

Bridgewater Township
Planning Commission
Minutes of Regular Meeting and Public Hearing
June 13, 2005

Location: Township Hall, 10990 Clinton Road, Clinton Michigan

- 1. Call to Order** The chair called the meeting to order at 7:30 PM
- 2. Roll Call** Present: Mike Bisco, Glenn Burkhardt, Glen Finkbeiner, Dave Faust, Jim Fish, Mark Iwanicki, Amy Riley, Jim Tice and Dave Woods
Also present: Wanda Fish, Adm. Assistant, Bill Craigmile, Township Engineer, David McCrate, Ron Finkbeiner, Doug Frey, George Kachadoorian, Brenda Stevenson, Greg Bono, Marcie Scaturo, Daniel Herzog, Pamela Herzog, Doug Parr, Michael Hoffman, Andrea Salsburg, Mary Kratz, Carlos Acevedo, Gary Niethammer, Derek Niethammer, Tom Covert, R.J. Watson, Virginia Watson, Kirk McClure, Gretchen Barr, Barbara Brown, James Brown, Wade Peacock, Mark Stevenson, Pete Stevenson, Ray Kussmaul, Lisa Allmendinger, M/M Michael Cherney, M/M Bruce Krueger, Joanne Rasmussen, Laurie Fromhart, and Cindy Carver.
- 3. Agenda** Accepted as prepared
- 4. Minutes** Minutes of May 9, 2005 were accepted as prepared.
- 5. Public Comments**
Wade Peacock presented the results of the Spring 2005 Clean Up Day (attached to record).
Doug Parr stated it may be necessary for the planning commission to clarify what residents specifically desire for preservation of open space in conjunction with the update of the Master Plan. Brief discussion of a possible survey.
- 6. Open Public Hearing - Amendments to R-3, text attached to record**
 - A. Chair Introduction
Chair stated amendments were necessary to facilitate private roads in the R-3. Corrective measure to permit R-3 zoning when there is a residential cluster development. Amendment should have been made when we did other amendments last year, consistent with permitting private roads in other clusters, such as agriculture and R-2.
 - B. Notification
Administrative assistant stated the law requires two publications of a notice when zoning amendments are considered. The first must be made no more than 30 but not less than 20 days prior to a public hearing. The second must be made no more than eight days prior to the hearing. Public notices for these hearings were published in the Manchester Enterprise, the newspaper of record, on May 19 and June 9, 2005. An affidavit of publication is attached to the record.
 - C. Attorney comments.
Chair summarized the attorney had no comments on the proposed changes to accommodate private roads in the R-3 residential cluster option.
 - D. Public Comments
Chair called for public comments. One audience member asked how these changes related to open space. Chair stated the proposed amendments facilitate private roads in a cluster development in the R-3 zoning district. Noted that since 1997 the cluster option for development has been available for lands in the agricultural district. There is now one such project application in progress and two to three more that may be offered, all with open space preservation. There is an additional cluster development coming along in the R-3 area, but it would require a private road, not now allowed in the R-3 district, so we are looking to amend the ordinance. It is basically the same incentive that we offer to developments

utilizing the cluster option in the agricultural district. Question from audience about who will maintain the road. Chair: A maintenance agreement is required to prevent a private road from becoming an additional tax burden for the township or county. Followup question regarding appearance, landscaping, etc. Chair: All those areas are covered in agreements, it's part of the application and approval process. No further comments/questions.

7. Public Hearing Closed and Planning Commission meeting reopened. (7:45 PM).

A. Discussion by members

No discussion

B. Decision

Motion: Dave Woods, second by Dave Faust to recommend to the Township Board for adoption the amendments to Section 1222, Subsection B.1 and Section 1237, Subsection A. Motion adopted unanimously.

8. Amendments to the Private Road Ordinance - Attached

A. Chair Introduction

Chair stated the amendments are concurrent with amendment recommendations to the Zoning Ordinance just completed. Further explained that the Private Road Ordinance, Township Ordinance number 27, is a general law ordinance and that the function of the Planning Commission in this instance is to make a recommendation to the Township Board.

B. Discussion by Planning Commission members

Woods: Asks why the option to allow gravel private roads in cluster? Chair: When we were considering this it seemed appropriate to allow this flexibility to accommodate a small cluster development in the ag district, more incentive. There has been a suggestion that it be taken out and that private roads should only be paved. The decision was made in 1997 when the private road ordinance was adopted. Chair said he did not think most developers would want a gravel road, it would impede the attractiveness and saleability of the development.

Many people construct a bituminous drive on a gravel road. Faust: Asks if we should specific that only gravel roads should accommodate gravel private roads, paved only

paved, etc. Chair: It's a board decision, but the present ordinance gives more flexibility to the board for their decisions. Iwanicki: At one time, discussion on paving centered on being guided by the number of dwelling units on the private drive. Chair: Should we ask the Board to adopt the R-3 change as indicated in the draft Part I and ask them to work again on the Private Road Ordinance to address the circumstances under which the road should be paved?

Motion: Woods, second by Riley: The Planning Commission will forward the proposed changes to Township Ordinance #27 to the Board with our recommendation they be adopted. Motion adopted unanimously.

Motion: Woods, second by Iwanicki: Inform the Township Board they may want to review Ordinance #27 with regard to the circumstances under which private roads can be gravel, examine the need for limitation on how many houses can be located on gravel private roads, or their placement vis a vis main roads being gravel or paved. Motion adopted unanimously

9. Open Public Hearing - Amendments to Zoning Ordinance to implement the Wireless Master Plan - attached to the record.

A. Chair introduction.

Chair stated the amendments to Ordinance 26, the Zoning Ordinance, will delineate preferred areas for placing cell telephone antennas, setting up a tiered approach to guide where towers are more appropriate as determined by the Township's Wireless Master Plan adopted in 2003. Effort to direct applications to areas the Township feels are more appropriate for cell towers.

B. Notification

Administrative Assistant stated that notifications and requirements were the same as for the earlier public hearing.

C. Public Comments

Question about which areas would be designated as "preferred." Chair said the first preference is for location on an existing tower. Following that, priority locations are public or quasi public areas, such as High Scope or the township hall, then an existing structure such as power poles or church steeple. Location outside of the preferred areas is not prohibited. The process is subject to more review to prove that is the only appropriate area for location.

Laurie Fromhart: Asks if towers will be permitted in agricultural areas. Chair: Yes.

Fromhart: Then there can be a lot of towers? Chair: We require that every tower be built to accommodate additional locations to consolidate the antenna. Fromhart: Then it's a permitted use? Chair: Only in those areas we designate as preferred. Locations in the non-preferred areas cannot be denied due to federal law, but we can guide locations to the preferred areas by making the process simpler for those areas.

10. Close the Public Hearing and Open the Regular Meeting

A. Discussion

Riley asked if there had been attorney comments. Chair: provided in the supplemental packet distributed (attached to record). Chair summarized the attorney's concerns. There is also a response from our planning firm, speaking to those concerns which questioned the approach that creates the tiered, carrot-stick, process and procedures. Pointed out that cell company representatives had participated in the development of the master plan. Concerning comments regarding penalties if existing tower owners will not permit co location when it is feasible, has been a part of the ordinance for an extended time and not contested or even questioned. Attorney also asked about whether or not we could require removal of outdated/abandoned equipment. Cell tower operators have told us they were unlikely to leave abandoned equipment in place because there is too much liability and insurance cost.

Motion: Glenn Burkhardt, second by Glen Finkbeiner to recommend adoption of the amendments to implement the wireless master plan to the Township Board as prepared. Motion adopted unanimously.

11. Bridgewater Farms - Material attached to the record.

Chair said there was additional information provided in the agenda packet plus comments from the Subdivision Advisory Committee in the supplemental packet provided at the meeting. Said that applicant had provided only four copies of the natural features study which was received at 9:45 PM on June 10, 2005. It was not distributed because there were not enough copies.

G. Niethammer said he had updated the site plan as a result of a natural features study which showed some significant trees, so he swapped some land areas on the new site plan to preserve the trees indicated. Had concerns about the comments from engineering firm about the length of the private road. Chair: The stated maximum length of a private road indicated by the ordinance is 1000 feet. The site plan for Bridgewater Farms indicates a total of 1185'.

You can request a variance from the Township Board, which approves private roads. G.

Niethammer: Asks if the Board will decide this on June 15, 2005? Chair: Should be able to present it. Asks the Planning Commission to comment on the length of the private road.

Mike Bisco: Why was 1000' determined? Chair: Indicates he doesn't recall. Bill Craigmile: Generally, that length is a consideration for the fire department when there is a single ingress/egress. Will need to have comments from the Road Commission also. Chair asks members if they have any particular concerns about the length in this layout.

Motion: Burkhardt, second by Faust: The Planning Commission recommend the Township Board consider a variance to facilitate the private road requested by the applicant which is approximately 1200' because while it exceeds the ordinance, the proposed layout warrants the longer road. Motion passed unanimously.

G. Niethammer: Asks when the sewer system will come on line, says it is holding up project decisions. Doug Parr said the Board has not seen the recommendations from the consultant regarding proceeding on the sewer system.

Burkhardt: Asks if there was an update to the report provided to the County Subdivision Advisory Committee. Chair: Yes, but has not circulated to members, it is generally favorable. There were no comments from the road commission. G. Niethammer: Road Commission doesn't have to approve the road. Chair: No, but they have to approve the connection to Kaiser Road and you will need to provide that paperwork to us.

Burkhardt: Asks when we should expect to read the various maintenance agreements needed for the project. Points out that the review of the various maintenance agreements will take some time, and the applicant would be well advised to move forward to obtain the reviews.

12. Bridgewater Commons

Chair notes the name has been changed from Bridgewater Condos to Bridgewater Commons. Notes we have received the engineers' comments regarding the private road.

G. Niethammer: Notes the only work to date has been on the pond and that the only changes

to the plan involve the name change. Road remains Joann Trail. With regard to the engineering report, applicant is willing to erect the 5' sidewalks on the internal road but not on Boettner or Austin Roads. Chair: Discussion regarding the sidewalks beyond the internal road was that the issue might be revisited when there is further commercial development as contemplated by the applicant. Might want to see a link for residents of the 30 unit development to the commercial in the Hamlet. Woods: Confirms that it was not given up, just delayed for future consideration.

G. Niethammer: Do not see the need to designate the open space in the R-3 zoning. It is not necessary. Chair: Read the Zoning Ordinance, R-3 and Section 1103. Without the residential cluster, you don't have the private road. We made the changes as needed to accommodate private roads in R-3 but only for clusters, just the same as for residential developments in the agricultural district. G. Niethammer: What is the required amount of open space? Chair: Read the Ordinance. It is more flexible than it is in the agricultural cluster. G. Niethammer: Asks about the turn radius concern expressed in the engineer's report, states they will prohibit parking along the road. Chair: You will need Washtenaw County Road Commission agreement on the connections to public roads. Bill Craigmile: Have to address the road width and turn radius in terms of emergency vehicle access. Even if you put up no parking signs, cannot be enforced on a private road. You may need to create and designate off street parking spaces for visitors. You have a road width of 28' with 12' lanes and 2' curbs. Woods: Concur. It is an issue that you need to address. Chair: Will need to have the additional information before the next meeting.

13. Bridgewater Estates

Glenn Burkhardt: Recused himself, explaining that Tom Covert from Atwell Hicks was presenting the proposal for Bridgewater Estates. Burkhardt also works at Atwell Hicks. He left the table and stood outside the building.

Tom Covert made a lengthy presentation detailing the project for which the Acevedo Family will request a change in the Master Plan to permit re-zoning the property to R-2.

The presentation is attached to the record and supplemented by the questions and answers. Stated that opportune time to submit the requested change because the Township Planning Commission is in the process of considering amending the Master Plan.

Chair stated that some preliminary information had been provided and there was a pre-application conference in February 2005. Chair stated the presentation was only informational. The parcel involved is approximately 165 acres on US 12 between Lima Center and McCollum Roads in an area now zoned for agriculture and designated for agriculture in the Township Master Plan adopted in December 2001.

Planning Commission Questions and Answer

Bisco: Notes there is a power line in the northeast corner, where houses are planned. Covert: Would either revise the plan or relocate the lines.

Bisco: At the intersections with US 12, would you plan traffic lights, with nearly 300 homes? Covert: No firm decision, planning on stop signs on their egress/ingress curb cuts.

Audience Member: Asks if the Village of Clinton has approved or would approve? Chair: No, not at this point. Planning legislation of the State requires a master planning process.

Currently, Bridgewater's Master Plan was adopted in December 2001. State requires a substantive review each five years. The Township can possibly make changes or possibly reaffirm what we adopted. The state legislation does not necessarily anticipate there will be changes or necessarily significant changes. We have this request. We have already begun to undertake the review of the Master Plan which we anticipate completing in December 2006. This request and any others would be a part of the review. We expect this to be a public process and don't yet know how detailed a review will be undertaken. The first step is to review how much change there has been from 2000, when our existing land use map

was developed as a part of the 2001 Master Plan. If there is massive change, we will probably do a more in depth review of the Master Plan. Public input is part of the process. The Village of Clinton and the Schools of Clinton will be notified about the Master Plan review and will have opportunity to make comments, as a part of the process. It is part of the process.

Audience question: What will happen to the sewage? Covert: Evaluating three options: one would be a sewer system developed with the Township of Bridgewater; another would be connecting with the sewer system now operated by the Village of Clinton and the third would be an on site system. Same person: Asks about where the discharge would be?

Points out there are no creeks or other drainage. Covert: Would have to be subsurface drain system, would have to have review and approval by DEQ. Chair: Existing Village of Clinton Master Plan now indicates they have no intention of extending their system to serve any lands in Washtenaw County. That is a stated objective of their Master Plan. They have stated there are administrative reasons for that decision. Bruce Krueger: Stated he had talked with the Village of Clinton Manager, Kevin Cornish, who stated they have no interest in facilitating a move of the system into Washtenaw County.

Laurie Fromhart: Asks about how the demographic figures were derived. Covert: States it came from SEMCOG (Southeast Michigan Council of Governments).

Doug Parr: Brings up again the need to clarify what Bridgewater residents want when they say they want open space and rural character.

Lauri Fromhart: Comments the Board and the Planning Commission has heard clearly but not acted to preserve open space.

Marcie Scaturro: States Township residents should be involved and engaged again as they were for the last Master Plan process. Officials need to work on this. Chair: We agree.

Kim Hammer: Says she lives nearby and that her property was a "well first" area and wondered about the impact of so much water withdrawal. She was also concerned about gas lines and tiles in the area. Covert: States would have to be evaluated. Chair: Natural gas main runs along US 12 to the Township line.

Steve Marsh: His property is nearby and would not be able to hunt there any longer and will limit any hunting, changes the use. Also expressed concern about a privately owned or association owned sewer system, saying that if it fails, will become the problem of the Township and all the taxpayers. Chair: Clearly would have to be addressed.

Lauri Fromhart: Asks about a traffic study. Chair: Would be a part of the review process.

Bruce Krueger: Asks if this is the appropriate time for people to state their opposition to the proposed project and changes in the Master Plan. Chair: People can state their views any time. We welcome them. Krueger: This isn't at that stage, it's just beginning. Chair: We have some written comments and we will always welcome suggestions about doing anything better or differently. In the plan review process, will be using the website, etc. We will try to keep as much information available as possible. Everything is subject to public review.

Covert: Asks about what steps should come next. Chair: From our standpoint, will continue to move on the Master Plan review at a deliberate pace. Don't anticipate either speeding up or slowing down due to this request. Don't know yet if the Board will delegate final approval responsibility to the Planning Commission or will want to approve it themselves. That will change the schedule.

Michael Hoffman: Asks about the number of acres for which Acevedo Family is talking about acquiring the development rights. Covert: Possibly about 100 acres. Acevedo: May consider more than 100 acres, depends on how the project works out.

14. Master Plan

A. Existing Conditions

After discussion about how the members could approach gathering information to map

specific changes in land use since 2000 members decided to:

1. Chair will obtain maps with parcels identified from county planning. Each member will take an area assigned by the chair and attempt to confirm current uses. Showed members copies of the map used in the 2001 Master Plan. Discussion of county aerial mapping, when it will be available. Will the County let the Planning Commission have access to the photography sooner than December? 24" x 36" maps determined to be easiest to work with.
2. The chair will go over land division records for the last five years and try to indicate those changes on a master document/map. Said he did not think there had been that many divisions.
3. Chair will look at a map that Amy Riley obtained to see how useful it might be.
4. Chair will seek additional sources from the assessor and from county equalization.
5. Dave Woods suggested the Zoning Administrator's records might be of assistance also.
6. Glenn Burkhardt asked if the Master Plan adopted in 2001 was relatively immune to litigation. Chair said they had tried to make it so, but any questions, suggestions and the like would be very welcome. Constant concern for Townships. Burkhardt expressed concern that case laws continue to modify how the laws work and that insurance companies often recommend settlement rather than pursuing. Might want to look at diversity case laws in looking at the need for revisions to the Master Plan. Extensive discussion of legal implications of planning and zoning, diversity of zoning, level of defensibility. Mike Bisco observed that some land uses were not accurate and asked if those kinds of corrections were what they needed.

B. PDR Meeting

Glenn Burkhardt was unable to attend and did not have a report.

C. Survey

Chair introduced Gretchen Barr who had volunteered to assist the Township Planning Commission. Her expertise is in market research, including surveys. The Administrative Assistant will supply her with information she might use to suggest an approach to a new or updated survey.

Discussion of the need to do a visual preference surveys to define what people are thinking about in terms of open space preservation.

15. Zoning Administrator Report

Attached for the record.

16. Member Report

Dave Faust asked what has happened regarding the application for a gun sale home occupation application. Chair said he would ask the Zoning Administrator for a specific report on that as well as an application for a home occupation for gun repair.

17. SWWCOG

Chair said that SWWCOG was continuing work on right of way planning

18. ZBA Report

Glen Finkbeiner stated there was no activity.

19. Other Business

Jim Tice asked why water was collecting on land west of the Allen Road bridge and if anything should be done. Was there a clogged drain, for example? Dave Faust said he thought that work on the bridge had clogged a culvert under the old railroad right of way.

20. Public Comments

Greg Bono stated he was in the process of purchasing 20 acres of land immediately south of Austin Road near the intersection with Schneider Road and would be looking into some kind of cluster development. Asked what steps he should take. Chair advised him to talk with the Zoning Administrator, review the Zoning Ordinance and formulate his plans. Bono

indicated there was some kind of easement ingress/egress issues. Chair said the Township could not resolve those, he had to work with the Washtenaw County Road Commission. Bruce Krueger asked about how people could input the Master Plan process. Chair said the process was geared towards input, at this time, could not say how it would happen. Thought a visual preference process was best, particularly on things such as open space, rural character, but that it was expensive to do. Krueger asked if people could volunteer to be involved and Chair said they welcomed it.

21. Motion to adjourn: Faust, second by Riley. Meeting was adjourned at 10:15 PM.