

**November 13, 2006
Bridgewater Twp Planning Commission
Minutes of Regular Meeting and Public Hearing**

Call to order: 7:30 by M. Bisco

Role call: All present. Mike Bisco, Glenn Burkhart, Glen Finkbeiner, David Faust, Mark Iwanicki, Randy Klager, John Porter, David Woods

Also present: Wanda Fish, Admin. Asst.; Jolea Mull, Twp. Supervisor; Chip Topar (SMR); Pat Sanders (River Raisin Water Shed); Mark Jenkins; Suzie Jenkins

Review the agenda.

Motion by Woods to accept agenda as written, support by Finkbeiner. Passed unanimously. Agenda accepted.

Review the minutes of the 10-09 meeting.
Corrections? Spelling Jim Haquessler to Haeussler.

Motion by Finkbeiner to accept the minutes, support by Iwanicki. Passed unanimously. Minutes accepted.

Public Comment

Mark Iwanicki: work e-mail address no longer valid - retired.

Jolea Mull: Requests e-mail addresses from all PC members. Supplied her e-mail address.

Crego/Pelts SMR Special Land Use: Anything new:

Chip Topar: Wetland surveys complete – Hydrology report from Hayes outstanding. His discussion with OHM indicates expectation of their readiness for the December meeting. Did they review the Wet lands? Questions whether PC knows of any other outstanding issues.

Porter: Question about conflict of interest raised by Lauri Fromhart – what should the PC do with that request?

Bisco: Discussed at previous meeting. I found no conflict of interest.

Porter: Neither did I.

Finkbeiner: We made a resolution in support of Glenn's service.

Porter: Thought that was in support of Glenn removing himself.

Bisco: No, that was in support of his service. Further discussion of Glenn resigning from the Mineral License Board as well to alleviate any impression of conflict of interest. His expertise will be a loss.

Chip Topar: Who is on the Mineral License Board?

General discussion about the membership on the Mineral License Board

Motion by Finkbeiner to lay over discussion of the Crego/Peltcs SMR SLU application waiting reports from engineers until the next meeting –support by Iwanicki. Passes with one abstention.

Raisin River Watershed Council

Bisco: The Raisin River Watershed Council is currently working on master plan for entire Raisin River. Pat Sanders has been asked to come and update us on their plans. We should review their work to see if our master plan should be more in sync with theirs if the plans aren't already.

Pat Sanders gave an extensive description of the Council's activities to improve the watershed over a 6 County area. Details were discussed about particular problem areas in the water shed as well as testing and quality monitoring activities. Grant possibilities for particular projects were discussed. The River Raisin Watershed Council plan in progress is an action plan detailing items to be addressed and planning the ways in which they may be addressed. Some programs which have benefited the watershed and farmers in the past were discussed. Need for encouraging buffering between the river and development. The Watershed Council provides education and support. Erosion and nutrient influx are two major problems.

Question: Are areas of the river that should be specifically addressed, we are looking at the master plan going on 30 plus years. Are you planning things effecting usage changes in the river?

Sanders: No, those are more community issues; we are working on specific issue plans.

Question: Erosion is a natural phenomenon – do you need to balance natural river changes promoted by erosion with erosion control measures to prevent unnatural erosion?

Sanders: Yes it is natural and a balance must be found.

Question: Do you expect to come up with specific recommendations for communities along the river so they can plan?

Sanders: There will be some specific recommendations but it is up to communities to adopt those recommendations.

Question: how would RRWC dot out human impact on environment.

Sanders: That would be incorporated with the plan. We impact continuously by building and growth. We build dams and take out dams. We have a lot of dams. We change the pattern of the water. The water comes fast, and within a few days the.

Question: Clearing trees in the river – recommendation?

Sanders: EPA policy is to cut a swath down the river through the trees wide enough for passage and leave the rest of the tree.

Question: What is the distance for development from the river – septic fields etc.

Burkhart: 100 feet. Buffer and green space education needed.

Question: Does Bridgewater Twp Board have a representative on the Council?

Sanders: No, I am the representative from our area on the Council and report activities to the Board every month.

Sanders: We are all connected to the watershed via drains, ditches, runoff, etc.

Krause SLU

Glenn: Review of Property was done on November 2nd by Bisco and Burkhart. Found the fence was completed and dogs were confined within. Letter confirming the SLU was issued. Item closed.

Bridgewater Commons:

Update: escrow deposit and performance bond received. OHM is dealing with construction. Administratively, a letter indicating approval and conditions of approval needed to close the file. No further PC action needed.

Bridgewater Farms

Bisco: I talked with Derik and he will get the PC an update. Apparently they are stuck in drain commission office - progress, but no anticipated end.

Motion by Faust to lay over discussion waiting input from the applicant –support by Finkbeiner. Passed unanimously

T-mobile: note from Marcus that Utility Instrumentation Services (UIS) from Ypsilanti has been contracted with anticipation of completion prior to the next meeting. Has ability to do analysis we are looking for. Anticipate information for next meeting.

Marcus McNamara is an engineer with OHM.

Jenkins: What will they be doing?

Bisco: RF information, all information we have provided. T-mobile contends that no other sites will meet their criteria. We know that one of the sites is not viable. The engineering reports are intended to either refute or confirm the applicants' assertions that the tower site is required.

Fish: Additionally, review is being done by the Township Planner (Birchler Arroyo) per the site plan review process.

Bisco: Residential vs. AG. All the property around the proposed site is Zoned AG – and taxed as residential use. For ordinance purposes, the entire area is AG.

Jenkins: Area on the map indicates it is not quasi-public.

Discussion about map, area, and use vs. zoning. Area is zoned AG. The map showing part of the golf course near the corner different from the rest of the course is in error the course extends to that corner. The conceptual use in the Wireless Master Plan is noted and the inconsistencies in the map are noted.

Motion by Porter to layover T-Mobile awaiting information from Engineer and Planner support by Iwanicki. Motion passes with no opposition, one abstention.

Enzer SLU

Bisco recuses

Glenn Burkhart serves as Chair:

Burkhart: There is a need for written information to be supplied as promised.

Enzer: States he received the request for written information 10 days after the letter indicates the information was due. Further states his plans to attend the last meeting were interrupted by the birth of his son. Indicates his understanding of the previous PC minutes indicating the PC recommendation to the Township Board that investigative action is undertaken. The Police investigation has to date found no merit to the allegations. Indicates his belief the PC has not given fair assessment to the matter at hand, the SLU application which was supported by a majority of his neighbors.

Burkhart: Would welcome any new information you have.

Enzer: 12 copies of the magazine plan B which has both State and Federal regulations. There are a lot of different plans possible. I realize that this is hanging point. This shows that a far less conservative storage plan is legal. I don't feel that I have gotten a fair shake and I don't know what your motives or goals are.

Burkhart: A number of laws, codes and regs apply. Some are outside the Planning Commissions authority. Hazards must meet Building Code. Zoning Official must issue an operating permit after verifying. PC certainly has responsibility to address a special land use request. I don't know if I have all the facts and info to make a decision. There is information that we need to look at. This issue may go beyond the planning commission.

Enzer: Not asking for the PC to address issues beyond the scope of the PC's authority. I'm asking for a fair evaluation of the Special Land Use application.

I don't know where this plays in my special land use I don't need any thing else that means that I am in business, without the special land use I am not in business.

Burkhart: We are going to proceed with caution. A special land use carries with the land forever.

Enzer: I understand this. Expresses concern for the information the PC needs. Needs to know what will help the PC understand his application. I wish you all had more expertise in this matter. I don't know how to help you. I don't know how to answer your questions without knowing what they are.

Burkhart: We owe you a written request for information regarding this issue. So I would ask the PC membership to think of questions the need answered in order to evaluate this issue.

Enzer: Working out of town most of December, and requests matter be postponed until January meeting.

Burkhart: We will get the request for info out to you and postpone.

Iwanicki: I don't know about you, the map tells me nothing.

Porter: Plan B?

Enzer: Plan A was original. Map is based on table of distance.

Iwanicki: Maybe you understand the table of distance, but this map doesn't give us information. We aren't here to judge your character. As far as your neighbors that say its fine, it is easier for them than us because we are going to be liable if we make the wrong decisions. You said there is a waiver, we said we need definition on this. We talked last time, things have come up. Maybe it seems simple to you, not to us...we need more information to make a decision.

Enzer: So I am asking you what information you need.

Woods: It is your obligation to prove to us you are following the laws of the State of Michigan, we are making some assumption. You have to prove that what you want to do meets the law.

Enzer: so I'm guilty until proven innocent?

Iwanicki: No, you need to prove you will meet anything we want to do in this township, not that it is wrong, but that it is acceptable.

Woods: You say you are in compliance with the law – produce something that says that.

Enzer: How do I do that? Analogy to a driver on the road. You can say you are compliant and following the rules of the road, but how do you prove it?

Woods: Drivers License

Enzer: Does that mean that every driver is doing it right?

Faust: Do you have a license from the State and the Federal government?

Enzer: Absolutely, and I have presented that to this Planning Commission.

Iwanicki: What about insurance?

Woods: We don't see everything here. Not even a waiver.

Iwanicki: So to us it seems like there are a lot of holes. Not that we are trying to say you are doing something wrong. It's a lot easier to decide against because we don't have all the information.

Enzer: If you had specific questions, it would make it a lot easier to supply the missing information.

Iwanicki: I guess if we understood more, we would have more specific questions, but unfortunately, I don't think we understand enough about what we are looking at. You need to make us more knowledgeable on what is going on.

Porter: What is your business plan? Are you assembling? Lets go back to plan a, I understood it better. The four bunkers...Were you assembling the fireworks.

Enzer: Most of the fireworks are coming in as finish product.

Porter: So you are wholesale?

Enzer: Items going out used for two things – displays my own company puts on and for other companies to do their own shows. Economics dictate bringing in quantity and sell off excess.

Porter: In two minutes, I know more than I did previously. When I was reviewing I did not realize that you were bringing in wholesale lots and storing them. I didn't know that. So what I'm saying is we have to understand what is going to happen. I can't leave any stone unturned. We have to understand your complete plan before we can come to any decision whether it fits in the community.

Enzer: I guess that helps because initially I didn't understand all the questions. I addressed some issues, traffic, non-retail store. I will try to develop a response that more specifically details the activities. I truly want to give you the information and was at a loss for what additional to provide. And like you, this 10 minute conversation has been very insightful in identifying some of the criteria you will go by. I will attempt to get all the information together.

Iwanicki: Break down little things like what John (Porter) asked. Detail what to you might be no big deal. Give us a breakdown. Make it simple for us, help us to understand. Educate us.

Burkhart: So we will get you something more specific and you will supply more information.

Motion by Iwanicki to lay this over to January to allow Aaron (Enzer) to get us some better information and he can attend that meeting - support by Porter. Passed unanimously with one recusal.

Woods: Note to Aaron that he should get his updated insurance certificate to the Township Board.

Bisco rejoins

Master Plan Update

On the agenda for December meeting. No need for any discussion.

Zoning ordinance (26)

You all should have received the CD.

PA 110 of 2006 printed for Faust and Klager.

Further discussion in December

Other Business

A request from Farmland Preservation Board to provide list of training so they can document to the State for application points. There are two training sessions left this year

and some new members have not had training. New members expressed interest in attending the County sponsored Master Plan Defensibility event. Training will qualify for state and federal funds as well.

A MTA dinner will occur on the 14 of December. Secure reservations. Information will be available if desired.

Porter: I have a question: Mineral License Board article in newspaper. Why have some of you resigned from that Board?

Bisco: I just don't have the time, between the boards.

Burkhart: Perception of conflict of interest

Iwanicki: Didn't renew when offered – no time

Faust: Supposed conflict of interest

Iwanicki: presents some history

Porter: This is an issue for the township if there isn't anyone on the MLB.

Bisco: Ordinance 26 is zoning. Ordinance 59 is not zoning it is common law. Membership on mineral rights is offered to PC members first because they should be more versed on what is coming.

More history discussion on MLB and Ordinance 59

Noted that the zoning ordinance as posted on the web site is not up to date based on references to Ordinance 25 in section 1442

Mull: Indicated it was improper for someone of Glenn's caliber and qualifications to be excluded from the MLB

Burkhart: Reiterated he will no longer serve based on the acquisitions. He has no conflict.

Mull: Discussed bringing in Hayes – separate meeting – generally good idea.

Fish: Appears that there is pleasing some people.

Bisco: Detailed comments by Laurie Fromhart asking why the independent analysis the PC was commissioning couldn't be done by her consultant. The explanation of independent means independent of all appeared to be the wrong answer.

Iwanicki: The attack on Glenn appeared to be personal and was uncalled for.

Fish: The blind accusations never made sense to me.

Burkhart: Some of the accusations were made when I was working as the Township Engineer and they didn't make sense to me at the time.

Iwanicki: It appeared when you (Glenn) made comments they wanted to hear, that was fine, but when you didn't, then it wasn't.

Bisco: Next meeting we may want to adjust the motion whereby we elected officers for a period of one year (in Sept) because appointments are in January.

Jolea, I would like to meet with each and every one of you.

Motion by Woods to Adjourn supported by Finkbeiner – Passed unanimously.
Adjourned at 9:30 PM

Respectively submitted by acting secretary

Wm. John Porter