

Almont Township Zoning Board of Appeals Meeting

January 27, 2021

The regular meeting of the Almont Township Zoning Board of Appeals was called to order at 5:00 P.M. by Chairman Malburg, at the Almont Township/Village Hall, 817/819 N. Main Street, Almont, Michigan. Pledge of Allegiance was recited and roll call was taken.

MEMBERS PRESENT: Andera Bara, Larry Malburg, Jerry Moore, Traci Pewinski, and Clay Stroup.

MEMBERS ABSENT: None

PRESENT: Chris Becker and Michael Sage from DTE Energy, and 13 guests.

ELECTIONS: Consensus agreed that elections would be held after hearing the petition from DTE.

MINUTES: **MOVED BY PEWINSKI AND SUPPORTED BY BARA TO RECEIVE THE AUGUST 3, 2020 MINUTES AS PRESENTED. MOTION CARRIED.**

Petition No. 1: Petition 20-02 – DTE ENERGY – 5355 Kidder Road (44-001-027-021-53) Variance requests from Zoning Ordinance No. 39, as amended, Article 2, Section 2.11 (c) fences erected shall not exceed six (6) feet . (d) only decorative fences shall be located in the front yard of a lot or parcel, Section 6.2-General Parking (L) all parking areas required shall be paved with concrete or plant mixed bituminous material..., Section 8.7 – Table of Use Requirements – The maximum height of any building or structure shall not exceed twenty-five (25) feet.

Chris Becker, Manager Engineering DTE – Major Enterprise Projects – Distribution, was present to explain DTE's requests for the three variances. Mr. Becker noted that DTE is proposing to construct a new four (4) circuit substation at their 5355 Kidder Road twenty (20) plus acre property as Almont Township has grown in population and electrical power use.

The request for a variance from Section 2.11, Fences, Walls and Other Protective Barriers is based on the National Electrical Safety Code, 2017 edition (ANSI-C2-2017), Section 11 which states that electrical supply conductors or equipment that are installed with barriers such as fences shall install barriers of seven (7) feet in height. For security reasons, DTE's standards are eight (8) feet which include six (6) strands of barbed wire on "V" -arms. This is in compliance with MIOSHA 1910.269(u)(4)(ii).

The request for a variance from Section 6.2, General Parking Requirements where all parking areas required shall be paved with concrete or plant mixed bituminous material is needed because in areas within the substation, DTE reinforces the surface to support areas

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upon which vehicles and heavy equipment can travel. The surface material coverings inside the substation are essential elements of the design of the substation grounding systems. The four (4) inches of crushed stone across the entire substation area, and the five (5) feet outside the substation fence acts as a high resistance in series with a person to reduce the current through the body from a voltage difference. This is consistent with IEEE Guide for Safety in AC Substation Grounding, section 12.5.

The request for a variance from Section 8.7, Table of Use Requirements is required to protect the equipment in a substation from lightning strikes. Therefore, lighting masts need to be installed in critical locations. DTE and ITC utilize seventy (70) foot lightning masts and smaller equipment mounted to lighting masts around the substation in a protective scheme defined by IEEE 989 (2012) IEEE Guide for Direct Lightning Stroke Shielding of Substations.

Also, the 120 kV lines that feed the substation are on a seventy-five (75) foot utility pole and then connect to a fifty-five (55) foot steel structure called an "H" frame. The height of these structures is necessary to ensure adequate electrical clearance between the 120 kV lines and the eight (8) foot fence, structures, trees, etc. as required by the National Electrical Safety Code (NESC-2017) Rule 110. Therefore, DTE is requesting approval of structures up to seventy-five (75) feet in height to cover any potential pier cap heights.

Chairman Malburg opened the meeting to public comments at 5:13 p.m. noting that the Zoning Board of Appeals would hear only comments relating to the three (3) variance requests from DTE Energy.

Several residents from the Drakeshire Subdivision expressed their concerns over the construction of a new substation so close to their homes. Health, noise, and the how this project could affect the values of their homes were given. Chairman Malburg suggested that the residents make their concerns known to the Township Planning Commission at the time of the public hearing for DTE's proposed substation with the Township Planning Commission. Some of the audience requested that the Zoning Board of Appeals deny the variances so that DTE could not go before the Planning Commission.

After hearing no new comments, Chairman Malburg closed the hearing to public comments at 5:38 p.m.

Bara asked Mr. Becker how old the current substation was. Mr. Sage from DTE noted that that station was over fifty (50) years old. Bara also asked if DTE had or would consider a different location. Mr. Becker noted that due to certain conditions, the relocated substation had to be within a certain radius and the property on Kidder Road afforded DTE not only to expand their facility, but to also plan for any future growth in Almont Township, including the Village of Almont.

MOVED BY BARA, AND SUPPORTED BY PEWINSKI, TO APPROVE APPLICATION 20-02 – DTE (CHRISTOPHER W. BECKER) 5355 KIDDER ROAD, ALMONT, MI 48003, MIDAS SUBSTATION, AND TO GRANT DTE THE FOLLOWING VARIANCES FROM ORDINANCE 39, AS AMENDED, IN ORDER TO INCREASE THE RELIABILITY OF ELECTRIC SERVICE TO ALL ALMONT TOWNSHIP ZONING DISTRICTS.

SECTION 2.11 “FENCES, WALLS AND OTHER PROTECTIVE BARRIERS” TO ALLOW AN EIGHT (8) FOOT FENCE THAT WILL ENCLOSE BOTH THE SUBSTATION AND LAYDOWN AREA TO MINIMIZE THE POSSIBILITY THAT UNQUALIFIED PERSONS WILL ENTER THE SITE AND REDUCE THE THREAT OF THEFT FROM THE SITE, INCREASE SECURITY AND REDUCE THE POTENTIAL FOR COPPER THEFT.

SECTION 6.2 “GENERAL PARKING REQUIREMENTS” TO APPROVE FOUR (4) INCHES OF CRUSHED STONE ACROSS THE ENTIRE SUBSTATION INCLUDING AN AREA UP TO FIVE (5) FEET OUTSIDE THE SUBSTATION FENCE. THE FOUR-INCH LAYER OF CRUSHED STONE CAN REDUCE THE CURRENT THROUGH THE BODY AND DECREASE THE DANGER FROM AN EXPOSURE TO A GIVEN VOLTAGE DIFFERENCE BY A FACTOR OF TEN. *THERE IS ALSO NO NEED FOR TRUE PARKING AREAS OR OTHER APPROVED SURFACES BASED ON THIS UNIQUE DEVELOPMENT.

SECTION 8.7 “TABLE OF USE REQUIREMENTS” TO APPROVE STRUCTURES UP TO SEVENTY-FIVE (75) FEET TALL WITH FIVE (5) FEET ACCOUNTING FOR POTENTIAL PIER CAP HEIGHTS. THE HEIGHT OF THE STRUCTURES IS NECESSARY TO ENSURE ADEQUATE ELECTRICAL CLEARANCE BETWEEN THE PROPOSED 120K LINES AND THE EIGHT (8) FOOT TALL FENCE, ADDITIONAL STRUCTURES, TREES, ETC. FURTHER, TO PROTECT THE PROPOSED EQUIPMENT IN THE SUBSTATION FROM LIGHTNING STRIKES, DTE UTILIZES SEVENTY (70) FOOT LIGHTNING MASTS.

CONDITIONS AND CIRCUMSTANCES UNIQUE TO THE PROPERTY WERE NOT CREATED BY THE OWNER, ANY PROPERTY IN ALMONT TOWNSHIP UPON WHICH A PUBLIC UTILITY WERE TO BE BUILT, SIMILAR VARIANCES WOULD LIKELY BE REQUIRED.

THE REQUESTED VARIANCES WILL NOT CONFER SPECIAL PRIVILEGES THAT ARE DENIED OTHER PROPERTIES SIMILARLY SITUATED IN THE SAME ZONING DISTRICTS DUE TO THE UNIQUE NATURE OF THIS USE.

THE REQUESTED VARIANCES ARE NOT CONTRARY TO THE SPIRIT AND INTENT OF THIS ZONING ORDINANCE. THE TOWNSHIP ZONING ORDINANCE PROVIDES FOR INCLUSION OF PUBLIC UTILITY SUBSTATIONS AND STATIONS AND THE SITE WILL NOT ACCOMMODATE THE GENERAL PUBLIC AND HAS UNIQUE OPERATING AND CONSTRUCTION ATTRIBUTES.

ROLL CALL VOTE: BARA – YES, PEWINSKI – YES, STROUP – YES, MOORE – YES, MALBURG – YES. MOTION CARRIED.

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Chairman Malburg called for a break at 5:49 p.m. Meeting was resumed at 5:53 p.m.

ELECTIONS:

MOVED BY PEWINSKI AND SUPPORTED BY MOORE TO ELECT LARRY MALBURG AS CHAIRMAN OF THE ZBA FOR 2021, TO ELECT ANDREA BARA AS VICE CHAIRMAN, AND TO ELECT TRACI PEWINSKI AS SECRETARY. MOTION CARRIED.

Consensus of members present agreed to meet on February 1, 2021 at 5 p.m. to review and approve the minutes from the January 27, 2021 meeting and to sign the FINAL DECISION OF THE ALMONT TOWNSHIP ZONING BOARD OF APPEALS form.

Respectfully submitted by:

Ida L. Lloyd.

Ida L. Lloyd, Recording Secretary