

DRAFT

February 12, 2007
Bridgewater Twp Planning Commission
Minutes and Regular Meeting and Public Hearing
Call to Order 7:30 PM

Role Call: Mike Bisco; David Faust; Mark Iwanicki; Randy Klager; John Porter; Glenn Burkhardt; Deb Corwin

Also present: John Jacovetty; Mike Skully; Bruce Clark; Jeff Stansley; Mike Spears; Donald Bollinger (sp?); Mark O'Toole; Chip Tokar; David E. Atabacher (sp); Francis Coustio (sp); Mark Queen; Russell Dowlin; Greg Goinas; Aaron Enzer; Debra Satkowiak; Amy Riley; Jolea Mull; Gary Weidmayer; Vic Mann; Ron McLennan; Linda Oisczarzak (sp); Brent Fairfield; Brian Barger, Pam Herzog

Review the Agenda:

Motion to approve agenda by Burkhardt, seconded by Faust. Unanimously passed.

Review the Minutes:

Burkhardt: pg 6 third paragraph: first paragraph MI building law requires a building official to issue a building permit.

Bisco: 1st section, motion to no motion for job description. Eliminate. And accept agenda as approved by ...

Bottom of pg 1 and on info should be "information concerning issues was discussed", (not information concerning what issues was discuses), the question was is it administratively complete...it is not and we can not move on it.

Pg 2 instead of this needs updated, should read "to be updated"

Statement by Chip Tokar, was incomplete.

Pg 2 third line from bottom: this is addressed in bullet 3 (not whole page)

Pg 3 Iwanicki statement was simply yes.

Karls name should be spelled with a K, not a C

Page 4 and pg 5

I would think the zoning administrator would review the berms

Pg 4 ML does site operations....last line on page 4, Faust said that they have site plan components (was really Bisco)

Pg five by law we can't approve

Pg 5 six sentences down, we need.....?

Just before motion...so zoning compliance conditions...Tokar (statement)

Herzog: I understand the minutes do not need to be verbatim. May I have the written copy of the corrections that you have?

Bisco: Yes. I feel that the main problem is that technical terms are not included and meaning is not conveyed as meant.

Burkhardt: You could put in only meaningful information. Historically, the minutes have been a little more verbatim than what we have now.

Porter: Then if we choose verbatim, the recording should be used,. My feeling is that only the motion and direct discussion to the motion is required.

Burkhardt: for simplicity sake we could just put in the motions and the action.

Bisco; from reading court cases, if you don't have enough information in your notes to substantiate the course of action that you took, you need to substantiate your actions.

Burkhardt: this would mean recording.

Bisco: the continuity of the discussion that we have if it is lost, it puts the Twp in a bad position. I brought the notes up because it is a change. She has been operating without any really directions. I think we should review.

Porter: May I suggest that we ask our attorney what the best procedure of covering the Twp position as far as recording the minutes. You could use the recordings. That may be one extreme to another.

Porter suggests to put on hold approving these minutes until attorney advice is gathered.

Motion to put on hold January minute approval until attorney advice is gathered. Moved by Burkhardt, supported by Faust, carried unanimously

Public Comment: none

Bisco: Debra Satkowiak is here from ATF

Satkowiak: I am area supervisor in the field . I was previously an inspector. My expertise is advanced explosives.

I'm here to discuss ATF and license process. (PowerPoint presentation)

I can not disclose any information on any specific permitting or license Information. ATF's mission is to conduct criminal invest etc. We also have jurisdiction over arson. Explosives are under our jurisdiction ,

History: We were part of IRS.

The safe explosive act effective in 2003.

Meant that prohibited persons expanded. Importers and manufacturers required to submit samples of explosives materials. Penalties imposed on licensees and permutes who fail to report the theft or loss of explosives. Federal permit or license required for all purchases of explosives materials.

Preexisting categories:

Aliens, dishonorable discharged, and those that renounced their citizenship. Activities and restrictions were discussed. As well as the investigator's role in regulations. Criminal enforcement and investigators are two sides of the house. We work from a business regulatory standpoint. We can focus on explosives. We examine records, inspect, identify threats. We recommend administrative action and refer violations. Our special agents are criminal investigators. Investigations including stolen and mission explosives. Assist and train federal, state and local agencies. Respond to and investigate bombings

Hierarchy of AFT outlined.
Field operations divisions shown on map.
ATF license or permit
27 CFR 555.49
5 year record retention

We must issue a license if it is applied for unless the conditions are not met.
Over age 21, Not a prohibited person, willful violators of provisions, not knowingly withheld information, must have storage (or contingency plan), must have an estate or premises from which to conduct business. Must be familiar with published state law. (The Federal law is provided for reference.)

Man in back: If I applied for a firearms license, I would get it. So I get license. I got people coming and going with guns etc. what obligation do I have to the Twp. And local Fire or Police?

Satkowiak: The person must always comply with the regulation that is most restrictive, Local, state, or federal. We would have to document that Bridgewater gave you permission to operate retail sales.

Man in back: So that would be the same if I wanted to sell firearms or explosives?

2nd man in back: So you said that if I wanted to build bombs, explosives etc, you would check with Bridgewater Twp first?

Satkowiak: Yes commercial explosives permit is a permit to possess. Fireworks are pre FM 48 for storage or transport, the 49 permit for display. With explosives the local authority has to issue the permit. Most investigators also check into zoning. If zoning doesn't allow it, it is difficult. But we do work with the locals.

2nd man in the back. So you are saying that a storage permit for fireworks would be given if requirements are met?

Satkowiak: Yes. Storage requirements have to be met. Adequate magazines and table of distance, etc will be looked at.

Another man: you do that even without the Twp. Approval.

Satkowiak: no, we will contact the Twp. With the display fireworks, it's a little different. Someone may display in another locality than where they live or are stored.

3rd man question: What I hear you sayings is that you defer to the Twp. You might store for sale. Are you saying that ATF is primarily checking for safety compliance but you rely on Twp for zoning.

Satkowiak:.. ATF will not ever get into zoning.

Satkowiak:: I can not even discuss Firearms. I brought it up because we regulate them.

2nd man: If I wanted to set up firearms sales, I wouldn't have to tell anyone.

Satkowiak: Well, you would, Because there are state local and fed laws.

Satkowiak:: Even if you have a license, it doesn't mean that you can do things the local or state law says you can't. Retail sales are directly entwined with safety. Vending is regulated by Feds. You must have a license. Any additional laws the locals institute, are also applicable.

License is required if you are importing manufacturing and /dealing. Permit for use and acquire explosives in interstate commerce. Limited permit: receive explosives intrastate for use (new with Safe Explosives act)

Manufactures and Dealer licenses Good for three years, and the user permits are good for one year. Every applicant must be inspected.

11, 214 ATF Explosive licenses. in 2007.

Responsible persons must file out applications, fingerprint card, photographs. and employees and employee possessor questionnaire.

A notice of clearance is issued if the check out. It tells them that they have cleared the background check. If a person has not been cleared, there are relief from disabilities (recourse) for restoration of rights.

Display fireworks: are designed primarily to produce sound and visual. By combustion, or detonation. Firework types pictured.

Consumer fireworks are any small fireworks such as are sold in stores. Meant to be used by consumer, rather than by professional.

Stick rockets and bottle rockets are governed by state law.

Articles pyrotechnique are governed by ATF.

Illegal explosive devices bans consumer possession of anything more than 50 milligrams of power. ATF has jurisdiction over illegal storage, manufacture, distribution .

Detonators shown. Safety fuses and detonating cords are shown.

Classification and storage high low and blasting agents

18 USC chapter 40 (sec. 841

Local fire marshal must be notified of storage of explosive materials.

High, explosive detonate by blasting cap when unconfined. Flash powder, dynamite, shaped charges, bulk salutes, Type 1 or tow magazine

Low explosives: black powder, display fireworks, safety fuse, igniters. Black powder if under 50 pounds does not need license. However dealing in it does.

Blasting agents: very insensitive. Storage requirements are minimal.

Dot Hazardous Materials Table Class 1

Mass explosion hazard. 1.2 projection hazard

Dot Hazardous does not really correspond to ATF classifications.

ATF classification.

1 and 1.2 high explosives

display fireworks are typically low explosives. Flashpowder, however, for storage purposes is high explosive. Because of the sensitivity.

All explosive material must be stored in an ATF approved magazine except those in the process of manufacture. Those being physically handed in the operating process. Those being transported. Those being transported are under DOT requirements. The trucks must be attended and distance maintained.

Magazine construction:

Display fireworks type 4 magazine or grater (low explosives)

Full cases of high salutes high explosive.

Types of storage: Hinges and hasps must be attached to doors by locks are specific, unlocking options, lock hood, security, lighting, magazine construction

Type 1 magazines are shown. Regulations may be referred to for details.

Type 2 magazines are shown.

Barricades reduce distance from buildings.

Other magazines shown.

Type 4 magazine for black powder for instance may be a converted shipping container.

Type 5 magazine most beneficial for theft deterrent. Table of Distances: apply to the outdoor storage of explosives.

An inhabited building regularly occupied in whole or in part as a habitation for human beings, and a church, school

Safe storage of explosives regulated by table of distances. 555.218 thru 555.224

ATF requires five year retention on explosives. Mainly for accountability.

Question from back: does the local government have the right to obtain access to these records?

Satkowiak: I can't answer that one. I have to research that one. For firearms ATF and State have similar access laws. I don't know if explosive materials has the same access.

Accountability: provides an audit trail, from manufacture or acquisition to final use or distribution. Daily Summary of Magazine transaction: Allows the amount of explosive material on hand to be recorded.

Penalties

<http://ccfr.gpoaccess.gov>

Enter title 27

Select part 555

Any storage from an inhabited building must adhere to the safe distance table.

Table 555. 224 used as example.

Say you have 1000 of display fireworks. You must be 150' away from inhabited buildings.

Bulk salutes are in table 555.218

10,000 inhabited building, unbarricaded example given.

Table of distance states safe distance from explosive areas.

Question for public; is it safe to say that sound level distances are not factored into the safe distance distances.

Satkowiak: not to my knowledge. Can't comment.

Question from public: if someone cut the isolation distance down? What would happen? Can the twp be able to reduce the isolation distance?

Satkowiak: One would have to follow law that would be most restrictive.

Porter: Do you have scheduled inspections to insure compliance.

Satkowiak: upon original application and at least every 3 years there after.

Porter: record keeping then, is a paper trail that would be used if needed.

Satkowiak: inspections are unannounced.

Rremember, shipments in must be recorded.

Porter: in a wholesale importing operation, a DOT truck brings them in, what about transporting between truck and bunker?

Satkowiak: Exceptions are made, but a truck can't just be parked loaded. Unloading, is not governed.

Porter: the minute it comes off the trailer, do the table of isolation apply?

Satkowiak: I am assuming that that if you are unloading you would already be near the magazine.

Porter: more precisely: could you park on the street and dolly it to the back of your property?

Satkowiak: If are handling fireworks, you need a display permit. It would be unlawful storage.

Audience: Hypothetical 200' from occupied house, a tractor/trailer pulls up, and you haul it to a magazine 1300 feet away. Is this legal?

Satkowiak: Yes

Man again: different types of explosives, mixed media. A finished product, this firework is low explosive.

Another man: what if someone wanted to build a house.

Satkowiak: ah encroachment: the magazine would have to be discontinued and taken out of use.

Man: What if the house is built within the table of distance. If I subdivided my land for sale, would they have to remove the magazines within isolation distance?

Satkowiak:: that is local law.

If two magazines are close, they are added together 300,000 max.

Mull: What are bullet proof magazines?

Satkowiak: Type 1, and type 2.

Corwin: Definition of bullet proof vs. bullet resistant?

Satkowiak: I will leave copies of regs. I can't leave copy of power point.

Man in Back: Does a manufacturing building have to be isolated from dwellings as well as magazines?

Satkowiak: Yes

Burkhardt: Minimum quantity for manufacturing buildings and table of distances?

Satkowiak: Yes

Satkowiak: ATF requirements that local fire marshal is contacted.

Man in Back: So, if you had a lot of material, you would want to split it up. It would probably give you ability to store more.

Satkowiak: Not necessarily.

Carver: In terms of emergency response. It doesn't mean that the ER has to act.

Satkowiak: Fire work storage is under state law.

Carver: Local means so many various things.

Satkowiak: Local does mean a lot. There is fire, township, etc.

Man in Back: So, I haven't heard anything about liability responsibility from the industry member.

Satkowiak: you are right, nothing is in place under federal law.

Man in Back: Does OSHA have anything to do in these cases?

Satkowiak: If there are employees.

Satkowiak: Bunker storage must be in place before license is in place. If a bunker is switched out, it must be in compliance.

Man in Back: Does the public entity have access to a risk analysis?

Satkowiak: Two recommendations: ATF puts out an annual report. Explosive incidents are documented, Consumers products information is also available.

Man in Back: Is it broken down by township level, state level.

Satkowiak: Probably state.

Burkhart: Certificate of knowledge?

Satkowiak: Demonstrates familiarity and understanding and compliance with all state and local law governing the industry.

Burkhardt: For example there may be a more restrictive state or local requirement. Your inspector would probably know this?

Satkowiak: We would try and dig up the most restrictive.

Burkhardt: So local fire official must be notified, Is it by applicant or ATF

Satkowiak: It is by the person who is going to be storing.

Burkhardt: MI building code specifies operating permit for buildings used for storage and manufacturing of explosives. Do your inspectors look at this?

Satkowiak: No, we wouldn't.

Burkhardt: Why wouldn't you?

Satkowiak: I would have to look at this. If a state law mandates an operating permit.

Burkhardt: How many licensed facilities are in Washtenaw?

Satkowiak: I don't know. We have less than 400 statewide.

Satkowiak: Thank you very much.

Bisco: Up for closing regular meeting and opening public hearing?

Motion to close regular meeting and open public hearing moved by Burkhardt and seconded by Porter. Passed unanimously.

SLU-Enzer

Bisco recuses.

Burkhardt: We do have a conflict of interest policy. Given that it cold, Mike will stay in the room rather than go outside, but not participate.

Public Hearing Regarding SLU application at: At 13001 E. Austin Road.

SLU applicant wants to store explosives according to federal, state, local regulations.

SLU is required to operate business.

Public notice published in Manchester Enterprize.

Residents in vicinity given notice.

Notice posted at Twp hall building.

Written correspondence received from; **RETRIEVE FROM PACKET INFOR**

9550 Kies Rd

13045 Jennifer Enzer

11691 Hogan Fish

Applicant offered opportunity to present information on SLU application.

Enzer: Fireworks have been a hobby for more than 10 years. We started out small and then as we grow a passion, it builds. It has grown to be a desire to comply, cooperate, and insure safety. I appreciate everyone's opinion. Both for and against. I would be happy to address everyone's concerns. I take everyone's concerns genuinely.

Burkhardt: We like the hearing to be orderly, non-confrontational and timely. I would like individuals to gather their thoughts. We will limit comments to 3 minutes a person. We would like questions, comments and ideas to help this planning commission to do due diligence to our task.

Jacovetty, John 12861 Austin Road: 1. What is the class of the magazines? It's either class 1 or 2 from power point, the shipping containers I see are not class one or 2 from the research I've done, It doesn't take into account sound, let alone flying debris. I am concerned for my children's hearing in the event of explosion. Flash powder?

2. What local fire had to say. Is it written and oral as per law?

Burkhardt: Applicant may or may not wish to answer at this time.

Enzer; I would like to answer each in writing.

David (last name either inaudible or not stated) 9633 Clinton Road: Does applicant have engineering degree? How much is going to be stored on premises? Both raw and finished?

Mark Queen 12751 E Austin: Applicant wants to establish business, I've talked with volunteer fireman, and they haven't been told anything. Magazines have been inspected, approved. ATF considers this high explosives. Powder not sold any more. Only for storage. What about the four new buildings no inspections rumor has it that you just went and did the new buildings. No, you ducks are not in a row, business is not approved, state is not approved. Insurance: Rumor has it that you need insurance. Twp. should buy the insurance and put it on tax role this way we would know if it was paid up. It seems like he tried to go along and once he got busted, now he wants to go legit.

Frances Coustin (sp) 9901 Clinton Rd.: He dug that big hole without a permit. I want to know what is gonna happen if I want to subdivide?

Russell Dunham 12967 E. Austin Rd.: Question 1 Doing business and zoning are we going to spot zone?

Burkhardt: No; this is about special land use

Dunham: I built 10 years ago. I wanted to put shipping containers on land, but inspector said no it was illegal because of no footings. Well, now we have magazines without footings, I think these questions should be asked. How much volume of storage, 48,000?

Burkhardt The reality is that the distance of isolation would have to be met for all quantity of storage. If an SLU would be considered it would e under conditions. Isolation, use, etc.

Dunham: I am only three hundred feet from his building where he builds fireworks. Haven't we got the cart before the horse?

Burkhardt; We are deciding the SLU, we understand that the business is occurring. The isolation distances will not be reduced from the most restrictive that is available.

Dunham: Our property is only 1300 feet deep.

Burkhardt: If the available isolation is only so much, than only so many pounds may be allowed to be stored, albeit on the honor system.

Brent Fairfield 13045 E Austin -I have been Enzer's neighbor for years. He is considerate, caring, and flies airplanes internationally. I think it gets into a couple of issues. ATF doesn't have a problem with his operation. I would like to think we, as neighbors and a community, care about each other. Ag mixes chemicals, we trust they mix safety. Enzer has children, family, he won't put them at risk. This situation is like going out to the field during deer season. I feel any risk that is proportionally greater than many other activities that are going on. I strongly want to say I don't lose any sleep over this one.

Mike Spears 17693 Old US 12: We have contacted fire departs local twps and (?)

Greg (?): (friend of Enzer): Enzer has integrity, safe work habits we follow regulations when we do displays. Enzer watches over his....(?)

Brenda Queen 12751 E. Austin- Enzer's friend talks about integrity but where was integrity while running without a permit or license. Also you said you sent out notices and we never received one. We live a ¼ a mile away.

Burkhardt: We used a specific radius

Man in back; Insurance man said ½ mile away houses have siding ripped off them in an explosion.

Burkhardt: Yes, a given the quantity impact will be greater.

Queen: what does Enzer have on premises? What is his intent for more?

Burkhardt: We know approximate quantity, spacing of magazines, location such that ATF has granted permit therefore they are in compliance.

Queen: How long have you known about the storage and manufacture?

Burkhardt: Since June, since then we have been pursuing information related to the the SLU application

Queen; What was the lady from ATF thinking?

Burkhardt: We can't speculate.

Burkhardt: We are considering if the SLU is appropriate. Specific health safety and welfare issues related to this activity will be considered.

Man in back: Lady said that isolation could be reduced.

Burkhardt: No, the more restrictive isolation would always be used.

Man in back: ATF restrictions have been met? The woman said the isolation would be 1500 feet.

Burkhardt: Yes, that was given a hypothetical amount of explosive. Property setbacks, all issues

Man in back; would PC ??????

Burkhardt: Decide around land surrounding those tell me available. I will look at setbacks. This will tell me what might be there in the future. For the future land splits.

Man in back: It's key to determine if the magazine is appropriate for type of material stored.

Burkhardt: well one can take the application at face value, with that, one can conclude that that is all that could be stored.

Man in back: It would be better if this was a proactive meeting, rather than reactive, If we were presented with a proposal asking if 4 magazines, and a certain amount of explosives and a given quantity OK, rather than after the fact.

Burkhardt: When someone applies for SLU he is applying to do something. The role of PC is to approve, not plan the business. We can say certain items are important beyond ATF requirements. That is our job. Being reasonable and fair, not unreasonable.

Gary Weidmayer: the big issue safety: how about a 20' dirt berm around entire property?

Man: Someone mentioned reactivity. I said, he said, zoning violations: etc. these issues come up. I know a lot about what he does. If I had an issue, I would talk to my neighbor. Give him a chance. Enzer is reasonable, he is proud of his work. His is not an immediate threat. Enzer tried to bring this up under Peacock. So this coming up for him blowing a building permit it wrong. He is the guy to talk to.

Dennis Keiser 31203 Clinton I am here for information. I remember when Enzer was here years ago. If you do class on explosives I would definitely like to take advantage of your classes. I didn't know there was anything more than recreational fireworks there. I just found out how much was there the other night. We will do our part. But, we are concerned about his integrity. He has done a lot more that we knew about.

Man: Yea, Enzer, when he got married he asked to set off fireworks. Then we didn't hear anymore. Now we are producing fireworks. Two cement mixers were running when I visited him. He said that he doesn't add the explosive component.

Queen: response to Neilmeiger. I do think a barrier, similar to a berm would greatly reduce isolation distance.

Burkhardt: Thank you for comments. We may talk a little more,

Motion to close public hearing and reopen regular meeting Moved by Faust, seconded by Iwanicki passed unanimously.

Burkhart: do you want to discuss matters further?

Iwanicki: I would like more info on state and local setbacks distances.

Porter: (ATF) had a book. Are there extra copies?

Burkhart: ATF, State of Michigan and State Building code.

Porter: the 4 bunkers, what class are they?

Enzer: they are class 4. the set back is 300 feet

Porter; What size are they?

Enzer 8.5x8.5 by 40' length.

Iwanicki you were going to provide better drawing than in past.

Enzer copies note to self

Porter: we had an original set back plan that faded to a plan "B" which was more a feasibility plan. I would like to look at a site plan that reflects the application. There will be conditions. We have to base the conditions on what you are doing now, and in the future. We would like a site plan similar to what the actual application states.

Burkhart; we would like to know max storage. A condition would be isolation and therefore to determine maximum quantity.

Enzer: ok I will resubmit

Faust: four mags, 10,000 lbs each, where is the other 8000?

Enzer; mag 3 is bermed.

Enzer: intent of 222 table encourage lots of little magazines rather than lots of large units.

Faust comments on size of mags and isolation.

Iwanicki how big is your berm?

Enzer you must go at least 1' through the berm it meets the legal requirements for a barricade.

Porter: I don't want to be negative here, but , if anyone in the neighbor hood wanted to build a temporary structure like a gazebo, there are restrictions. Number, placement, and setbacks. If we were to approve this SLU, how would we look at these temp. structures, mags.?

Burkhart; as accessory structures. We can't violate code. We may tell him that he can only have three, rather than four accessory structures.

Burkhart: Enzer has eleven acres.

Iwanicki we only allow one accessory structure.

Burkhardt; clearly a magazine would be considered an accessory structure. If it doesn't work, we would have to deny SLU.

Burkhardt. A variance request would have to be made, before we can consider acting on use.

Porter; so there would be an avenue to continue with this process even with 4 structures?

Burkhardt; yes, whether the variance would be granted or not is another question.

Porter; the question had to be asked. we have to look at our own ordinance and see how the SLU complies.

Burkhart; I will get interpretation of ord. from our zoning administrator.

Porter; also required setbacks for these buildings. We have additional setbacks in the ordinance.

Burkhardt: Enzer will orientate the mags as close together as he can for the table of distance. But future neighboring land use must also be accounted for. We need to be specific on conditions for what does exist, and what may exist. The magazines can be no closer than the three regs. require. Every three years there would be a check.

Enzer: Inspection have really been about once a year.

Faust: are these mags. going to be accessory structures or temporary structures. If no footers, they can be unlimited.

Burkhart we will have to reread and research. To determine if there is a violation of that code. Let's assume for the moment that there is not, let's assume we can define conditions that insure safety of neighboring properties. We have to decide if this a permitted use . if we decide it is, we will need t prepare draft of what this SLU looks like. If it is not, we need to recognize that as well. It is one of two paths.

Porter before I can make a decision on suitability of business use of Ag zoned property, I would have look at past approval or denials of SLU applications in the ag zoned community. We open a door if we approve or disapprove without consistency. I don't know if it is a suitable use at this time. What constitutes suitability?

Burkhardt; Iwanicki is our best resources.

Iwanicki; we have record of what we granted. I can't tell you where. I have seen a list. I don't think in the last 21 years, we have ever been approached with anything like this.

Burkhardt: we have been approached with dog kennels, gravel hauling, beauty salons, things associated with home business.

Burkhardt your point is well taken on that of precedence.

Porter; let's go one step further, beyond wholesale distribution. Fireworks, restrictions on storage, safety should be covered with regulations. However, my concern is the manufacturing that puts it into a separate category. Manufacturing belongs in industrial zoned community ...how far can we take this?

Burkhardt; the use consider is a limited business use. Limited comings and goings of customers and suppliers. Yes manufacture is different.

Iwanicki; we have not given out conditional uses for manufacture. A list may be obtained form Cindy perhaps.

Iwanicki; we have another licensed ATF holder in this township and he says he approached the board.

Burkhardt; I don't know that anyone would have realized they needed a license from ATF. But we have a ordinance and it specifically says the applicant needs a SLU permit. Applicant says he contacted the fire department. Whatever happened, we may not even have been in position then. We just need to consider the right thing to do.

Porter; we have identified several things we need to address.

Burkhardt: I need to know exactly what additional information we need to determine.

Porter I need past PC decisions on similar SLUs home based distribution business. If we set a precedence, I am concerned. We need a site plan. We need one that is based on the actual application. We also need to review the application. From what I heard the, application is for storage and distribution not manufacture.

Burkhardt: let's ask the applicant.

Enzer: I would have to reread the application, however I believe I brought it up before. The immediate manufacture of fireworks is necessary for explosive materials. There is no discrete zoning for fireworks.

Porter: well if manufacture is not maintained in the application, the language needs to be changed.

Burkhart; even though you talk about manufacture, does it change the fact that there is a limited business. We dealt with one where the length of the road was longer than permitted. We granted it because it gave ability to provide more open space.

Iwanicki: I would like to see some conditions.

Burkhardt: ok, so we would like to get started on conditions?

Iwanicki: we need to make sure that we are covered.

Faust: Fred (Lucas) says we are covered on liability. We don't want to be named on the insurance policy.

Mull: government immunity comes in to play. Unless we are grossly negligent.

Iwanicki: Accessory vs. temporary structures needs to be defined.

Corwin: Enzer stated growing business, we need a project size.

Enzer: if my business were to grow, we would need other facilities. The explosives would be distributed. Some Twps. just informally meet with me. I've got magazines in Twps. that only involve a meeting with the fire marshals.

Audience; Similar situation?

Enzer: Yes Ag area, one also in City of Jackson.

Corwin: in manufacturing you do get into more problems than just retail.

Burkhardt: how many pounds of material would you be working on at one time?

Enzer: regs. state 500lbs allowed. However, we like to work with 50lbs or less. Occasionally we have more, not much and not often. We work in a wet state sometimes. Explosives are less combustible.

Faust: I would like setbacks on accessory structures or temp buildings, once that determination is made.

Burkhardt: I will get all these things together

Motion to lay over pending receipt of additional information, moved by Faust seconded by Klager, all in favor.

Bisco returns

SLU Crego/Pelts

Bisco: You have a packet, report from Geoforensics. Thoughts on extraction process? Any?

I divided the report into two sections. The extraction process and controls; the sections targeted towards SLU and usage. Did you have any questions?

Additionally I answered questions from Jim Fish July 2006 responses noted. Some emails from Nancy Hebb. Chip had volunteered to guide me through the wet lands. I was concerned about changes in the wetlands. We found significant changes in the area, not just by SML, but housing, county, roads, etc.. the point is that there are so many changes we can't point at any one things as culprit. Does that one area impact the discussions we are having now. If there is an impact on a regulated wetland, then MDNR and DEQ has jurisdiction. If not by SMR, than by others, some land now lays fallow. SMR as the one at fault can not be proven. Does this have a bearing on this application? In my mind, no. Comments?

OHM: Niswander report page five will be updated. Flow of water is not as stated. Flow of water goes off to south. Updates done on JFNew, information on size of wetlands and all under regulatory status.

Findings of June report:

Map of culverts and updates is here....

Oh yes, are mining operation start in 1995 or is this date incorrect. Adrian sand and stone, began in 1991.

Pg 2 Bridgewater ordinance when referenced should state as amended, we want to be accurate.

When water flowed underneath Willow Road, . they are old culverts, we don't know if they were plugged. Strike anything about culverts 3 and 4. upland uses have also changed over years. Additional development has been noted. Page 6 mention of culverts and potential for change. Strike comment. Pg7 4f, may require updates to zoning master plan pg 8 at very end of notes of zoning. Zoning compliance is under zoning administrators duties. Zoning compliance must be noted by zoning administrators. Added to end of paragraph. Conditions: reworded number five. Future wetland impact assessments shall be conducted at the description of the MLB. ...see application DEQ may have jurisdiction.failure to comply....etc

16 ordinance 59 as amended or

19 (add) protection of lake from runoff from proposed continued farming ops and residential fertilizer

Klager: how will grass grow without fertilizer?

Bisco; grass grows everywhere. We need to protect the lake. We need to install the guidelines. I want it noted as a condition. How do we protect the lake.

Porter; are we crossing a line here? Why would we do this?

Bisco; because it is new.

Porter why don't we address this by ordinance? This is going to come up. We need to address all bodies of water.

Bisco; there is no lake. We will create an artificial condition.

Porter; we would be setting precedent. Nobody is going to want to do this.

Bisco farming is unregulated.

Porter I think we may have a real issue.

Burkhardt: I think that this has some merit. Maybe our pond ordinance needs to be updated. This is a water table lake and is directly connected to an aquifer. This is not a perched water table condition.

Tokar: how about a buffer strip of rye grass, this would act as a buffer. Typically we would use a twenty foot buffer strip.

Bisco: this is about right, however, I was considering a wider strip.

Klager: buffer strips along river Raisin are 60' wide.

Tokar: buffer strips are plausible, however, I don't know how wide.

Burkhardt: What is the wetland setback? 25'?

Bisco: River Raisin Water Shed uses 60' wide. Dept. of Ag best management practices ?, I don't know.

Jeff Stansley: We follow guidelines by soil and conservation league.

Stansley: We can leave it until it is turned over to Peltcs family, then development. We could provide a buffer zone.

Bisco; the family will get the lake, they ought to be good with a buffer zone that we want. We can't regulate farming, a condition, a deed restriction.

Stansley; the family would bulk...you would have a better chance with the developer.

Discussion on deed restriction.....deed restriction on individual parcels. Note: requirement of operating of SLU and set back on wetlands and buffer zone width.

Brian Barger: Attorney also looks at streams, setbacks take into account erosion.

Porter: I disagree. Setbacks look at erosion, they also look at sediment and nutrient containment.

Decided that 25' by soil conservation recommendation is adequate.

Stansley. We don't have problem putting in a buffer zone. I don't know that it would be maintained after we leave.

Bisco we just want to keep runoff out of the lake.

Stansley we can give you what you want.

Klager 50'

Stansley: Ok we'll give you 50'

Suitable vegetative cover to prevent soil erosion and farm runoff from reaching the lake will be provided for 50'.

Bisco: Supply underwater slopes on annual basis ?

Tokar Yes first responders can be supplied with this information. Yes in annual report.

Bisco: ok

Comments?

Burkart; I think it was a well conceived document.

Stansley: I really want to give Tokar a lot of credit. He knows everything about the ground. A lot of you are new to the board. Chip has been here from the start. We study the land extensively.

Bisco: Option to grant with conditions, grant without conditions, or deny?

Motion to grant with conditions to creg q1729200-008-010 based on documentation as discussed tonight and with corrections as noted made by Iwanicki, seconded by (?).

Two abstain, one opposed. 4 approve. Passed.

Porter; point of order, further discussion should have been offered prior to vote.

We should have waited until the corrections had been made. We cannot base our decision on an interpretation of our meeting discussion. I would like the final document to view before I am asked to approve.

Bisco: the normal practice is to update and then send it out.

Porter: I am sorry, but we should be voting on the final document.

Burkhardt: as long as we are clear on changes , I don' t have a problem approving it. But, we can go either way. If you want to wait until every thing is spelled out, you can go that way to.

Bisco: past precedent usually goes not changes; approve make final document. It is a valid point.

Porter; That is why I had the option of voting. I can't vote for a document that I can't see.

Bisco; ok so for the future we should discuss, it has been approved.

Stanley: Anyone is welcome for tours

Bridgewater farms

No new information

T-Mobile

Bisco: applicant was going to be here. I didn't see them.

Man in the back : what is the Birchler Arryo letter?

The study that was done with the maps from the outside expert did take terrain into account.

Bisco: Yes I see that

Man in the back the public hearing was held and the Able Road tower, etc.. It seems that at this point we have evidence that collocation is viable.

Bisco we need to ask the applicant why they feel collocation is not viable.

Woman in the back; what is the waiting time frame. How long has the study been done. The independent study is only a week or two old. Are you going to wait one or two months.

PC members: They can't do anything until we take action. So unless they prove some structural reason why they can't collocate denial would be recommended. Able Road tower may be in litigation.

Public comment: Towers can be optimized. Andy the owner of Able Road tower, is an expert. It would be advantageous to get T-mobile and Andy talking.

Motion by Burkhardt: to lay over T-Mobile till next meeting, seconded by Iwanicki. Passed unanimously.

Slescog

No members attended meeting. No updates

Wireless Washtenaw:

No budget update. J. Mull suggests concentrating on master plan first. Question to board? Provision for secondary items to budget or just one item at a time. Site plans will have to be submitted. Agreement states that they have to follow all zoning. An overhaul to Ord. 26 is not needed, just amendments to get Wireless Washtenaw out here faster. The need for a firm document is noted as necessary. Just because money is budgeted doesn't mean that we have to use it. If you can identify items that will come up in Ord. 26, we will include that in the budget.

The budget is compiled and submitted by Burkhardt and Bisco. Members will be updated.

Bylaws and procedures:

Motion to lay over discussion on bylaws and procedures by Burkhardt to next meeting. Seconded by Iwanicki. Motion carried unanimously.

Election of officers:

Chairman

Motion by Burkhardt to nominate Bisco as chairman. Supported by Faust. Carried unanimously. Bisco abstains.

Bisco; I need help. These projects are huge.

Vice chair:

Motion by Bisco supported by Faust to nominate Burkhardt as vice chair. Burkhardt abstains, motion carried.

Secretary

Motion by Porter, supported by Burkhardt to nominate Deb Corwin as Secretary. Corwin abstains, motion carried.

Discussion on minutes. Recordings may be great. Attorney advice might be great. Capsulated minutes are ok, but sometimes we need to rethink.

Porter; So Pam will not be taking minutes anymore?

Biscoe; No

Other business:

Including added ones to packet.

Public comments:

Motion to adjourn 12:26 by Burkhardt, seconded by Faust. unanimously approved.