

Vergennes Township  
Zoning Board of Appeals

March 3, 2014

The meeting was called to order at 7:00 pm. by Pete Gustafson, Chairperson.

The Pledge of Allegiance was said.

**Roll Call** – Gustafson, Jernberg, Odell, Schreur, and Wester were present. Gillette was in audience ready to serve as alternate, if needed.

Pete Gustafson, Chairperson, expressed the following about Allan Baird's passing in January. Al was a member of the Zoning Board of Appeals, as well as the Planning Commission and Township Board for over thirty years. He always had great ideas and could be counted on to help get the work done. He will be greatly missed by the Township Board, Planning Commission, Zoning Board of Appeals, as well as by the community in general.

**Election of Officers:**

Gustafson took nominations from floor. Wester moved that the same officers be sworn in for the new year. Gustafson is currently Chairperson, Schreur is secretary. They were not sure if there was a vice-chair previously but moved Jernberg should be vice-chairperson. Wester motioned for the officers to be Gustafson, Chair; Jernberg, Vice-Chair; Schreur, Secretary. O'Dell seconded. Motion carries.

**Approval of May 8, 2012 minutes** – Jernberg moved minutes from 5/8/12 be accepted as written. Wester seconds. Motion carried.

**1. Variance request for Compositech**

Gustafson asked that Compositech give a basic overview of their request to the members and audience before proceeding. Ken Kensington of Hastings, Michigan presented the following.

Mr. Kensington was hired by Compositech to come in and work with them on design and process of manufacturing the pipes. The company, ISG, was purchased out of Sumter, NC. The building was found and purchased before knowing there was a change of use required and zoning requirements. The property is the former Precise Engineering business with two buildings on a lot in the Lincoln Lake Business Industrial Park at 683 Lincoln Lake. Mr. Kensington met with FTC&H, an engineering firm, and Mark Fleet, Vergennes Township Building Official. It was determined from the MDEQ that they would require 40' stacks for an air handling system and the township has a height limit of 35'. Additionally, the building is near the Lowell City Airport and would require OK from Federal Aviation Commission and State Aeronautical Dept. on height of stacks. They were referred to Chicago FAA office for approval. This was granted per a letter dated January 28, 2014 from the Michigan Department of Transportation enclosed with the ZBA Application.

The company manufactures pipes made of resins that are chemical resistant. There are odors from the resins requiring a need to collect them and run through a pipe system. There is an air intake pipe on one side of the building which brings in fresh air and warms it while the exhaust stack is there to diffuse the odors and spread them out over a larger area and away from ground level. It runs at 12000

CFM per unit. There are four filters in stack which pull out the heavy particulates, but not the odor. There will be a stack and air handling system on each building (2).

There was much discussion about the odor and possible particulates being emitted from stacks. Mr. Kensington stated a review was done by the State of Michigan. They had to submit a very detailed list of potential issues. The state approved it after doing a modeling study with all the numbers and chemicals used.

Odell questioned the volume expelled. Kensington state they were approved for up to 8 tons per year. This is subject to quarterly audit by the EPA out of Grand Rapids. If they exceed 8 tons, their operation can be shut down and fines are levied.

The compounds used are styrene polymers. It is the same compound used for boats, storage tanks, etc. It is chemical resistant. It comes from the Vinyl ester category. Several local businesses use the same chemicals and the same suppliers as Compositech will use, including Caribbean Pools, located just down the road from this site and they do not have stacks. The township has not had any complaints or concerns from Caribbean Pools work regarding the odor.

Mr. Kensington noted that their emissions will be well within the state requirements. It would be toxic if it was not being diffused through the stacks. There should be no loud, outside noises unless the fans are not properly maintained. He stated they would not have received a permit from the state if the fumes were going to be an issue. There are no other filter systems available that can be used to further clean the air exhausted from building (In answer to a question from Jernberg).

Mr. Ken Fusee was also available for questions. He has a business in Walker, Michigan which will be moving to this location as well. He will occupy one area of building. David Kensington will be General Manager of the plant, overall. He lives in Hastings, Michigan.

A letter was received from Mark Fleet authorizing the change of use of building.

**Public Hearing was opened at 7:45 pm.**

There were no written submissions.

Bob Seif, 695 Lincoln Lake Ave, SE, Lowell, MI – former owner of Precise Engineering and now has RS Technical Services, Inc. in same industrial park. He is not opposed to new business in the area and wants to see it work out for Compositech. He looked up “styrene” on his phone during previous discussion. It states that constant exposure should be avoided. Are they doing anything to monitor the ground level toxins? Mr. Fusee responded that there is a monitor that can be used to test for styrene. Mr. Seif indicated that the industrial park is in a low lying area and fog forms there regularly. He just wants to avert problems down the road. The maximum tolerable level is 50 ppm. Mr. Kensington stated that styrene has a low odor threshold. It should not be noticeable unless there is a strong breeze/wind in the right direction.

The company's track record was questioned. They (ISG) have never been asked to stop production for any reason. ISG purchased Compositech and is moving production to Vergennes Township from NC.

There will be no bulk storage on site. They are allowed 120 gallons per building at any given time. Every precaution is being taken to ensure compound is stored properly, usually in 50 gallon drums.

Rudy Smith, Owner of A1 Laser. He is not part of industrial park but is landowner that runs east/west down to railroad tracks and is just north of this property. What is the stack going to look like? Will it match the building? Also, his garden is out there. He hopes the residue won't affect his plants or his

health. Ken Kensington indicated the State has strict regulations in place. If there is good housekeeping on the company's part, there should be no issue.

Noel Seif, wife of Bob Seif. What is recourse if problems develop after several years? Is there anything the Township can do? Gustafson said the short answer is no. Michigan DEQ is the regulator on any pollution or contamination issues. What is to prevent the business from expanding in the future if they do well? Will residents have to go to Lansing and fight bureaucracy to get issues resolved?

Gustafson replied that issues could arise with any business that goes into township. The township has planning and zoning commissions to determine the best location for certain activities. The township is not an industrial area and never will be. The industrial area is small in size and just outside the city limits. We are more rural, farmland and woodland. There is reason to be concerned but the proper permits and precautions have been obtained. The MDEQ may not be as familiar with our circumstances so we have to work around it. The meeting tonight is about height variances and setbacks. We are not an environmental regulatory agency. A decision may or may not be determined tonight. The ZBA will deliberate and decide the next step.

There were no other comments. The public hearing closed at 8:15pm.

Comments from the members of ZBA:

O'Dell – the request is for height of stacks and setbacks. It is in an industrial area. There are no residential neighbors in attendance. Some of the setbacks are either grandfathered or are non-conforming previously. The height is ok with the State and the FAA. It is a matter of five feet or so. If the stacks were lower, the odor would be stronger and it would not disperse properly.

Gustafson – the discussion about what is already in the area and the impact other businesses have had was helpful.

Schreur – he still has concerns about the smells. He would want to know more about the emissions. If you inhale this over the long term, what are consequences?

Jernberg – Compositech could supply the Material Safety Data Sheets on the chemicals used in production and the Township can keep it on hand for future reference. Kensington did not see that as a problem and is willing to provide the information.

O'Dell moved to grant the four setback variance requests and two exhaust stack variance requests for the ISG, Inc., d/b/a/Compositech manufacturing facility located at 683 Lincoln Lake Avenue, Lowell, as set forth in the applicants ZBA Application and attached drawings and MDEQ permit documents, all of which are made part of this Notice of Decision; provided that applicant shall supply to the Zoning Administrator, the Material Safety Data Sheets (MSDS) for the chemicals to be used in the manufacturing facility. Such submission is to be made within fifteen days of this decision. Jernberg seconds the motion. The motion is carried.

Gustafson completed Notice of Decision and had members sign it. Copies were distributed.

A motion to adjourn the meeting was made by Jernberg, seconded by Wester. The meeting was adjourned at 8:45 pm.