

# *Bridgewater Township*

## Planning Commission - Regular Meeting June 12, 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: Glenn Burkhardt, Glenn Finkbeiner, Dave Faust, Mike Tice, Dave Woods  
Absent: Mark Iwanicki, Mike Bisco and two vacant positions  
Also present: Jonathon Ringel, Zoning Administrator, Gretchen Barr, Neel Sheth, Debra Hauser, Cindy Carver, Amy Riley, Chip Tokar, Stansley Mineral Resources, Gary Niethammer, Ron and Joann Finkbeiner, Cindy Burkhardt, Brian Gougherty, Derek Niethammer, Vic Mann, Shelly Pike, Jolene Mull, Amy Riley, Greg Hodges.  
Chair noted there was an inadvertent quorum of the Township Board, with all Board members present. There will be no action by the Board at the meeting.  
**Review Agenda**  
**Motion: Finkbeiner, second Faust. Approve agenda as presented. Motion passed unanimously.**
3. **Review Minutes**  
**Motion: Faust, second by Finkbeiner to approve the minutes of May 8, 2006 as presented. Motion passed unanimously.**
4. **Public Comment** – There were no public comments.
5. **Replace Conflict Policy**  
Burkhardt: Revised as a result of classes Bisco has taken. Corrections seem to make sense and provide clarification and specificity. Woods: Good guideline. Faust: Why do you have to leave the room? Burkhardt: Recommendation was made by presenter. I've checked myself and that is the "safe haven" to be very clear that you had no participation or influence in any way. Finkbeiner: I've seen that too in training.  
**Motion: Woods, Tice second. Approve conflict of interest policy as drafted and amended June 12, 2006. Burkhardt – yes, Finkbeiner - yes, Faust - no, Tice – yes, Woods – yes. Motion passes, effective immediately.**
6. **Hauser Special Land Use      Parcel 17-01-400-017**  
Debra Hauser presented a brief overview of the benefits of Ride4Fun. Application was determined to be complete, with no additional information needed. Chair asked if any additional information needed. Chair asked if this SLU was an appropriate use in an appropriate location.  
Faust: a horse farm has been there for years. Burkhardt: So it seems a use that has been there and it's just a little different twist. Finkbeiner: It's probably protected by right-to-farm. Burkhardt: Certainly, it's probably grand-fathered because of time barn was built and capacity of stalls. Certainly an activity for large animals. Applied under limited business use – when read all different options, there's really none that it falls into. Applicant submitted under limited business use. Not equestrian, not business (not-for-profit) but it seems reasonable use for the location. Feedback from adjacent property owners helps lead to that conclusion, too.  
**Motion: Faust, second Woods. Place Ride4Fun SLU of Deb Hauser and hold public hearing at July 10, 2006 meeting. Motion passed unanimously.**
7. **Enzer Special Land Use      Parcel Q17-08-100-024 Ace Pyro, LLC**

Chair: Ace Pyro, LLC., has applied officially for a special land use to purchase, storage, sale of low explosives fireworks and fireworks displays at property at 13001 E. Austin, Manchester. First question is if the information submitted is a complete application or is additional information important. General discussion regarding current information submitted. Chair asked if there was any additional information the Commission needed. Reference to June 29, 2006, report from the Zoning Administrator. Items identified include a site plan, setbacks of the storage bunkers, proof of all appropriate licenses. Additional items include insurance proof, stored materials and amount, more specific definitions and information regarding the stored materials, MDEQ storage permit, part 31, with description of activities that will take place in accessory structures. Need to have more information regarding what is a worst case scenario in the event of an accident, a more specific definition of what a low explosive is, and construction and buffer spaces in compliance with codes. Some neighbors have questioned to township officials whether storage and building have already begun. Strict guidelines from ATF and State of Michigan regarding how buildings are to be constructed. Glen Finkbeiner: Stated a concern that storage magazines had to have a certain distance from other buildings. Questioned that while they may meet the standards now, future impact on neighboring properties if owners decided to split or make additions – would granting the SLU make hardship in the future use of adjoining properties?

Woods: The amount and kind of explosives and related materials affects the requirements for distance between the magazines and other structures, according to both the ATF and the Michigan Building Code. Talked to the State office of Fire and Safety today and they were more than a little interested in this. My understanding is there make be storage already taking place. Burkhardt asked the Zoning Administrator to clarify. Ringel: According to a neighbor, additional construction is taking place above what was approved. It is not clear. It may be a container type structure. Woods: Questions what is in the buildings now. Ringel: Have not been inside the buildings. Woods: Then when Enzer says that the ATF has given him regular inspections, they are inspecting a site that does not have explosives? Burkhardt: May be referring to inspections at a different site. Notes that aerial photo submitted shows some kind of structure near the tree line. Discussion as to whether or not explosives are now stored in the pole barn on the site. Understanding that this structure was built under an agricultural exemption. Woods: If there are explosives stored there, the pole barn does not meet the requirements of either the ATF or the Michigan Building Code. Those are very specific in requirements. Woods: do we have an interpretation for the attorney regarding liability? Burkhardt: Not yet. Woods: Do we need input from the local fire departments? Burkhardt: that would be good information to have. Woods: According to letter, he trained the Manchester fire department. Ringel: They should be aware because that is one of the requirements for his storage on site. Chair states a decision should be made on a factual basis to determine whether this an appropriate use in this location, and this is being operated in a safe and appropriate manner.

*Planning commission to seek input from fire departments and attorney, and will send letter with additional information required before taking action on SLU.*

**Motion: Finkbeiner, second Faust. Assemble a letter seeking additional information before moving forward on Special Land Use. Motion passed unanimously.**

**8. Crego/Peltcs SMR Special Land Use Parcels 17-29-200-008,009 and 010**

Chair: Public hearing for SLU held, with feedback from citizens heard and considered. PC received feedback from planning consultant and engineer. Faust

had previously recused himself, and in keeping with policy just established will leave the room during determination. Tice believes himself also to be affected and recused himself on basis of farming a parcel within 300 feet of affected area, though some uncertainty about actual distance. Determined that with recusals, no quorum is present and unable to proceed with item. Must layover to July. Chair noted that even if only one person had recused himself, there would still have been no quorum. Between now and next meeting, PC will confirm whether Tice is within the notification boundary.

Chair asks whether all properties been signed over to Peltcs Trust. Tokar: I understand the entire property is part of the trust. Burkhardt: parcels 8 and 10 do not appear to be in the name of the trust, but the only way to check would be to check the Deed, not the tax records. If different owner, then would need to sign application. SMR needs to check to ensure that all interested owners have signed SLU.

Berms: Woods: you make reference that "berms will be installed" but there's no timeframe. Tokar states berms will be built as material becomes available on site. Plan was to mine in phases, so most of soil taken off in first phase will be placed in areas where natural screening is lacking. Most amount of berming will occur in first phase. Chair states that one of the things the ordinance says is "unless there is natural screening" and that more limited screening is Willow Rd side and property to the South. Tokar: states that the only residents that would be affected would be the one directly North, the Hebb parcel. Chair states planning commission's purpose is to ensure the berming is put to best use.

Chair states that planning consultants also advised that revised conceptual end-use should be resubmitted to ensure that conceptual lots were in conformance with zoning, with specific concerns about flag lots, to ensure setback requirements are in conformance with deeds.

#### **9. Bridgewater Commons**

General discussion among the Commission to review the remaining outstanding issues. Previous Drain Commission approval has been addressed, as well as . Washtenaw County Road Commission issues. Determined that remaining items to be addressed before preliminary plan approval were the landscape plan, and the pond boundary, and the accessibility and usage of the eastern portion of property for open space requirements, and resolving additional parking felt necessary, before preliminary plan approval.

Pond Issues: Gary Niethammer noted that the pond easements had been secured to allow for smaller setback requirements. Discussion among PC that with easements under current site plan and maintenance of clearances that it will provide equivalent setbacks to what ZBA approved and intended at high water conditions. Chair asked members to indicate any disagreement that the plan effectively meets what the ZBA intended, and there was none.

Open Space: Previous plans showed larger pond, which would have precluded reaching the East side of the Open Space. Gary Niethammer stated that 32% of the property is open space. Chair: Expressed concern that it was hard to follow because the drawings differ. Chair stated that packet has June 2<sup>nd</sup> letter and attached with that is a plan dated 5/11/2006, revision 7 which shows something different than Niethammer's displayed map. Chair asks whether revised parking plan will show pond larger. Woods: states that landscaping plan included in package shows a bigger pond. Chair asks when Niethammer provides the revised parking plan it shows the pond consistent with the other drawings. Then, we can address the pond and parking. Discussion regarding versions of plans submitted.

Discussion of what drawings have been provided on the landscaping. Woods: States the landscape plan drawings show a larger pond. Parking plan distributed at the meeting.

Chair: Drain Commissioner's approval letter, dated May 23<sup>rd</sup>, is based on calculations with the latest revision dated 5/10/2006. There are references to drawings dated 5/11/06. Which drawing did the Drain Commissioner see and approve? We must have validation. What volume of the pond is required? Faust: Asked about the levels. Chair: We have to see the plans that clearly show what the pond is and what the ponds will be.

*Assuming the plan revision to the map can be confirmed with the Drain Commission and that it contains the smaller pond area than that which is shown on the current site map the Open Space issue is resolved.*

Chair asked to move on to parking, noting a change from perpendicular parking to parallel parking while retaining the street width at 24'.

Parking: Niethammer noted that for aesthetics and safety, parallel parking is desirable and presented research from various organizations (e.g. AASHTO) supporting the commonality of parking on one side of the street. Current plans calls for 24 ft inside edge on the original proposal. Chair asks what width is proposed with on-street parking? Niethammer: 24 feet edge to edge. Burkhardt: AASHTO minimum standards suggest a minimum of 8 feet, but preferable 10-12 feet to accommodate a car passing a parked car that has an open door. Niethammer: Those are urban standards. R. Finkbeiner: 24 feet is enough for a private road. Burkhardt: We have to be sure that in the event of a fire that there is fire truck access. G. Niethammer: Mike Scully, the fireman, said that he didn't have a problem with it. Burkhardt: Will have to have confirmation of that. Burkhardt: Assume you have 28 feet back to back, including the curb, and you subtract 8 feet for parking, you have 20 feet remaining to accommodate two cars coming from different directions. G. Niethammer: States that 7 feet is enough. Burkhardt: If I were presented with that, I'd take a different route.

Chair: Planning commission has to decide is with the street width as proposed which could allow albeit tight one side parking, will that meet the concern regarding parking.

Woods: When we met with OHM here, there was substantial concern about parking and we came up with this solution of perpendicular parking. We still have the same size street. Would like to have OHM's input regarding this plan. Burkhardt:

Perpendicular parking is not the best alternative on an urban street. It is all a matter of traffic volume. Woods: Arrived at the perpendicular parking because there needed to be more parking and this seemed the only way. Burkhardt: Refers to letter from OHM dated January 9, 2006 which appears to agree with parallel parking on one side only if it is restricted from the curb. Street width would be 26' face of curb to face of curb. Asks G. Niethammer to confirm that each dwelling unit has Woods: we still have the same size street, but now we're parking on the street. We should check with OHM. Woods states that he recalls that parking was changed to to perpendicular parking due to number of parking spaces needed. Chair states that January 9<sup>th</sup> letter from township engineering consultant states that letter from consultant supports on-street parking on one side only with minimum width of 26 feet from face of curb to face of curb as outlined in AASHTO. Chair states that what is being proposed is 24 feet from face of curb to face of curb with rolled curbs, some of benefit of curb could be used. Chair asks whether this meets intent of what OHM suggests. States his opinion is yes.

Chair asks how many spaces development would gain. Discussion regarding reasons for need of spaces for graduations, funerals, and so on. Discussion

regarding location of parallel parking to keep parking isolated to specific area and to curved part of road due to less vehicular activity. Faust states wouldn't want parking there for fire truck. Chair states it would be on the inside of the curve. Niethammer confirms approximately 30 spaces if parking on one side. Discussion regarding restricting parking and signage. Chair states that it would be appropriate to have signage. R. Finkbeiner: States that there is no way to enforce it. Chair states that with signs, most adults will mostly follow. G. Finkbeiner says that with signs they can at least have leverage in court. Niethammer states that condominium association will be the ones to enforce.

*Chair states that if parallel parking one side only with signage is used then issue is resolved.*

Niethammer presented landscaping plan. Chair states that most important part of landscaping ordinance is providing reasonable buffers to adjoining land users. Chair states that interior landscape of development is for marketability purposes. Chair states that overall plan looked good. There may be a couple of spots – along Nelson property boundary where screening may be less than desirable. Niethammer states that he is showing screening but that use is residential to residential, not residential to commercial. General discussion regarding landscaping plan. Chair restates that buffering to adjacent land uses is the primary concern of planning commission.

There should be a focus on perimeter – to adjacent land uses that are dissimilar, reasonable buffering to transition from more dense development to less dense development. G. Finkbeiner asks about Commission's need to concern themselves with screening from the road and visibility. Chair states that challenge is for plan to balance safety (e.g. sight distances) and visibility with buffering. States that planning commission role is to understand what conditions if any need to be placed on landscaping plan. Faust states that it seems all right by Nelson's, and that North line seems to be okay too. Tice says that view of pond on the West side which may block the pond view is internal and affects only residents. Burkhardt: so we might suggest that the trees on the West side should be moved to the East side and scatter them around. Chair asks if everybody is "reasonably happy" with perimeter. Tice asks whether any berming will occur. Chair: May not be room to berm.

*Planning commission is in general agreement with the landscaping plan with the exception of improving the buffering along Austin Rd and Boettner Rd in a manner that lessens the visibility of the development, while maintaining a good clear sight distance.*

Chair states that planning commission needs consider recommendation of approval of private road to Board as presented in revision 7 dated May 11, 2006.

**Motion: Finkbeiner, second by Faust. To recommend approval to Board of private road for Bridgewater Commons as presented on the drawing ECSP of revision of 5/11/2006, submitted to planning commission at 6/12/06 meeting. Motion carries unanimously.**

Discussion regarding preliminary approval of site plan would be subject to private road approval by Board. Barr asks for clarification on whether landscaping would need to be reviewed again by Planning Commission prior to approval. Chair states the Planning Commission is moving toward preliminary plan approval. For final plan approval, some things would need to be clarified. Chair states that given Drain Commission approval, although we need confirmation that the Drain Commission approval was based on the drawing that we received today, issues have been resolved. The next step is preliminary plan approval. Burkhardt states that it appears that everything is in place for preliminary plan approval. Prior to final plan approval well testing would need to be documented for quantity and quality and be

approved by the Washtenaw County Health Department. Niethammer states that it has been done. Burkhardt requests documentation.

**Motion: Faust, second Finkbeiner and Tice. To grant preliminary plan approval contingent upon Board approval of Private Road. Motion carries unanimously.**

Chair suggests that Niethammer assemble nine copies current version of everything (sewer, water, landscaping), County well approval for submission for July meeting. If assembled in next week can get to engineer for review and planning commission for last little details for next Planning Commission, July 12<sup>th</sup>. Niethammer asks about Master Deed. Chair states that the last he knew the township attorney had reviewed Master Deed and by-laws and commented and was in agreement with final revisions. Question regarding request for number of sewer hookups. Chair states that it is first come, first serve. OHM stated that range was 104 to 130's depending on volume. Chair states that if minimum is 104 and there are currently 67 units taken, there are about 40 units available. Sheth states that letter from OHM provides range of available.

#### **10. Master Plan**

Planning Commission is waiting for PDR amendment. Chair states that at last meeting would draft items that need to be tweaked, and has not yet been completed. Objective is to have by July meeting. Rescheduling meeting with County Planner from July 11<sup>th</sup> to another date. Once County input has been received, and list of items, then would be in a position to move forward but likely won't happen until August. As long as PDR amendment continues, deadline for Master Plan is not urgent. Sheth asks if still planning on having joint meeting. Chair states that the issue is whether it will be a regular meeting or a special meeting. Since Board retains approval, sometime after regular meeting in August, would be a good timeframe for joint meeting. Chair asks that the Board suggest a couple of dates. Sheth states he was under the assumption that it would be done during the regular Planning Commission meetings. Chair states that would be dependent on regular Planning Commission meetings and should remain flexible to having either at regular meeting or a special date.

#### **11. Bridgewater Farms**

No further activity.

#### **12. Special Land Use T-Mobile Cell Tower**

Finkbeiner states that it is right next door to him. Chair states that they are clearly seeking a setback variance. Chair states that he personally does not see that this is a viable application and does not consider safety, given the encroachments it would require, and the circumstances of the site. Woods asks whether this was considered before. Ringel says that company went through some changes and that it hadn't gotten to consideration. Chair asks whether planning commission would consider an SLU that has significant variance. Finkbeiner restates that he is too close to consider the issue. Chair states that PC doesn't have authority to grant variance, can only recommend SLU. Finkbeiner states that it should go to the ZBA. Chair suggests that letter be written indicating the T-Mobile must apply for a variance first, before ability to consider SLU. Faust says that in other cases, SLU must be denied first, before applicant can submit request for variance. Finkbeiner says that ZBA action is limited to variance and temporary use. Faust says that have to apply first and be turned down before going to ZBA for variance. Chair states that PC can't grant a variance, therefore, PC can't act on application. Asks whether PC wants to officially deny application. Faust states that we have to, in order for them to apply for variance. However, since Finkbeiner has recused himself, no determination can be made at this meeting. Chair states that due to lack of quorum, Planning Commission

will hold over for consideration the Special Land Use application to July meeting, or until such time as a quorum is available.

**13. Zoning Administrator Report**

Ringel states that **DNR** has confirmed that a wetland violation has occurred on Willow Road and that **DNR** will be sending a letter to the property owners and copying the Zoning Administrator on the letter.

**14. Reports**

Finkbeiner stated that a variance had been requested and granted for a setback for a residential addition.

Woods asked about property that had added a driveway at the West end of the Bridgewater Hamlet. States that he never saw the Washtenaw County stakes. Ringel states that he will check into it.

Woods also asks about a resident who is digging a pond – states that the soil erosion permit was overdue, and it looked as though there was no activity. Faust states that his permit did not have a limit, that it was “until done.”

**15. Other Business**

There was no other business.

**16. Public Comments**

There were no public comments.

**17. Adjourn**

**Motion to adjourn by Faust, supported by Finkbeiner. Motion passed unanimously. The meeting was adjourned at 9:45 pm.**