

Hayes Township Planning Commission
February 18th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: CT Martin, Roy Griffiths (Chair), Rex Greenslade, Alexander Curley, and Mark Snyder.

Excused: Carey Cuddeback (zoom) and Matt Cunningham

Also, present: April Hilton (Deputy Clerk/Recording Secretary), and Ron VanZee (Zoning Administrator).

Audience: William Conklin, Laura Nachazel, Doug Kuebler, Janet Simon, Jim McMahon, Leslie Cunningham, Sherry Baker-McCary, LuAnne Kozma, Diane Conklin, Kyle Perry, Judith Coy, Liz Dekorne, Marry Reynaert, Shelly Maynard, Janet McCourey, Jessica Bertinelli, Craig Williams, Kevin Willis, Cathy Arbid and Steven Brecheisen.

REVIEW AGENDA:

At the request of the applicant, remove new business item of the public hearing for rezone request, Tax ID# 15-007-111-007-30, 10436 Burnett Rd & 15-007-111-007-20, 10807 Murray Rd. Correct the next regular meeting date to March 18th 2025.

Mr. Greenslade made a motion, supported by Mr. Snyder, to approve the agenda as amended.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES JANUARY 21ST, 2025 REGULAR MEETING

Mr. Snyder made a motion, supported by Mr. Curley, to approve the January 21st, 2025, regular meeting minutes as corrected.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

APPROVAL OF MINUTES JANUARY 28TH, 2025 SPECIAL MEETING

Mr. Snyder made a motion, supported by Mr. Curley, to approve the January 28th, 2025, regular meeting minutes as corrected.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

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PUBLIC COMMENTS: Public comments opened at 7:05pm.

None

Public comments closed at 7:07pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Roy Griffiths gave a report of Board of Trustees activities. Next regular scheduled Board meeting is March 10th 2025.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

ZBA meeting scheduled for March 26th 2025 to review two variance requests.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

PUBLIC HEARING – DRAFT WORKABLE SOLAR ENERGY SYSTEMS AND WORKABLE BATTERY ENERGY STORAGE SYSTEM ORDINANCES DRAFTS:

Chair opened public hearing at 7:14pm.

The purpose for the Public Hearing is to discuss and hear public comment regarding two workable CREO ordinance drafts one for Solar Energy Systems and one for Battery Energy Systems.

- Mr. Griffiths explained we have two ordinance drafts, one for solar energy and the second for battery storage. Overview, whether it's solar energy or wind energy, Public Act 233 provides for one interconnection to the grid. The typical model is that the different solar panels or windmills would send energy to a collection point, a battery energy storage system, which would be the interconnection point to the grid. Sort of like a local area network. Each individual unit producing energy would send it to a central hub and would connect to the grid from there. We've been working with feedback and guidance from MTA, and our legal staff. If we make the decision tonight and we get the corrections done tomorrow, no later than Thursday, we can send it to the county and they will have it on their agenda for their meeting.

Public Comment opened at 7:19pm.

Comments included:

- Correspondence Attached.

Public Comment Closed at 7:23pm

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- Mr. Greenslade stated (in response to correspondence received before meeting) that his understanding is the state regulates the sound allowance and if the Township does anything different it may influence the developer to take their application to the state. Would not like to see the Township lose control by pushing applicants to the state.
- Mr. Snyder stated he agrees if the Township creates an ordinance too different from what the state has it will push developers to go around the Township and to the state.
- Mr. Griffiths stated the CREO enforcement and draft ordinance are new for all townships across the state and everyone including the state is working from scratch without any experience to go on. From his research he has found the lowest sound decimal able to be reached solar energy farms is 45 with much technological intervention and 55 for battery storage units.
- Mr. Martin stated with the draft ordinance included the sound test as a requirement with the application will help with the sound decimal concerns.
- Mr. Griffiths stated the sound regulations have been set by the NFPC and feels the township is held to following their standards.
- Residents stated they feel the township is negotiating a regulation away, concerned the state is not experts on the subject. Concerned the CREO developments will consist of constant noise and it will not be fair to the adjacent non-participating landowners. Would like to see the township not rush into adopting an ordinance that will not work.
- Mr. Griffiths read from MTA "an ordinance under act 233 may only contain setbacks, fencing height, sound and other acceptable requirements outlined in section 226.8 and may not contain additional requirements from that section. Workable allows it to take risk.
- Resident requested the Planning Commissions thoughts on the Average decimal levels.
- Mr. Griffiths stated that the standard set by the state, on both Solar and Battery Storage, states that the noise level should not exceed 55 average hourly decimals,
- Mr. Snyder stated people should contact State Representative Fairbairn or State Senator Demoose as they represent our area in Lansing.

Planning Commission reviewed the Workable CREO Draft for solar energy systems.

Discussion included:

- The height of 1 foot for roof-mounted SES was corrected.
- Section 3 (Standards for Principal-Use Solar Energy Systems as a Special Use Permit) Under Application (Paragraph 3.N) add language a plan to minimize and mitigate the impact "is Required".
- Section 3 (Standards for Principal-Use Solar Energy Systems as a Special Use Permit) Under Decommissioning (Paragraph 18,item B) add language " for the first 20 years of the life of the

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project, and from the 21st year on for the rest of the life of the project including decommissioning every 3 years.”

- Mr. Griffiths stated on page #19, regarding the host community agreement, he has found in his research that common dollar amount is \$2000.
- Add new Section #6 Compliance with language stating “ Applicant, developer and operator are required to comply with all applicable Federal, State and local ordinances permit requirements for the life of the project and decommissioning.”
- Will update the section numbers following the new section #6 to be in numerical order.

Planning Commission reviewed the workable CREO draft for Battery Energy Storage Systems. Discussion included:

- Changed SES (Solar Energy System) to Battery Storage Systems throughout the draft.
- Section 2 Standards for Off Site Battery Energy Storage System Regulations. 14. item N; add language to minimize and mitigate the impact of “is Required”.
- Mr. Griffiths suggested for the community host agreement amount will be determined by the Board of Trustees and is still being researched.
- Add new Section #12 Compliance with language stating “Applicant, developer and operator are required to comply with all applicable Federal, State and local ordinances permit requirements for the life of the project and decommissioning.”
- Will update the section numbers following the new section #12 to be in numerical order.

Mr. Greenslade made a motion, supported by Mr. Curley to send the two workable CREO ordinance drafts one for Solar Energy Systems and one for Battery Energy Systems with amendments, to the County Planning Commission for their feedback.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Public Hearing Closed at 8:09

SPECIAL USE PERMIT REQUEST, 8222 BURGESS RD, DOG BOARDING KENNEL:

Chair opened the public hearing at 8:09

Laura Nachazel stated she has a 30×40 existing pole building that is insulated and heated. With security cameras located inside and outside. 11 indoor kennels with individual outdoor runs, as well as a larger outdoor fenced in play area. Animal Control has inspected the building and she has been granted a kennel license already. She would like to place a sign by the road and designate a small parking area by the building which is located about 300 feet from the road.

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Designated drop off times would be between 8am and 10am and pick up times would be 4pm and 6 pm to regulate traffic. Supervised outdoor play time will be during the daytime hours. Waste will be disposed of properly.

Mr. VanZee stated the parcel is zoned Agricultural with a total on 75 acres at 8222 Burgess Road. The Public hearing was posted and the neighboring property owners were all notified. Public Comments opened at 8:14pm

Comments included:

- Supported the project, as an adjacent property owner feels it will be a great addition to the community.
- Supports the proposed dog boarding and daycare use on Burgess road, stated the applicant is a life long resident of Hayes Township and would like to see her business efforts supported.
- Feels the area could use more dog daycare centers in the area.
- Supports this project, hopes the planning commission will approve this project.

Public Comments closed at 8:16pm

- Ms. Cuddeback asked for clarification if the fencing will meet the requirements of the Zoning Ordinance.
- Laura responded she does have large trees along the road right away and the north property line and the fence is a 6 foot panel fence. She has had dogs in the fenced in area and the fence blocks the noise very well.
- Mr. Snyder requested if there is a future extension plan, in case of a significant number of customers.
- Laura stated not at the moment, looks forward to seeing what the future will bring.
- Ron clarified there is always the provision to amend a Special Use Permit if desired to in the future.

Mr. Griffiths cited article VI, special use permit and planned unit development starting with section 6.01 Purpose. Article VI: Special Use Permit and P.U.D.

Adopted: October 12, 2009
Hayes Township Zoning Ordinance
Effective: October 31, 2009

SECTION 6.01 PURPOSE

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public

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infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Mr. Griffiths reviewed 6.02. 4 Standards for granting Special Use Permit.

Section 6.02. 4 Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. Zoning District AG Item J. Kennels, veterinary clinics and animal hospitals.

YES

B. Compatibility with Adjacent Land Uses

1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

YES

2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

YES

3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

NO

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C. Public Services

1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

NO

2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

YES

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

YES

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

YES

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

YES

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to Section 9.03 of this Ordinance.

NO

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to Section 9.06 of this Ordinance.

NO

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The Planning Commission reviewed the standards for granting site plan approval.

STANDARDS FOR GRANTING SITE PLAN APPROVAL:

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.
- 1.) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in the Ordinance. **YES**
 - 2.) The landscape shall be preserved in its natural state, in so far as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **YES**
 - 3.) Special attention shall be given to proper site drainage so that storm waters will not adversely affect neighboring properties. **YES**
 - 4.) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. **YES**

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- 5.) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **MUST OBTAIN APPROVAL FROM FIRE MARSHALL THAT PLAN IS ACCEPTABLE. YES**
- 6.) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **YES**
- 7.) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **YES. (if a dumpster is need it must be located behind screening)**
- 8.) Exterior lighting shall be arranged as follows: **YES**
- a.) It is deflected away from properties. **YES**
- b.) It does not impede the vision of traffic along adjacent streets. **YES**
- c.) It does not unnecessarily illuminate night skies. **YES**
- 9.) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrians or bicycle pathways in area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right of way. **YES**
- 10.) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications.

Mr. Martin made a motion, supported by Mr. Curley to remove item 10 from the applicant site plan review for no roads are being developed.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

- 11.) Site plans shall conform to all applicable requirements of state and federal status and the Hayes Township Master Plan, and approval may be conditioned on the

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applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **YES**

B.) The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health department and the Michigan Department of Natural Resources, where applicable.

YES.

Supplemental Site Development Standards for Kennels

A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size. **YES**

B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater. **YES**

C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence and a vegetated evergreen buffer at least five (5) feet in height.

YES

D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises. **YES**

E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8am.

YES

F. All principal use activities shall occur within an enclosed main building.

YES

Mr. Greenslade made the motion, supported by Mr. Snyder to approve the site plan with the conditions noted above.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Mr. Curley made a motion, supported by Mr. Greenslade to approve the Special Use Permit to establish a kennel at 8222 Burgess Road.

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Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

OLD BUSINESS:

COMMUNITY HOST AGREEMENT, FEE SCHEDULE, ZONING APPLICATION, ESCROW POLICY, DECOMMISSIONING AGREEMENT:

Planning commission discussed their recommendations to the Board of Trustees for the Community host Agreement, Fee Schedule, Zoning Application, Escrow Policy, and decommissioning Agreement.

Discussion included:

- Still researching a good example for a Community Host Agreement. The Community Host agreement is a legal contract between the Applicant and the Township specifying the specific things that will happen. Once a draft is created would recommend it be reviewed by the Township's legal services.
- Fee Schedule is set by the act as discussed for the \$2000.
- Escrow Policy will be set to the board of trustees to make a resolution. The Escrow Policy is capped at \$75,000 and it is to be used to hire consultants to help the township review proposals.

Planning Commission came to a consensus to submit their recommendations for the Community host Agreement, Fee Schedule, Zoning Application, Escrow Policy, and decommissioning Agreement to the Board of Trustees.

SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for March 18th, 2025 to review Special Use Permit Amendments for a SUP granted to Mark McCol & Dewitt Marine on May 6th 2024 and a Special Use Permit for an Assisted Living and Memory care facility on US31 North.

SET/CONFIRM DATE OF NEXT PC MEETING –MARCH 18th, 2025.

Next Planning Commission regular meeting will take place on March 18th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:57pm

- Stated they would like to know if the township should have allowed a quit claim deed on a parcel.
- Mr. Griffiths stated the Township does not handle Quick Claim Deeds. Also the rezone

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- Stated the planning commission did a great job, the meeting was well led with great discussion. Feels tonight was a great example of local government at its finest.
Public Comment Closed at 9:00pm

PLANNING COMMISSION and STAFF COMMENT:

Ms. Cuddeback requested a special meeting to address survey results, meeting date will be scheduled and posted once results have been completely compiled.

Mr. Griffiths thanked the planning commission members for all their hard work on the CREO Draft ordinance.

ADJOURNMENT: Mr. Snyder made a motion, supported by Mr. Curley, to adjourn the meeting at 8:45pm.

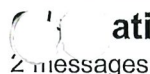
Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

**Compatible Renewable Energy, Public Hearing 2-18-2025: 55 Decibels**

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Thu, Feb 13, 2025 at 9:34 PM

To: Kristin Baranski <clerk@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhttp@outlook.com>, Alexander Curley <acurley.pc@gmail.com>, Carey Cuddeback <clcuddebackpc@gmail.com>

Kristin, please put this email into the information packet and on the table for the February 18, 2025, Public Hearing. Thank you.

Dear Planning Commission Members,

This email restates my conclusions previously discussed in the exchange of emails between PC chairman, Roy Griffiths, and me regarding sound measurement for battery storage, solar power, (and wind generation). Each PC member was included on these previous emails by CC.

I totally agree with measuring sound at the property line of adjacent, non-participating parcels. It's an absolute necessity for battery storage, solar power, (and wind generation) ordinances. Roy, thank you for providing the link to the sound measurement and conversion software:

acousticalengineer.com/a-weighting-calculator/

Two necessary changes must be made to the battery storage and solar power ordinances:

1. Do not use the dBA measurement scale; use the dB scale. A 55 dBA measurement permits sounds that are unacceptable: they are too loud for neighboring, occupied properties. The 55 dB measurement is more acceptable. Refer to some typical examples below using the provided acoustical calculator.
2. Do not permit averages to be used when measuring for the sound requirements. Averages, by their very nature, permit irregular loud sounds and noise, higher than 55 dB. These averages of irregular sounds, exceeding 55 dB, can be very troubling and bothersome. (I.E., some sounds could be much higher than 55 dB, at times, and still meet the "average" requirement specified in the ordinance.)

For me, the graph provided with the conversion software is "pictorially" meaningful. Using the (above) A-weighting acoustical calculator software, **dBA exactly equals dB at a frequency of 1,000 Hz**. Using this acoustical calculator, below are some examples that demonstrate the dBA measurement problems at frequencies lower than 1,000 Hz.

The frequency (Hz) plays the biggest key role in determining sound levels. Most sounds that humans hear are typically below 1,000 Hz.

Typical electrical frequency and sound ranges: 50-80 Hz and 50-60 dBA

Assume 80 Hz, then 55 dBA = 77.4 dB

Assume 70 Hz, then 55 dBA = 79.5 dB

Assume 60 Hz, then 55 dBA = 82.0 dB

Assume 50 Hz, then 55 dBA = 85.3 dB

Normal adult voice frequency and sound range: 100-250 Hz and 50-70 dBA

Assume 200 Hz, then 60 dBA = 70.8 dB

Typical crying child frequency and sound range: 400-650 Hz and 100-120 dBA

Assume 400 Hz, then 100 dBA = 104.8 dB

70 dB is equivalent to a vacuum cleaner sound

80 dB is equivalent to heavy traffic

90 dB is equivalent to shouted conversation, boom box

100 dB is equivalent to a high school dance

Link to noise level chart: decibelpro.app/blog/what-is-55-decibels/

For these typical examples, sound measurements using a dBA unit measurement scale actually results in higher dB levels. That's not good for people living nearby. **For lower frequencies (below 1,000 Hz), measurements performed in dBA units actually result in higher dB levels. We would be mistaken to believe that typical dBA measurements result in lower dB levels using typical frequencies (Hz) below 1,000.**

1. Again, measurements should be conditioned on the dB scale, which would be more acceptable to Hayes Township and neighboring residents.
2. Again, there is serious concern about using averages. By there very nature, most intermittent sounds above 55 dB are unacceptable.

Thank you for opening this important topic up for discussion.

Jim McMahon

clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>
To: April Hilton <deputyclerkhayes@gmail.com>

Fri, Feb 14, 2025 at 8:19 AM

Sent from my iPhone

Begin forwarded message:

From: Jim McMahon <jim_mcmahon_iii@yahoo.com>

Date: February 13, 2025 at 9:36:52 PM EST

To: Kristin Baranski <clerk@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhtp@outlook.com>, Alexander Curley <acurley.pc@gmail.com>, Carey Cuddeback <clcuddebackpc@gmail.com>

Subject: Compatible Renewable Energy, Public Hearing 2-18-2025: 55 Decibels

[Quoted text hidden]