

Bridgewater Township

Planning Commission Minutes of Public Hearings and Regular Meeting May 8, 2006

Location: Township Hall, 10990 Clinton Road, Clinton MI

1. Call to Order The meeting was called to order at 7:31 PM by Acting Chair Glenn Burkhardt

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

Also present: Jonathan Ringel, Zoning Administrator, Wanda Fish, Administrative Assistant, Cindy Carver, Clerk, Neel Sheth, Supervisor, Gretchen Barr, Chip Tokar, Stansley Mineral Resources, Aaron Enzer, Jim Sweeny, Dewey Baker, Vicki Baker, Bob Stolz, Fay Evilsizer, Joanna Rasmussen, Dody Wyman, David Bopp, and Jim Fish
Chair noted there was an inadvertent quorum of the Board, but no board items would be discussed.

3. Review Agenda

Chair requested the addition of one agenda item, of a Special Land Use application from Aaron Enzer.

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

4. Review Minutes of April 10, 2006 and April 17, 2006

Motion: Finkbeiner, second by Faust: Approve the minutes of April 10, 2006 and April 17, 2006. Passed unanimously.

5. Public Comments

There were no public comments.

6. Close Regular Meeting; Open Public Hearing – SLU Parcel # Q-17-34-300-003

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

A. Chair Summary

Chair noted there is a court order limiting the operation to a maximum of 15 dogs, pending an application to Bridgewater Township for a special land use. He also noted there were requests for more information and more actions the applicant had been asked to provide, but has not.

B. Notifications provided with the record copy.

C. Applicant Summary

Applicant was not present at this time.

D. Public Comments

Ron Jansen: Asked if the Court by issuing the order has supplanted the role of the Township's Zoning Ordinance and Planning Commission.

Glenn Burkhardt explained that the order came about because the Township had gone to court in an effort to bring about compliance. She was limited to 15 dogs and ordered to apply for a special land use to comply with Township ordinances.

Joanna Rasmussen: Asked when and what the last dog count was. Jonathan Ringel's last count was 15 as of March, 2006. She raised several questions as to licenses, vaccinations, and compliance with various laws.

Questioned the amount the Township has paid without any results. She provided a statement about the history of complaints and lack of action. Referenced various state laws and ordinances regarding dogs that were not being followed. Said there was no record of licenses at the County. Statement attached to the record.

Ron Jansen: Stated the Township has ordinances it does not enforce, why should anyone comply with ordinance if the Township will not enforce? Said the system works well for those who violate and ignore the ordinances. He questioned the number of horses on the property.

Susan Krause responded, saying she was complying with licensing laws, had talked to the County Treasurers office about a kennel license that would cover all vaccinations. She indicated the horses were only temporary because she was trying to find homes for them. Expects to place the horses soon.

Rasmussen: Asked if laws are being followed.

Krause: Said that when she talked with McClary, County Treasurer, and that few dogs were licensed in the Township.

Ringel said that vaccinations had not been specifically addressed. General discussion of licensing requirements.

Jansen: The application was turned down, the non compliance has continued.

Motion: Woods, second by Finkbeiner: Close the public hearing, open the regular meeting. Passed unanimously and the regular meeting reopened at 8:05 PM.

7. Planning Commission Discussion Special Land Use – Commercial Kennel

Chair stated that the application was missing some information and that a record of vaccinations was needed. Asked for member comments and a motion.

Woods: Pointed out that applicant was previously denied because the proposed kennel did not meet standards. The court has indicated problems as well. The situation has continued and it looks as though it will be difficult to get compliance. The Planning Commission has consistently identified the steps the applicant should take to meet the standards, but no steps have been taken.

Riley: Indicated she agreed with Woods' statement.

Motion: Woods: Deny the special land use based on the issues raised in the Zoning Administrator's report. Motion died for lack of second.

Iwanicki: Asked what will happen if the Township denies the application. Discussion that it will return to court and court will determine the course of action. Woods: Concern about setting precedents about compliance.

Jonathan Ringel provided copies of the judgment dated October 18, 2004 that limits the number of dogs to no more than 15 on or before June 1, 2005.

There followed a discussion about laying over the decision or giving conditional approval. Several issues were discussed in detail, as follows: the need for vaccination records for all dogs, provisions for regular inspections as to the number of dogs, whether or not breeding would be allowed, designated parking, buffering and landscaping, perimeter fencing to prevent dogs from escaping the yard area if they escaped their kennel and the length of time that would be allowed for the applicant to meet the requirements before the approval was nullified. Discussion of timetable for compliance, determined 60 days was adequate.

Motion: Faust, second by Riley: Approve the special land use for parcel Q-17-34-300-003 for a commercial kennel, with the following conditions:

Each dog will be identified and a vaccination record supplied annually to the Zoning Administrator

Each dog will be individually licensed with Washtenaw County or there will be an up to date kennel license provided by the applicant to the Zoning Administrator annually.

Parking will be designated on the site plan and will be clearly marked at the site.

Fencing will be erected and will meet the requirements established by the Planning Commission Chairperson at the site visit with the applicant

The number of dogs of any age will not exceed 15 at any time.

No breeding of dogs will be allowed.

The applicant will agree to cooperate to facilitate a site visit at the completion date established by the Chairperson of the Planning Commission at the site visit and annually thereafter.

Following 60 days, if all conditions are not met, the approval will expire and all but three dogs and kennels will be removed from the premises within 48 hours. If, at any time, the applicant is found in violation of the conditions, all but three dogs and kennels will be removed from the premises within 48 hours.

The applicant agrees to pay all legal costs the Township incurs to enforce the provisions of this conditional use.

Motion passed as follows: Yes: Riley, Faust, and Iwanicki. No: Woods and Finkbeiner. Motion passed.

Krause asked when the 60 days would begin and Burkhardt said it would begin when he completed his site visit and a letter was sent.

Jansen: Stated for the record that the Township had made essentially no progress.

8. Close Regular Meeting, Open Public Hearing – SLU Crego/Peltcs & Stansley Mineral Resources

Motion: Riley, second by Faust, close the regular meeting and open the public hearing. Motion passed unanimously.

A. Chair summarized the application was submitted for mineral extraction on the identified property. Actual mined area will be about 22 acres. A permit has been received from the Department of Environmental Quality for a lake that will be created as a result of the mining operation.

B. Notifications are provided with the record copy.

Dody Wyman: Asked about the time frame for the mining operation. Burkhardt: The Mineral License Board will deal with the actual timeframe. Assuming the Planning Commission and Mineral License Board approve the project, would expect the mining would begin about a year later. Tokar said the planned lifespan on the site was five years.

Wyman: Asked about water supply, indicated that at least one well in the area NW of mining site have become dry in the last three years. Burkhardt: Said that the mining operation does not draw down the water. There is a controlled lake level structure that maintains the water table level and has done so since Stansley Mineral Resources began extraction. If there is an impact and it can be proved it is a result of mining operation,

resolution would be the responsibility of the operator to "make the other party whole." Discussion as to who would be responsible for proving the harm.

Jim Fish: Read into the record a letter a neighbor had asked him to present (Letter from Nancy Hebb included with the record).

Fish also stated he had his own concerns about the application: Not all properties involved in the application are under the ownership of the Crego/Peltcs Trust, this should be accurate; there is inconsistent scale on site plan 1A; the site plan indicates a discharge plume over another property and no easement is on the record for such discharge; the serial construction of berms is a problem in that the function is to provide screening for activities, particularly for nearby properties and waiting to build the berm until after mining has commenced may not be acceptable to owners of nearby properties; the end use should be clarified because agricultural end use is not consistent with statements that Paul Peltcs has made through the years that he intends the end use to be residential and additionally, the 2001 master plan recognizes this intention; the water flow computations should be cumulative for all flows from the entire site; the lease should reflect water flows over other properties. Finally, Fish noted the anticipated life of the project is five years while the lease is for 30 years with a 30 year renewal option. He also stated the Planning Commission has a responsibility to review the special land use from the perspective of the Township as a whole and as such, the Commission can set reasonable conditions.

Gretchen Barr said she thought there is inconsistency in mining at 100 feet while the lake is at 60 feet, would like this explained or corrected. She also indicated concern about the lease mention of ready mix and concrete mixing activity.

David Bopp indicated concern about whether or not the gravel trains will adhere to the designated haul route as well as concerns about the impact on wells. Burkhardt said the haul route would be Bartlett Road only.

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

9. Planning Commission Member Discussion – SLU Crego/Peltcs SMR

Chip Tokar, Stansley Mineral Resources, said that in response to comments from Birchler Arroyo, the entire perimeter with the exception of wetlands areas would be fenced. Berms will be 8 to eleven feet above the ground level and landscaping atop the berms will include 4-foot trees. The berms will be constructed in four phases. There is also existing natural screening along the northern and eastern property boundaries. The berms will be constructed with landscaping in addition to the existing natural screening.

Tokar also presented a conceptual plan for low density residential lots and roads that will tie in to adjacent properties that SMR is already working.

Tokar stated the project had been extensively reviewed for the last two years and that monitoring and testing were an ongoing requirement.

Burkhardt commented that the ultimate end use would be subject to site plan review.

Burkhardt asked Members if they wanted to deny, approve or layover action. Has there been adequate study, for example? Stated that DEQ typically will not issue a lake permit unless there is a level of confidence the risk is low.

Woods asked if the Township engineer had been asked for comment. Burkhardt said there had been a report that distributed at the last meeting. He stated that Birchler Arroyo's review was more site plan related.

Burkhardt: With the questions about some of the drawings and records, it would be appropriate to lay this over for further review. Members should consider the grounds for approval, approval with conditions or reasons for denial.

Motion: Woods, second by Iwanicki: Lay over consideration to the June meeting for additional study. Motion passed unanimously with Faust abstaining.

10. Master Plan

Dave Faust reported the Board had approved distribution of the draft amendments to the Master Plan and had also retained final approval of the plan.

Faust said the Board had approved the amendment to Section 1442.

Burkhardt stated he still needed to complete the text of amendments to the goals and objectives section to complete the draft amendment for the PDR amendments to the Master Plan, would complete and then send out for review.

Burkhardt: At the April 17 meeting, we essentially agreed that we would look to do some refinement and clarification of the overall plan (beyond the PDR). Need to set a date to go over the current Master Plan with Mark Roby from the County and see where we are in terms of agreement with the County and Township.

11. Bridgewater Farms

No further information.

12. Bridgewater Commons

Received a site plan survey of the pond in question. Per Dave Woods and Glen Finkbeiner, the pond is approximately the size and location of the one approved by the Zoning Board of Appeals. The information received also included two easements for the pond, not clear if the easements have been recorded. Glenn Burkhardt noted that the Drain Commission has not approved the plan. Dave Woods noted that additional information regarding runoff calculation was needed to determine if the detention area is sufficient.

Glenn Burkhardt noted there is building activity at the site. There is a driveway and perhaps a duplex being built. Certainly the owner has the right to apply for a drive and a building permit to build a residence. If at a later date they want to come back and open the idea of Bridgewater Commons, they will have to demonstrate they still meet the requirements of a site condominium. If they only seek to build one residence, then they only have to meet the requirements for that one residence, and would not need the entire site plan, only the plan necessary to meet the requirements for one building unit. Asked the Zoning Administrator if there is a site plan that shows what they are indeed building.

Jonathan Ringel: He (Ron Finkbeiner) has a temporary permit from the Washtenaw County Road Commission, but not an approval at this point. The drive area is the Joann Trail. He still owes them money and there are still some unresolved issues. There is no permission from WCRC to build a drive off Boettner Road and that is necessary for a building permit. He has been asked to provide the drive permit and a site plan for the single dwelling unit and the Township has issued a "stop work" order. Also needs a soil erosion permit.

Glenn Burkhardt: Asked if work had actually stopped. Ringel said he did not know. Dave Woods remarked that the grading appeared to have some problems. Glenn Burkhardt: We have done everything at this point that we should do. We issued the stop work order, notified the building authority and notified the applicant. The applicant needs to take steps to resolve this matter. Burkhardt instructed the Zoning Administrator to contact the applicant and ask him for a letter to indicate his intentions regarding the project and the building. The letter should be received within two weeks.

13. Zoning Administrator Report

Attached to record copy.

14. Member Reports

There were none.

Glen Finkbeiner reported there is no activity for the Zoning Board of Appeals.

15. Other Business

A. Amy Riley tendered her resignation from the Planning Commission. Glenn Burkhardt accepted it "with regret." Township Clerk Carver swore Amy Riley into office as Trustee.

B. Election of Chair

Motion: Glen Finkbeiner, second by Dave Woods: Layover the election of officers to the next meeting.

Motion passed unanimously.

16. Public Comments

None

Glenn Burkhardt distributed copies of a Special Land Use application from Aaron Enzer.

17. Motion to adjourn: Dave Faust, second by Mark Iwanicki. The meeting adjourned at 10:07 PM.