

Bridgewater Township

Planning Commission

Minutes of Regular Meeting and Public Hearing

March 13, 2006

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

1. Call to Order Chair called the meeting to order at 7:30 PM

2. Roll Call Present: Mike Bisco, Glenn Burkhardt, Dave Faust, Glen Finkbeiner, Mark Iwanicki, Amy Riley, Jim Tice and Dave Woods

Also present: Jonathan Ringel, Zoning Administrator, Gabe Dull, Neel Sheth, Gretchen Barr, Chip Tokar, Earl Carver, Cindy Carver, Carol Peacock and Carlos Acevedo. It was noted there was an inadvertent quorum of the Township Board present but that they were not discussing Board matters.

3. Review Agenda

Chair added an overview presentation by Chip Tokar, Stansley Mineral Resources, of the Special Land Use application for mining the Crego/Peltcs property. Dave Faust delivered a letter from Doug Parr regarding the vacancy on the Planning Commission.

Motion: Faust, second by Riley: Approve the agenda as amended. Passed unanimously.

4. Review Minutes

The minutes of February 13 were amended as follows:

Page 1, #4. Motion was corrected to read: Correct the minutes to read “delay was not caused by actions of the Bridgewater Township Planning Commission or by the Washtenaw County Drain Commission but rather by the applicant’s own professional.” Page 4, next to last sentence in the first paragraph, change to read: “Burkhardt indicated she might use a mortgage survey which may meet the requirements of the ordinance.”

Motion: Finkbeiner, second by Bisco: Approve the minutes of February 13, 2006 as amended. Passed unanimously.

5. Public Comments

Carol Peacock expressed appreciation for the Planning Commission’s moving forward on the PDR portion of the Master Plan. She also provided information relating to the costs for services that are generated by different kinds of land use compared to the property tax that was paid. Also included information about conservation easements. Technique to remove development rights from a property. Material attached to the record. Earl Carver stated that the Planning Commission budget was too high, consuming 25% of all township revenues. Glenn Burkhardt replied that the budget is high this year due to the need to do a master plan. Carver said that other Townships were doing their master plans for far less. Stated he had researched and that a master plan should not cost more than \$1800. Burkhardt said that he would appreciate it if Carver will share his research. Dave Woods said he had talked with John Everett from the Washtenaw County Drain Commission regarding Woods’ comments about the delays on the Bridgewater Commons project. Everett indicated that someone had brought the comments to the attention of the drain commission.

6. Section 1442 Zoning Ordinance Amendment

Motion: Faust, second by Bisco: Close the regular meeting and open the public hearing.

Motion adopted unanimously. Regular meeting was closed at 7:30 PM.

A. Introduction:

Chair said that Section 1442 established the basis for documenting materials associated with mineral extraction. There is a three step approval process for approval of mining operation applications. The special land use application is considered by the Planning Commission, a site plan application which is considered by the Planning Commission, a mineral extraction

license is considered by the Mineral License Board, and then by the Township. Section 1442 identifies information that must be consistent throughout the entire application and approval process. The revision is considering wording changes to clarify that the documents must be consistent.

B. Notifications were made in accord with legal requirements.

C. Public Comments requested. There were none.

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

Motion passed unanimously.

7. Discussion of Section 1442 Amendment

Bisco: Was there a review by Birchler Arroyo? Chair: Yes, they were in agreement. The language was developed by the Township Attorney.

Motion: Woods, second by Faust: The Planning Commission recommends to the Township Board the adoption of the proposed language to amend Section 1442 of the Bridgewater Township Zoning Ordinance. Motion was passed unanimously.

8. Overview of Special Land Use Application Crego/Peltcs – Mineral Extraction

Jim Tice stated that he leases farm land that is within the 300' boundary and believes he must recuse himself from participation. Dave Faust said that he would also recuse himself because he purchases material from Stansley Mineral Resources, Inc.

Chip Tokar presented overview maps and outlined areas that are currently being mined. Those include the original 80 acre portion being mined under a consent judgment and the Baker A parcel. The special land use application considers mineral extraction on the Peltcs property held in the Crego Trust. Stated that MDEQ lake application process for the Crego/Peltcs has been completed, with MDEQ approving a lake smaller than what they had applied for. Now 22.3 acre lake at a depth of about 60 feet. Will work on two primary areas, an area of about 5 acres, which is a mound in the northwest portion of the site and the lake area of 22.3 acres. Showed a map indicating the mining plan. Explained well monitors. Will remove the top 1 – 3 feet in the extraction areas to create berms along the east and west property boundaries, and then begin the mining process, conveying the material to the existing processing plant on the 80 acre parcel either by conveyor or truck. The five acre mound area will not be mined below the water table. No trees will be removed or wetlands impacted by the proposed mineral extraction.

The lake phase is divided into five phases. Begin with stripping overburden (top soil), construct berms using that soil in phases as mining takes place. As berms are constructed as overburden is removed from mined, they will serve as screening and sound barriers. The first berms will be constructed with the nearest homes in mind. Will continue to connect the berms. Reclamation of the perimeter slopes will take place as mining is done. Berms will be seeded and planted as constructed. Peltcs will continue to farm except where there is mining.

The application follows your zoning ordinance. Should be easy for the Planning Commission to review in the ordinance sequence. MDEQ approved the lake permit in 2004; it is a five-year permit. Reports from the test monitors will be sent to MDEQ. Will monitor the ground water levels. Now 12 monitoring wells plus 8 pyzometer monitor stations. Will not remove trees and there are no wetlands on the site. Will install a fence around the entire site perimeter at the initial stage.

Woods: Depth of lake? Tokar: Permit is for 60'.

How long is the schedule? Tokar: Five years. There are internal access roads and will use the existing paved haul route on Bartlett. Bisco: Asks about the status of other mining. Tokar: Once we receive this permit, we will amend the consent judgment and mining plans for the other parcels. Bisco: Asks about the current maximum output. Tokar: 500000-600000 tons per year. Bisco: Questioned this because you had indicated you would not increase traffic. Tokar: No, production will remain about the same.

Bisco: Are the berms permanent? Tokar: The current reclamation plan retains the berms. When mining is complete and the land is returned to the Crego/Peltcs trust, they may want to remove them, depending on the final use of the property.

Barr: If the berms are constructed on an “as you mine basis” will they be sufficient to provide appropriate sound and sight screening for properties around the mining site? Tokar: You can only create as much berm as you have soil available. If we had to berm the entire property at the beginning, we would need to bring soil in from another location. Want to create the berms as we mine, beginning with the nearest home sites, southeast corner and northwest corner. Machinery will be limited to a dragline, two loaders, a conveyer belt, no metal on metal, then conveyor to move sand and gravel. Bisco: Asks about conveyor belt noise. Tokar: Fairly quiet. Noisiest part is the processing plant where you have the scree shakers, which are metal on metal.

Barr: Will you consider some kind of tour/education for area property owners? Tokar: With advance warning, yes.

Bisco: Monitoring by both Western Washtenaw Construction Authority and by Washtenaw County? Tokar: Yes. Western Washtenaw Construction Authority handles soil erosion. Washtenaw County pollution prevention program monitors at least yearly. Plus DEQ inspections.

Bisco: Asks about gases indicated on page 6, item 9E. Tokar: Proofreading error, should read “no”. Bisco: Page 7, “to be determined.” Tokar: That’s if there are any conditions placed by the Planning Commission.

Chair: Planning Commission Members need to closely review the material against our zoning ordinance and at the next regular meeting be in a position to determine if the application is complete. Members should also call if they want to tour the area, urge they do so. Need to discuss if we are at a point where we can plan a public hearing.

8. Master Plan

A. Birchler Arroyo prepared a proposal to work on the PDR amendment process. Forwarded to Township Supervisor for Board approval.

B. Notifications to contiguous communities and regional planning entities are completed.

C. Have draft language suggestions from the ad hoc agricultural committee. Everyone needs to comment on the language for just that phase, are there any modifications we need in addition to what has been suggested? Asked members to forward comments Wanda no later than March 24. She will consolidate and we will take action to recommend a draft for distribution to the Board at our April 10 meeting. They must consider that at their April 18 meeting. Then the draft will be distributed for comment ending May 30. The County comment period would end July 4 and the hearing would be held at the July 10 meeting. Critical to complete and recommend to the board at that time. The Board would have to take action to adopt the plan at the July 19 meeting; otherwise we will have missed the opportunity for qualified property owners to apply for funding this year. It is a tight schedule, but we can accomplish it.

D. Training

Chair said that all members should sign up for the June 5 training by MSU titled “Farmland Preservation Tools and Techniques. Doing so will, again, assist the Township property owners who apply to this program. Members were polled. Wanda will handle all the registrations. Chair said he hopes to use funds available from this year’s budget. Chair also said that he hopes members will take additional training, and that he has requested additional funding for more training in the year ahead. Discussion of County Planning training. Chair asked people to try to attend one session.

Bisco: Asks a procedural question about revisions that may become clear after training is completed. Chair: We would only have a problem if it was a major revision, but we can refine the language. Glen Finkbeiner: We should be able to amend until nearly the final draft.

B. Master Plan Process

Chair said the attorney had been asked to review the current plan against risks.

Chair asked members to examine other material against the present master plan, including the survey, the SWWCOG plan and other communities. Wanda was asked to obtain as many plans as possible.

It was agreed that Bisco and Iwanicki will look at the survey conclusions and report back regarding implications for the current master plan and future master plan. Glen Finkbeiner and Jim Tice will look at SWWCOG. Amy Riley and Glenn Burkhardt will look at the County plan.

All will provide comments to Wanda by March 24.

Chair suggested they plan to schedule up to four additional meetings for the master plan process in addition, had asked the Board to put the funds into the budget. Need to have Birchler Arroyo review the draft PDR plan.

Dates discussed were: April 17, May 15 and June 19, but it was agreed to see what Birchler Arroyo's comments were first. People to contact Wanda about their schedule.

Earl Carver: Asked who hired Birchler Arroyo. Burkhardt said that Birchler Arroyo had been the planning consulting firm for several years, and that the Board was the contracting authority. Iwanicki said that three firms were interviewed and that Birchler Arroyo had seemed the best. Iwanicki noted that switching at this point would probably cost the Township more money. There is an annual contract. The Board did a review of costs last year and the Board approved the selection again.

Discussion of correspondence from Patricia Denig, Washtenaw County Planning. Agreed that Mike Bisco will draft a response welcoming County Planning participation in Master Plan process.

Discussion of the need for the Board to decide if they will reserve to themselves final approval of the Master Plan. Not on the agenda. Chair asked Dave Faust to bring this to the Board's attention.

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

Chair noted that no additional information had been received.

10. Bridgewater Farms

Chair noted that no additional information had been received. They were asked.

11. Bridgewater Commons

Chair noted that no additional information had been received. They were asked.

12. Special Land Use Application – Parcels 17-29-200-010, 008 and 009. Stansley Mineral Resources

Motion: Bisco, second by Iwanicki, to lay over consideration of the application until the April meeting. **Motion passed unanimously.**

13. Zoning Administrator Report

Discussion of the Enzer situation and the possibility of storing commercial fireworks. Glen Finkbeiner said that there is a website, "Acepyro," that appears to deal with commercial level fireworks. Asked if the storage buildings were used for that business. Earl Carver expressed concern that if fireworks were being stored, neighbors needed to know. Glenn Burkhardt said he would talk with the Township Attorney to pass along concerns and ask how this could be resolved. Issue of state building requirements for storage of fireworks, such as the distance to nearby structures. Dave Woods stated that because the Township has knowledge of the fireworks issue, the liability to the Township is increased.

14. Member Reports

Brief discussion of tree sales place on US 12.

15. Other Business

Correspondence regarding the Rees Trust property addition to the county preservation program and the MDOT wetlands mitigation project was included in the agenda packet. Asked if the Members have any comments about the comments to the Board provided by Doug Parr in a letter dated March 8, 2006. Chair commented that he had asked the Board to consider the value of retaining a nine-member planning commission. Discussion of how long there had been

nine members. Iwanicki commented that he thought the additional input from more members was of value. He also stated that it assured more likelihood of having a quorum particularly if people had to recuse themselves.

16. Public Comments

Carlos Acevedo and Earl Carver had comments.

17. Adjourn

Motion to adjourn: Finkbeiner, supported by Riley. Meeting adjourned at 9:34 pm.