

MIDLAND TOWNSHIP
PLANNING/ZONING COMMISSION MEETING AGENDA
November 6, 2024
7:00pm

Call to order–7:00 pm

Present:

Andrea DuBois
Paul Heyse
Robin Holt
Tim Mott

Absent:

Deb Braeutigam

Also Present:

20 guests
Andrew Thompson (atty)
Michael Vogt (atty)

Approval of October 2, 2024 meeting minutes. Approved without changes.

Public Hearing –

Introduction of project

Review of proposed Conditions of Approval for BESS Special Land Use Permit (SUP) application. Holt reviewed our year long process and how applicant has worked cooperatively with PC on this special land use permit application.

ESA: letter to the planning commission–2 points of benefit: 1) local control (keep it in the township), and 2) financial incentive for the township.

Wes Shaffer from ESA spoke on 3 major topics:

- Is the special use permit appropriate –Yes.

Due to a functional reason (VERY similar to a substation in that the battery storage will balance power flow and control frequency of energy) and a legal reason (a public utility is a corporation that is legally able to provide energy). BESS could be considered a “substation plus”. Vogt agreed with the information provided and added additional explanation and information.

- Is the special use permit an appropriate pathway –Yes.

It allows the township to have a say/have control over the project. With no ordinance on the books, this is the best pathway to maintain local control. Conditions are designed to address concerns raised by residents and special use permit. Also intended to make this project a good neighbor. Vogt agreed with the information Shaffer provided, and added that on Nov 30, 2024 the statewide act will come into effect and there will be a loss of developmental control. The State’s guidelines are much looser. This is the best way to collaboratively develop the project in cooperation with local unit.

- How do we make this safe -

Referred to specific Safety Compliance conditions (p 3), Emergency Response Planning (p 4), letter submitted by Midland Twp Fire Chief, testing, and extended setbacks.

- Conditions revised, or to be revised: ESA will pay 100% of the decommissioning cost in a bond before the project begins (p 4); Noise: and Lighting (p 5).
ESA will pay the township \$2,000 per megawatt of nameplate capacity which equals to \$300,000 (p 2); another condition that ESA has put on themselves, is under the category of construction activity and traffic (p 3).
Vogt talked about adding condition of “using good faith effort” in negotiating road access from Consumers.

Question: Does PSC regulate everything ESA does? Pricing, etc.

Answer: Yes.

Question: Does PSC consider this project a public utility?

Answer: Yes.

Question: Will construction disturb drainage and culvert?

Answer: The storm water alliance will be under state permits required. Plans will be approved by drain commissioner.

Question: Do you guarantee the safety of this project?

Answer: ESA is following all best practices and is going above and beyond the requirements set by the township and state.

Question: If there were to be a fire, for people with COPD and underlying health issues, if people have to relocate, what is the radius of evacuation and who would pay for it?

Answer: Fire department will determine that. The code has the evacuation radius at 100 ft, ESA is extending that to 500 feet. The battery operator holds insurance and would pay out for that.

A certified fire engineer is expected at the next board meeting for any additional questions.

Public input

- Those speaking in support of SUP -

Matt Larson: Lives on Ashby: neutral. Will homeowner insurance go up due to fire risk...the answer is no.

(Letter) Ben Larson: Approve this battery project now so we can reap the economic benefits through private capital instead of pushing costs to Midland residents.

(Letter) Don Hopfinger: owner of the land. Land is not being sold only leased. If it is not approved, the township will not reap the benefits of the project.

(Letter) Dave Bosco: son-in-law of property owner; Feels BESS is a good use of their land. Decision was not made only for the financial reasons, but for a stronger grid for the community.

(Letter) Genna Bosco: daughter of the property owner; writing in support of the project. The company has been nothing but up-front with the requests by the neighbors.

Nicole Wilson: Midland Business Alliance; ESA has done an impressive job of going above and beyond with their commitment to the project and the community. Other developers are just waiting for PSC process rather than work with local units. Great opportunity to work with this group. Not a resident of Midland Township, but impact of the project is great.

Jim Stamas: Midland Township resident/business owner; Thank you to the township commission for their work in this project. In support of this because it is a

positive for the community and the residents of the township. ESA did a nice job of working with the community instead of going around the commission and the community.

- Those speaking in opposition SUP -

Vicki Phillips: Lives on Bus Road: Substation/Dump came in and hated it. On the fence/kind of against it. Doesn't want another "big thing" in her neighborhood. Doesn't want another industrial thing in her neighborhood. Many animals in the area. It is sad. BUT...on the other hand, it is a good idea. Doesn't like that it is near aunt's land as she wants to pass it down.

Larry Tune: Doesn't want it there. No interest. Who's making the money off of it...? As far as I can see, the money is going out of state.

Close public hearing -

- Planning Commission consideration of Special Land Use application

Mott: Still questions the public utility of the battery storage station; questioning to the zoning of the land.

Heyse : No questions

DuBois: No questions or comments

Holt: It is not stated in our ordinance about Battery Energy Storage Stations. Our ordinances are absolutely what we go by. They can be considered an evolving document, that's why amendments are allowed.

Shaffer stated that the battery energy station has the same function as a substation, more or less. ESA will go through same steps with MPSC as any other facility connected to the State electrical grid, which lends itself to the question as to whether it falls in the same category as a public ordinance.

Thompson: Reviewed previous question asked to Javier from ESA. His opinion is that a battery storage system is different from a substation. They are interconnected, but they are different. They do similar things, but they are not the same.

Shaffer: in response to Thompson's comment - substations are full of MANY things that all work together. The grid operator makes sure all of the things in a substation effectively. A battery storage station also makes sure everything is running effectively. It specifically makes sure the power is being balanced and the frequency is equal. The battery power cells also perform to balance the power. Always new things being introduced to the substation to keep it performing and modernizing it. The battery system is another upgrade to the substation, another new thing added, an augmentation of the substation.

Vogt: Referenced 1-228 of ordinance. When words are not defined in the ordinance, use common definitions. Substation and transformer are not defined in the ordinance, but are being commonly used throughout the state to include BESS.

Also added that they are currently talking with Consumers about the possibility of using access on their property for the construction phase. A "negotiating in good faith" statement will be added to the conditions of approval.

- DuBois moved to recommend approval of the special land use application with the submitted conditions for approval that were previously discussed in the meeting and are attached to the minutes. DuBois states that she finds the project to be a public utility and is in compliance with the ordinance.
- Mott seconded the motion.

Further commission discussion on motion. None.

Roll Call Vote:

Andrea DuBois	Aye
Paul Heyse	Aye
Robin Holt	Aye
Tim Mott	Nay

Motion carried 3-1.

Site Plan Review – Review of BESS site plan as submitted.

- Heyse moved to approve the site plan as submitted.
- DuBois seconded.

Roll Call Vote:

Andrea DuBois	Aye
Paul Heyse	Aye
Robin Holt	Aye
Tim Mott	Abstain

Motion carried 3-0.

Other Business -

Special Land Use Permit and Site Plan Review application received from Consumers Power at S. 855 Poseyville Rd. for a gas regulating station. They will be notified that they will be on the December agenda. No public hearing at this time.

Public Comment -

Thank you!

If the batteries catch on fire, we will have to be evacuated.

Now that this has been decided, where does it go from here? It goes on to the township board. Heyse is the board representative to the planning commission.

If there is a fire, is there an alarm that the neighbors would hear? Shaffer: prior to approval, there will be a safety plan in effect. Steps to take for response. The way the safety procedure works is that the batteries are monitored constantly; batteries will be shut down immediately and if there is a fire, the fire department will be contacted. There is no audible alarm, but the fire chief will be notified. An operator will be monitoring the system and will react to any problems with the system.

Will this be voted on next Wednesday? Heyse stated that they would likely vote, but no guarantee.

The next planning commission meeting will be on Wednesday Dec 4, 2024 at 7pm.

Meeting adjourned at 8:37.