

Bridgewater Township

Planning Commission
Minutes of Regular Meeting and Public Hearing
February 13, 2006

Location: Bridgewater Township Hall, 10990 Clinton Road, Clinton MI 49236

1. Call to Order

Acting Chair called the meeting to order at 7:31 PM.

2. Roll Call:

Present: Mike Bisco, Glenn Burkhardt, Fave Faust, Glen Finkbeiner, Mark Iwanicki, Amy Riley, Jim Tice and Dave Woods

Also present: Theresa Bakey, Carlos Acevedo, Francis Cousino, Gretchen Barr, Terry Brinkman, Gabe Dull, Earl Carver, Tom Freeman, Lorrie McCormick, Jim Fish, Ron Ellison and Jonathan Ringel

3. Review Agenda

Chair stated he had two items to add

- a February 1, 2006, letter regarding a new natural areas acquisition
- MDOT wetlands mitigation project

Motion: Faust, second by Bisco: Approve the agenda as amended

4. Review Minutes

- January 9, 2006

Chair said he had received a letter from John Everett, County Drain Commission, objecting to minutes' language on Item 8, page 2 stating that Woods had stated the record should reflect that the Drain Commission, not the Planning Commission was the cause of the delay in the project approval. (Letter attached to the record). Woods said that he thought he had stated that the applicant had caused the project delay, not the planning commission.

Motion: Woods, second by Faust: Correct the minutes to read "delay was not caused by actions of the Bridgewater Township Planning Commission, nor by the Washtenaw County Drain Commission, but by actions of the applicant's own professional." Motion passed unanimously. *Note correction - had read: "delay was cause by actions other than those of the Planning Commission."*

- January 30, 2006

Motion: Riley, second by Faust: Approve as prepared.

5. Public Comments

None

6. RZ 06-01 Rezoning Parcels Q-17-17-200-007, 17-17-200-008, 17-17-100-014
From Agricultural to Conservation Preservation

Motion: Bisco, second by Finkbeiner: Close the regular meeting and open public hearing. Motion passed unanimously.

A. Chair Introduction

Chair stated the property, a portion of the Ervin farm, had been purchased by the Washtenaw County Parks and Recreation Department under the Natural Areas Program. Additionally, it joins another parcel that has already been rezoned for conservation preservation and is in the area indicated for natural features on the Master Plan.

B. Notifications – attached to the record.

C. Applicant Summary

Tom Freeman, Superintendent for Parks Planning, Washtenaw County Parks and Recreation, explained that under the program, natural areas are used only for passive recreation, such as walking and observation. Fishing, camping, fires, hunting, etc. are not permitted. He said the trails will be soft and marked, with some boardwalks over bog terrain. The program has specific ordinances that govern use of natural areas acquired under the program. Access will be off Clinton Road opposite the intersection with Burmeister Road.

D. Public Comments

Frank Cousino: Asked about fencing, said his sheep pasture adjoins the property on the north side and that he has both sheep and guard dogs. Concerned about the dogs biting people who interacted with the sheep.

Freeman: Will do whatever fencing is needed, will work with you.

Earl Carver: Asks if there is any guarantee the County won't change the use to construct parks. Freeman: While the millage is in effect, cannot change the use, intended to be passive recreation only. Washtenaw County has never sold park property. Burkhardt: The zoning district, Conservation Preservation, has very specific uses outlined. Carver: Asks if there will be a bridge across the property. Freeman: There was a bridge across the river which we had hoped to use to allow pedestrian crossing across the river, but it has been vandalized since we purchased the property. Carver: Asks about further fencing and signage to prevent people from going onto private property. Freeman: Indicates there will be fencing.

Carlos Acevedo: Asks if fencing is compatible with wildlife? Freeman: We're putting in farm fencing. Won't bother the deer or most small mammals.

Jim Fish: When the Stucki property was rezoned, we discussed fencing and you indicated you would fence the entire perimeter. Freeman: Still planning to do so, had planned on using the bridge. Fish: There's a cheap bridge downstream. We'd love to see it in use in the Township. Further discussion of what happens if the millage expires, use of the property. Carver: The County will not pay taxes on the property? Freeman: No, don't know how much taxes the Township collected on that parcel.

Ron Ellison: Brings up an area of concern, which is access to a portion of his property if there is a bridge. Freeman: Confirms he is aware of Ellison's concern and will plan to close that access if the bridge is repaired or replaced. Ellison: Simply want a commitment to fence appropriately. Freeman: Agrees, says there will be a challenge to put in a fence that will be effective, will need to work with Ellison and others. Ellison: Even without the bridge, people will cross the river and I don't want there to be access to my property from that area.

Freeman: We will put up the fencing, just a question of where we can place it effectively. One problem is access for equipment. Ellison: You can access through my property as you need, that's not an issue.

Carver: Then you will guarantee you will complete the bridge by a certain time? Ellison: That's not the issue. Tom knows that it has to do with facilitating access and the impact on my property.

Tice: Asks about the parking. Freeman: There will be a six-stall parking area just off the road. The easement is 66' wide, so people should not have to back out onto the road to exit. This will be indicated on the site plan. Not interested in a nuisance area.

Lorrie McCormick: Asks about the area. Freeman: Rolling terrain with fairly consistent elevations, a sharp drop into the low river valley. The river is not at all developed, great habitat for many species, potential site for the endangered Indiana brown bat. River water in that area is very high quality. County naturalists are very excited. Raisin is identified as one of the undeveloped rivers in the area, which is why we have been interested in acquisitions. Want to maintain the area as natural as property.

McCormick: Appears to be an excellent fit with many of the goals in the Township's Master Plan.

Carver: What hours? Freeman: Daylight only. Carver: Asks about hunting, fishing, camping. Freeman: It is all spelled out in our ordinance and the Township's. Passive use only. Look at the County ordinance on the website.

McCormick: Asks about dogs. Freeman: Not allowed. Will be signage and a sheriff's deputy will enforce. Carver: It will be a DNR officer? Freeman: No, a contracted county sheriff's deputy who works for us.

Bisco: Asks if the river can be canoed in that area. Freeman: Very difficult. Iwanicki: It's nearly impossible. Have had to help people out late at night. There are a lot of logs and rocks.

Carlos: States people have the right to the water. Freeman: Agrees. We can assume people may fish if they float the river and there may be people who will hike in and try to shore fish, which we do not permit. A major issue may be hunting. We want to assure people in the natural area they won't run into hunters.

E. Planning Commission Q & A

Faust: Asks if County would be opposed to a deed restriction to prohibit any use other than as conservation preservation? Freeman: If the County wanted to seek a change, would have to return to the Township. Acevedo: County is not bound by local zoning ordinance because it is a higher level of government, although a rational commissioner wouldn't change that.

Freeman: We're committed to working with the local government ordinances. Faust: Asked if a deed restriction would be acceptable to the County? Freeman: Not opposed, would look at it. If the Township proposed a deed restriction, we would certainly consider. Understood that Bridgewater had created this zoning district specifically for this kind of natural area use.

Riley: Simply urges efforts to work with area property owners.

7. Close Public Hearing/Reopen Regular Meeting

Motion: Faust, second by Iwanicki: Close the public hearing and reopen the regular meeting.

Motion passed unanimously.

A. Discussion

Bisco: May want to consider a deed restriction. Perhaps nothing more than a statement they will abide by the Township's zoning ordinance with regard to the property.

Burkhardt: The fences should be installed prior to opening the area for use as a preserve.

Bisco: Will that area be area for night sky viewing? Freeman: We have parks where we do that. This isn't suitable.

Freeman: If you consider a deed restriction, you may want to assure it goes with the property regardless of the ownership.

Discussion of the wording of a motion, whether it should address fencing. Conclusion that fencing can be reviewed when the site plans are submitted for approval. Discussion with Ringel about when the fencing would go in, the approvals required, whether or not it should be a part of the site plan.

Agreement that the County will move forward to develop language of a suitable deed restriction that will be filed and will assure no changes in use.

Motion: Finkbeiner, second by Woods: Planning Commission recommends rezoning the parcel from agriculture to conservation preservation and further recommends the Township Board consider final approval only when there are appropriate deed restrictions that will remain with the property to assure compliance with the intent of the Township's conservation preservation zoning district, regardless of future ownership. Motion passed unanimously.

Carver: Wanted to know what happened to fencing assurances. Burkhardt: The fencing will be addressed via the site plan approval if not before. Ellison: We'll work with the County, have a good relationship.

8. Special Land Use – Commercial Kennel Parcel ID #Q-17-34-300-003

A. Review of application

Chair referenced a letter dated January 11, 2006 to the applicant with an attachment that summarized the ordinance provisions and the applicant's status with regard to those. There are some issues that have to be addressed to finalize the application. Asked the applicant if she understood what is necessary. Sue Krause indicated that she understands the fencing must be completed and that she must erect some kind of suitable and effective sound barrier. She suggested arbor vitae plants. Someone from soil conservation will be out to recommend plants. Problem of diseased trees. Willing to do extensive landscaping to create an effective sound barrier. Parking is very adequate, limestoned. Will revise the site plan drawing to include the scale and direction. Burkhardt: Need to identify structures, the orientation of the structures and the distances between them. Planning Commission wants to have a completed application and hope to bring this to a conclusion. Regarding the number of dogs, we are limited due to the court ruling. Agreement with the applicant to address each of the items that were identified in the letter from the Zoning Administrator. Applicant said she would do so and have the new material ready at least a week prior to the March 13, 2006, meeting. Burkhardt indicated she use a mortgage survey which may meet the requirements of the ordinance. (*Note correction – had read: “suggested she use a mortgage survey as a base document.”*) Critical point that the paperwork be completed, that it is clear and meets criteria for approval as soon as possible.

9. Master Plan

A. Ad Hoc Agriculture Committee Presentation – Ron Ellison

Ron Ellison, Chair of the Ad Hoc Agriculture Committee, noted that Carol Peacock had done most of the work along with Terry Brinkman from Washtenaw County Planning. To qualify for the State's purchase of development rights, agriculture land that should be preserved must be identified by the Township's master plan. There is an existing ordinance, but we need to update the land use map in the current Master Plan. The recommended changes are in the report and maps that are attached to the record.

Ellison noted that to qualify for applications this fall, the Master Plan has to be completed by August 15, 2006. Very concerned about the short time frame.

Training – the state program awards bonus points for applications when the Township officials have been trained in appropriate planning techniques. As yet, no specific training courses have been identified, but it will be very helpful to explore for all Townships in the area, perhaps through SWWCOG.

Glen Finkbeiner: Notes he does not have any issues and is concerned about what training might qualify. Fish: Terry Brinkman has looked into this as well and no one knows, but there is interest at SWWCOG to target and offer training to facilitate the program. Citizen Planner program offered by MSU is six or seven modules that go over a multi-month period.

Terry Brinkman: The state is now looking at what kind of training will be appropriate. Offered the name of a contact at the State who is working on this. Glenn Burkhardt: Said he would get in touch with her to try to define the training that would be needed. Finkbeiner: The Township Board will need to support the training. Conclusion that Glenn Burkhardt will look into the training and determine what the options are for the next meeting.

Burkhardt: Asks Ellison about the recommendation regarding the five acres, a sticking point for a number of years, how much importance the ad hoc committee places on it. Fish: The cluster or five acres was identified and placed in the master plan. The Township Board voted to implement it into the Zoning Ordinance and it was defeated under referendum. Taking it out at this point is a confirmation of something that has happened. It ought to be out. We might as well be done with it. Right now, we need to be consistent. Earl Carver: Why is the committee insisting on five acres? All you do is lose farmland, you should have only one acre lots, don't understand why you keep doing this. Fish: First, we do not have nor have we ever had a requirement for a five-acre minimum building lot. You just heard the agreement to pull that reference out of the Master Plan. The zoning ordinance that was defeated did not

change the size of a building lot. In any event, it was defeated. The Township did once have a minimum building parcel of one acre, but it was changed at the suggestion of the health department because the lots did not support septic systems. Under the cluster option, you can have one acre lots as long as the health department approves. There are several options for people who want to create building lots. Carver: You keep talking about five acres.

Iwanicki: That's because we suggested it for consideration in the last master plan. It was something people said they wanted considered. Many people have 10 acre parcels because that's what the state plat act permitted.

Burkhardt: Clear that we have a lot to do by August 15. Will put together a schedule of what we have to do and when we have to complete it. Glen Finkbeiner: Should we move this forward to the planner? Fish: You may want to separate out the agricultural preservation and move it forward on a fast track and simply amend the existing plan for that and move the general plan forward on a slower track. Discussion with Terry Brinkman of the critical steps that have to be taken and the possibility of a shortened review period if there are only amendments to an existing plan.

Burkhardt: To amend the existing plan, we would have to move forward within two months, problematic with a general review but possible with only minor amendments. Discussion that the fast track amendments can best be done with the township's planner, need to get the board on board with the funds. Burkhardt will be in touch with Birchler Arroyo, get the costs together and deal with it. Consensus the Planning Commission will take the two path approach and bring in the planner shortly to do so, plus move on other related issues, such as notifications and training.

C. Board Involvement

Burkhardt: The Board needs to decide shortly if they will want to have ultimate approval of the plan, or if they want to opt out. My own view is that it may be wise to have an ultimate board approval, provides a check and balance process. Asks for input.

Fish: If the Board opts to retain approval authority, then they will need to be involved in the development of the Master Plan, providing input and following the discussion. Would be difficult if the Board wasn't fully engaged and then wanted massive changes at the end of the process, would be both expensive and time consuming. Dave Woods: Should we schedule joint meetings with the Board? Burkhardt: Should we recommend the board assume primacy then? Bisco: I would be comfortable if they did not. Can go either way, but it would be best if the Board was involved in the process of developing the plan. Bisco: Would need the Board to start providing feedback no later than April.

Dave Woods: Should we have the consultant review for changes in the laws that impact the master plan/process? Agreement that Burkhardt will draft a memo to the Board for delivery to them by Wednesday. Critical to have their decision so we can include that in the schedule.

D. Schedule additional meetings

Burkhardt: Will pull together a proposed schedule for review at the next meeting.

Bisco: Asks for clarification of what has to be accomplished by which date. Discussion with Terry Brinkman, Ron Ellison, about the schedule for the changes for PDR and the impact on the general review. Consensus that the two track approach would work.

10. Section 1442 Amendment to Zoning Ordinance

Chair referenced a memo from Jim Fish regarding the proposed ordinance change in Section 1442 drafted by legal counsel in response to concern raised jointly by the Chair and Supervisor. Fish's concern is that the intent of the original Section 1442 might be lost with the change. Chair said he would send the proposed amendment to Birchler Arroyo for comment prior to the March meeting. Our objective when this was drafted was to assure that the Planning Commission, the Mineral License Board and the Township Board reviewed the same plans. Issue of continuity.

The Planning Commission reviews the initial conditional use application, then the application goes to the Mineral License Board for review and recommendation to the Township Board. Fish: The issue is that the Planning Commission review the application to determine if the proposed mining is an appropriate land use in the area where it is proposed. The Planning Commission may establish conditions that will make that proposed use acceptable. The Mineral Extraction Ordinance sets regulatory parameters while the Planning Commission deals more with impacts on land use. Uses the example of rebuilding Bartlett Road. That requirement was the result of the Planning Commission decision to minimize impact of the gravel operation on surrounding properties.

Burkhardt: Will request feedback from Birchler Arroyo.

10A. Natural Areas Program

2/1/06 letter from Robert Tetons, Washtenaw County Parks and Recreation Department, regarding a parcel being considered for the Natural Areas Program. Letter attached to the file. The Rees parcel is located in Section 3 and abuts Lake Columbia. The Township is being asked to comment. It is included in the natural features area on the master plan map.

Burkhardt: Expressed some concern about how the property might be used in terms of access to Lake Columbia. Discussion of the future plans for the Lake area, concern about how this might tie in to the interest several years ago that the County had for an active park there. Area property descriptions include portions of the lake itself. Question if the old lane on the property will facilitate moving small vessels onto the lake as an unintended consequence. The lake has always been privately owned and has remained very natural. Agreement that Burkhardt will draft a letter from the Supervisor to Tetons expressing support for the property acquisition provided that the property use be limited to passive recreation by deed restriction.

10B. MDOT Wetlands Mitigation

Braun Road area, northwest quarter of Section 23.

Letter from Amy Lounds, DEQ, attached to the record.

MDOT has purchased the property to mitigate impacts on wetlands from highway projects. The state has purchased the property. Burkhardt: Comments there may be no zoning ordinance impact per se. Agreement that Burkhardt will write to DEQ to comment regarding impacts on the field tiles and the drainage way. It appears the intent is to only use the back 20 acre portion for the mitigation project. Faust: Originally the state wanted to only buy the 20 acre portion, but the owner would sell only the entire farm, 112 acres. Burkhardt: The mitigation project appears to be the full east to west dimension of the property, from south of the Bridgewater Drain #2. Discussion of the impact on area drainage. The letter will convey the concern about that.

11. Zoning Administrator Report

The January report is attached to the record. Burkhardt commented that he is getting a much better understanding of Jonathan's responsibilities and thinks he does an excellent job.

Faust: Asks if there has been anything from DEQ regarding the Knight pond. Ringel: James Sallee said he would look at it when he was in the area. Nothing yet on the Enzer issue.

Burkhardt: Seems as though there is a lot of activity. Potential development on Clinton Road.

12. Member Reports

Dave Woods stated he was taking status photos on the pond in the Hamlet.

13. Other Business

Burkhardt: References information material in the packet, attached to the record.

14. Public Comments

None.

15. Motion to adjourn: Woods, second by Riley. Meeting adjourned at 10:30 PM.

