permit application to a public hearing to be held November 6, 2024 for purposes of further research into public utilities and to look at literature to be provided (ie: noise studies, hazard radius, additional fire training, property values, etc).
 - Robin Holt Seconded.
 - What are the issues?
 - Public utility
 - Water study
 - Property value study
 - Noise study
 - Additional fire training studies
 - Roll call vote
 - Deb Braeutigam Yes
 - Andrea DuBois Yes
 - Paul Heyse Yes
 - Robin Holt Yes
 - Tim Mott Yes
- **Motion to Table Carries**
 - Site Plan Review – Proposed BESS location (Postponed until the November 6, 2024 meeting.)
- **Robin Holt – Question(s) for Twp. Atty.**
 - Where and how to find better definition of utility
 - Ordinance says what it says

- Guidance should be obtained from township board – historical membership
- Atty recommends reviewing definition – what information is provided from applicant
- If you don't believe they qualify – articulate why or why not
 - Battery energy storage facility is not listed
 - Atty recognizes that only what is expressly permitted is permitted; all else is not permitted

Site Plan Review – Proposed BESS Location

- Planning Commission review of site Plan as submitted (revised July 2024)

Other Business

Planning commission should meet on October 2, 2024 to discuss literature to be provided and to look at the ordinances (again) about public utilities.

Public Comment

- Meeting Oct. 2nd is not public;
 - ***Request from ESA Staff:*** if you find/learn something that will affect the vote, please provide findings so that the applicants may respond?
 - Tim responds that consumers is a public utility – ESA facilities does not assert that it is a public utility
 - MPSC cannot see how ESA is a public utility
- Question on ordinance
 - ESA is a private company working in utility – don't produce power, does not seem to be a public utility
 - Tim -MPSC lists the public utilities they work with, ESA is not one
 - Energy plants & substations are never developed or financed or built by public utilities
 - Robin – listened to webinars & other utilities info sources – gas station is a public utility because it provides power to the public
 - Public utilities, when the ordinance was drafted, public utilities were large facilities

Adjournment:

- Robin Holt adjourned the meeting at 8:31pm; seconded by Andrea DuBois.
- *Meeting adjourned.*
 - ↳ Next scheduled meeting is Wednesday October 2, 2024.