

Bridgewater Township

Minutes of Regular Meeting
January 9, 2006

Location: Bridgewater Township Hall, 10990 Clinton Road, Clinton Michigan

1. **Call to Order** Acting Chair Glenn Burkhardt called the meeting to order at 7:31 PM
2. **Roll Call** Present: Mike Bisco, Glenn Burkhardt, Glen Finkbeiner, Dave Faust, Mark Iwanicki, Amy Riley and Dave Woods
Absent: Jim Tice and one vacant position
Also present: Wanda Fish, Adm. Ass't, Jonathan Ringel, Zoning Administrator, Carlos Acevedo, Gabe Dull, Bernie Woods, Lorrie McCormick, Neel Sheth, Jim Fish, Cindy Carver, Steve Halchishak, Anna-Maria Wheeker, Derek Niethammer, Gretchen Barr, and Lauri Fromhart
Acting Chair asked Jim Fish to update members on Jim Tice. Fish explained that Tice had been hospitalized and was able to return home on Saturday after tests and implantation of a defibrillator. He will most likely have open-heart surgery, now scheduled for January 27. Members expressed considerable concern.
Burkhardt: Explained the Board on December 21, 2005, had not appointed Jim Fish to the Planning Commission and no appointment had been made at the Board's special meeting on January 6, 2006.
3. **Agenda** Burkhardt added two items to the agenda: 11 A, regarding future land divisions; and 11 B, regarding the Harvest Ridge Phase II Development in Clinton which abuts Bridgewater Township.
Motion: Faust, second by Finkbeiner: Accept the agenda as amended. Motion passed unanimously.
4. **Minutes** The minutes of December 12, 2005, were corrected as follows:
Page 1, 6. Master Plan A, item 2, add "may" between but and indicate.
Page 1, 6. Master Plan A, item 3, add "vs" between voters and non-residents.
Motion: Glen Finkbeiner, second by Mark Iwanicki, approve the minutes as amended. Motion passed unanimously.
5. **Public Comment** Jonathan Ringel called attention to a recent newspaper article regarding wind power generated electricity. He said that people had asked him about Township Ordinances on private wind power towers and asked if the Planning Commission had given thought to how such towers might fit with the Township Zoning Ordinance. Gretchen Barr said she understood Michigan is considering a bill (# 4649) that would take such decisions out of local jurisdiction. Jim Fish said that some system towers are up to 350 foot in height. Acting Chair Burkhardt said the Planning Commission should look at that during a future agenda.
6. **Master Plan**
 - A. Survey Results
Gretchen Barr indicated that survey results still required a lot of entry time and suggested the Planning Commission schedule a special meeting any time after January 30, 2006.
Burkhardt asked if members would consider that, and Dave Woods stated the Board had restricted the number of meetings the Planning Commission could have during the last year and expressed concern that if they had special meetings, they might not be able to attend to business later in the year. Burkhardt stated the Planning Act specifically allows the Planning

Commission to meet as needed and that he would notify the Township Board that there will be at least four extra meetings during 2006 due to the Master Plan.

Members agreed to schedule the special meeting on January 30, 2006, at 7:00 PM to review the results of the Master Plan survey and to set a direction for the Master Plan.

7. Bridgewater Farms

Burkhardt distributed to members material received after the agenda packets were sent:

A. Letter dated January 9, 2006 from William Craigmile and Marcus McNamara, Orchard, Hiltz and McCliment, Inc. recommending site plan and private road approval for Bridgewater Farm subject to approval from the Washtenaw County Drain Commission. Attached to file.

Burkhardt stated the private road was approved by the Township Board on 12/21/05.

Asked Derek Niethammer if there was further progress with the Washtenaw County Drain Commission. Niethammer said there would be a special meeting with representatives of the Drain Commission and the Township Supervisor in an effort to resolve the problems.

Burkhardt: Then once that is resolved, you can move to a final site plan, noting the well test is still pending. Niethammer: Yes.

8. Bridgewater Commons

Acting Chair distributed to members the following material received after the agenda packets were sent:

A. Letter dated 1/9/06 from Frederick Lucas, Lucas Law, the Township Attorney, regarding approval of the proposed condominium Master Deed and By Laws. Attached to file.

B. Undated letter received 1/06/06 from Ron Finkbeiner (unsigned) to the Planning Commission stating he was sending the revised pages of the master deed and by laws. Also referred to "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials, calling attention to a paragraph on on-street parking and stating the road at 24' with 2' flat curbs is adequate. Letter attached to file.

C. Letter dated December 16, 2005, to Gary Niethammer, Wilcox Professional Services, from John Everett, Washtenaw County Drain Commission regarding 7 issues with regard to Bridgewater Commons. Letter attached to file.

D. Letter dated January 9, 2006, to Glenn Burkhardt, from William Craigmile and Marcus McNamara, Orchard, Hiltz and McCliment, regarding four issues for resolution for Bridgewater Commons' conceptual site plan and private road. Letter attached to the file.

The agenda packet included information from Gary Niethammer that he planned to have additional material regarding the pond survey for the next meeting.

Acting Chair said that he thought the applicant could address some of the issues identified by the Drain Commission in the February meeting.

Burkhardt stated the OHM comments on the road width would be forwarded to the applicant

Dave Woods: Asked that the meeting record reflect that *"continuing delays on this project stem from actions other than those of the Planning Commission."* Note correction to minutes made February 13, 2006.

9. Special Land Use 05-001, Krause Parcel ID#Q-17-34-300-003

Burkhardt: The agenda stated that no further material has been received. Copies of E mails regarding payment of fees and the remainder of the application package. Prior to the beginning of the meeting, the Township Clerk had asked if the Supervisor, Neel Sheth, had received the material that Jonathan Ringel, the Zoning Administrator, had dropped off at his house. Sheth said he had found the folder just before the meeting. When Burkhardt asked Ringel if he had seen the material, Ringel said he had not. Burkhardt: Then until we have your review, we will need to hold consideration until the February meeting.

Motion: Bisco, second by Iwanicki: Hold SLU 05-001, Parcel ID Q-17-34-300-003, to the February 13, 2006 meeting for review, since material was only received by the Planning Commission on January 9, 2006. Motion passed unanimously.

10. Rezoning – Washtenaw County Parks and Recreation – Ervin Preserve

Acting Chair: This is an information item only since the public hearing has been scheduled for February 13. The public notice has been published.

11. Resolution to the Board regarding enforcement

Acting Chair: This is a draft of the resolution that we discussed at the last meeting. Requested that members read the draft and provide comments.

Need to have some kind of agreement about how we will deal with non-compliance, how we can move forward. Need to educate, need to have legal opinions as to how we can proceed and we need more citizen feedback regarding problems in the Zoning Ordinance. Need more understanding that we need to work with state planning and zoning laws as well as our ordinance. Have to think about the context. As a group, how should we change what we do or modify ordinances?

Comments: Bisco: Need to understand that if we have more enforcement, there will be more costs.

Glen Finkbeiner: But without enforcement, effectively there's no ordinance.

Burkhardt: Part of the reason why there should be an attorney opinion, if we don't enforce does that put the rest of the ordinance in jeopardy. Need understanding at Board level and at the PC level.

Establishes the consequences of enforcing or not. Dave Woods: Keep in mind that we are vulnerable to liability if we don't enforce.

Glen Finkbeiner: Attorney held a seminar at SWWCOG and many of these issues were covered.

Need to have enforcement. Pays to have professional help when we have questions. Burkhardt:

Many of the problems seem to stem from lack of clear policy and direction. The Board, the Planning Commission, the ZBA and the Zoning Administrator need to have a common understanding of how we operate. Also need the education component. We have several zoning compliance issues now, and at least a couple are difficult. If there are rules to play by, then we need to follow them. Cannot just hope they will go away. Asks if this is ready to go forward as drafted?

Woods: Need to add the liability issue if we don't enforce. Bisco: Should also add Zoning Ordinance to state Zoning and Planning Acts.

Agreement that Burkhardt will make changes, distribute via e mail and then forward to the Board when there is consensus.

Bisco, second by Finkbeiner: Motion to send forward to the Board after Burkhardt makes additional changes discussed and members review via e mail and indicate changes or agreement. Motion passed unanimously.

11A. Land Divisions

Acting Chair said that land divisions are approved by the chair and zoning administrator. Need to reassign that responsibility.

Woods: Do that after we deal with the Chair position. Agreement

11B. Harvest Ridge Site Plan – Clinton Village project

Acting Chair stated he had been given a site plan sheet for the Harvest Ridge development that will be located on 97 acres that abuts Bridgewater Township and that it is available for review. After clarification of where the development is located, the site plan was retained for the record.

12. Zoning Administrator Report

Report attached to the record.

Discussion of Krukuk gazebo. Ringel said he understood that he had picked up a ZBA application form and planned to apply because it would be too hard to move the gazebo. Bisco asked if it could be reviewed since the applicant had caused the problem. Finkbeiner, Chair of the ZBA, said that was one of the standards for review. Ringel: Talked to the planning consultant who said that the applicant should apply for the variance, matter of due process.

Enzer buildings. Woods asked for clarification as to the status, if there were additional activities. Ringel said the matter was now with the attorney. Ringel said that he understood that Jim Fish had more information. Fish: Explained he had asked the Western Washtenaw Construction Authority to check into it as well, looking at the building standards for storing explosives magazines. Said the Township had some kind of notice from the federal ATF that Enzer had received a license to import/export large fireworks. He thought there were stringent state building requirements for such facilities and the WWCA will follow up on that. May also be an issue of use of a property or a change in the use of a property. Woods asked if there were properties nearby and it was indicated there are several residences in fairly close proximity.

Krause

Woods asked the status. Ringel said the last hearing was cancelled and that he planned to meet with Ms. Krause around the end of the month. He also understood she planned to deliver the remainder of the application to the Clerk. Question arose about the date on the material. Burkhardt said it was dated December 20, 2005, both the letter and the application, but no date received was on the application. Woods noted that the various e mails indicated she would drop the application off on the 4th of January. Discussion as to when the application was received, and Burkhardt stated for the record that the Clerk received the completed application on January 5, 2006. Burkhardt: The next step is for the Zoning Administrator to review the application for completeness and if it is complete, to prepare a report and recommendation to the Planning Commission regarding the special land use request for consideration at the February meeting.

Burkhardt: Said that the Planning Commission members appreciate the thoroughness of the Zoning Administrator's reports.

13. Member Reports

Glen Finkbeiner noted he had received a ZBA application that raised several questions, involving converting an old barn to an apartment in the agriculture district. Finkbeiner said he thought he would need counsel. Burkhardt: Should get that and would think the applicant is responsible for payment.

Burkhardt handed out an addendum to the SWWCOG December 14, 2005, meeting minutes outlining several expectations and visions for the group relative to issues that should be addressed. Asked Members to give him some feedback prior to January 11, 2006.

14. Election of Officers

Burkhardt: Township Planning Act requires election of chair, vice chair and secretary. Jim Tice does not want to serve as secretary due to his illness. There are two choices ahead of the Members.

1. Elect officers from the group present or
2. Wait until the vacancy is filled.

Bisco: Should hold the decision until we know what the board intends to do. Woods: Believes we are mandated to hold the election now. Burkhardt: Planning Act states we will elect chair, vice chair and secretary annually, term in office to be one year. Bisco: Talked with Township Attorney who said we did not have to elect in January. Burkhardt: Concern about the term being one year. Woods: Then we would have no chair after this meeting. Bisco: Then we could elect a vice chair and a secretary and hold the chair position until the vacancy is filled.

Amy Riley: Have to at least elect the vice chair, have to have someone in charge, Faust agrees with that position. Bisco: Would be nice, but no legal requirement, we need the Board to decide what they will do with the Planning Commission. Glen Finkbeiner: Then maybe we should elect the Chair. The Board has suggested there must be change and the best way to deal with that might be to elect the Board's representative to the Planning Commission as the Chair. Faust: Declines.

Burkhardt: Believe we must at minimum identify a vice chair and a secretary, since the term expires. Believe that is the most responsible action.

Motion: Bisco, second by Iwanicki: Layover the election of the position of Chair until such time there is an appointment by the Board. Discussion: Glen Finkbeiner pointed out that the pool of candidates may not be the pool that you want to select from. Bisco: Agrees, but states that people can resign from positions to which they have been elected, at any time. Would have to rehold elections at that point. Burkhardt: That sounds reasonable.

Motion was passed unanimously.

B. Vice Chair position

Burkhardt: Would be fine if someone else wants to fill that role.

Motion: Glen Finkbeiner, second by Amy Riley: Nominate Glenn Burkhardt to the position of Vice Chair. Discussion about Burkhardt's time and availability to be acting chair, agreement it is very time consuming. Burkhardt said he could only do his best. **Motion passed unanimously.**

Burkhardt noted that he abstained.

C. Secretary position.

Burkhardt: Asked for a volunteer. Asked the AA to explain what the secretary does at this time. AA: Stated the Secretary reviews the draft minutes prior to their being issued for member review. May also check with the secretary on procedures. Burkhardt: Asked about notices and notifications for hearings. AA said that at this time, she was handling them, but did not know if that might change, would depend on the board. At this time, the Supervisor has instructed her to handle that function, but cannot guarantee that will continue. Burkhardt: Then we can assume for the while that will continue and make arrangements if it does not. With that discussion, is someone willing to fill the role. Bisco: Volunteers.

Motion: Iwanicki, second by Riley: Nominate Mike Bisco to the position of Secretary. Motion passed unanimously. Bisco abstained.

15. **Other Business**

Dave Woods: Requested a resolution by the Planning Commission as follows:

This Commission as well as the Township owes Jim Fish the highest of praise and heartfelt gratitude for the many years of service, dedication and loyalty to his position as a Member and Chair of this Commission. We owe you a great deal of thanks and a lot of good luck.

Burkhardt: Very appropriate and we all second the motion. Agreement around the table.

16. **Public Comments**

Neel Sheth, Supervisor: The Board is actively looking for people to serve on the Planning Commission, urges people to apply by getting in touch with him. Will be a public interview process.

Lori McCormick: Asks if the Board cannot retain Jim Fish's services as a paid consultant to the Planning Commission. Burkhardt: Answer should be yes. McCormick: Need to have highly qualified people.

Bisco: Should note for the record there is a quorum of the Township Board present, but that no Township Board business has been discussed. Neel Sheth: Note there is an inadvertent quorum of the board present.

17. **Motion to adjourn: Woods, second by Bisco: Meeting adjourned at 9:09 PM.**