

January 8th, 2007
Bridgewater Twp Planning Commission
Minutes of Regular Meeting and Public Hearing
Call to order: 7:30

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

Also present: Jolea Mull, Greg Hodges, Chip Tokar, Aaron Enzer, Cindy Carver, Cynthia Burkhardt, Pamela Herzog

Draft Permit Crego/Peltcs passed out by Bisco.

Review the Agenda:

Porter: Proposes need for job description for leadership positions on board. Would like discussion prior to elections.

Motion to procure job descriptions before election moved by Burkhardt, seconded by Porter. Passed unanimously.

Review of minutes: pg. 1 beginning of last sentence should be Burmeister: pg 3 spelling of Chip Tokar. Pg. 6 last sentence under Master plan: should be “we need to assess risk of current plan.”

Motion to approve corrected minutes moved by Burkhardt, seconded by Faust. Carried unanimously.

Public Comments:

Mull welcomes Deb Corwin. David Wood’s service is noted by PC and Twp. Supervisor.

Iwanicki: Revisits zoning activity reports and the method of obtaining them. Some items are omitted. I wanted to do this during the meeting. Some concerns about how money is being spent and what we get for our money could be improved upon.

Mull: Can the PC come up with some ideas or recommendations on improvement?

Iwanicki: That’s why I brought these. Especially site plan review. Ordinance and backing were generally sited by Jonathan more than are now. These are not as complete as they were before.

Mull: thank-you. This is helpful.

Crego/Peltcs-SMR Updates:

Bob Hayes report is not back yet. Information concerning what issues are holding the report up. It may be a matter of administrative issues. The report is expected January 29.

Letter back from Birchler Arroyo. Recommending approval. Their only concern is a berm. Is there sufficient space for a natural and screening berm? I would look to the zoning administrator to make that assessment.

Chip Tokar: The draft of the approval will need some time to review. I hope B. Hayes is in the loop and informed.

Bisco: Yes, we are waiting on everyone before we proceed.

Tokar: The newly appointed MLB has the application and will review the application. I plan on sending an intro letter. On page three of this draft, middle, the fourth sentence:”loss of wetland.....” is an old and outstanding issue not a current one.

Bisco: That should have been pulled out. This needs updated and revised.

Tokar: There has been some speculation that surface water has been diverted. This needs to be separated from this because we had been working on this previously. Advisors recognize the need to address this. Culverts in drives north of Willow may have had an impact as well. We don't know their exact impact. Evaluating speculation vs. actual data needs addressed. Culverts replaced 1999. Wetlands had been evaluated.

County replaced, but did they replace it as it had been? These things were out of our control. I just wanted to point this out.

I plan on reviewing the initial draft of conditions, we don't really have issues with it. We have permitting on it from the DEQ that authorizes adjustment of lake level control structures. It is in the ML Permit package.

Bisco: On the Crego/Peltcs app :Please review the Permit draft. It is not complete. Some of the conclusions are old. Anything that needs updated please note and we will adjust.

Porter: After review, and after we send comments what is next:

Bisco: I will revise and draft for next month's meeting. I hope to have B. Hayes report back. I hope to have one we can make a motion on by next meeting. B. Hayes report is last piece of info needed. Everyone else has submitted their information.

Porter: The one comment the Birchler Arroyo made is the berm. Should we address this in the permit drafts?

Bisco: Yes on pg. 4 this is addressed.

Porter: Yes I read that and I feel we are handing the berm issue to the zoning administrator rather than making it a condition.

Bisco: Yes the zoning administrator would decide through recommendation after review of ordinance, if natural screening is insufficient, than berm would be required for example. What do others think on past precedence?

Iwanicki: Yes

Bisco: Zoning administrator's job description states that this is a function of the job.

Bisco: I'll talk to Carl, and will find out if he has issues about the berm.

Iwanicki: I guess we need to find out if his "adequate" matches our "adequate"

Bisco: is it appropriate for the zoning adm. to be at our meeting? So that we can ask questions?

Mull: I will find out if zoning adm. is supposed to be at PC meetings

Iwanicki: It was never mandatory. However the reports were much more detailed.

Bisco: we are just getting a list rather than recommendations.

Faust: So far Carl has just stated facts.

Iwanicki: I know that references to work don't have to be included in the report.

Mull: If no violation is found Carl simply states that ..."No violation."

Iwanicki: Siding and roof need permit? Well Dale said that they would waive any fees.

Carver: well a waiver of fees, yes.

Mull: Can I ask when/where the roof was done?

Iwanicki: 13110 Michigan Ave. October, three weeks later, siding done.

Faust: We never got anything like Jonathan gave us.

General discussion of reports compared to historical.

Bisco: I have turned over the T-Mobile plans for a site plan review. Carl will go look at the sites and give an assessment. Did we answer your question on the berm, John?

Porter: I guess I still question whether our screening guidelines are adequate for this project.

Tokar: I paid particular attention to those areas where there is no natural screening. I made sure that the bore areas are covered with berm eight feet high. The Hebbs home and an access road to Hogan. Berms will be there and also the SE corner. After completion there

will be berm everywhere even where there is natural screening. After the first phase, the PC can review the berms and make adjustment.

Porter: Would that be handed off to MLB?

Faust: Yes

Tokar: That would be reviewed annually

Bisco: We need to start somewhere and the current ordinance is where.

Iwanicki: the MLB could be advised as to our wishes.

Porter: than we should put all the language in now.

Bisco: We have to have legal standing to pass this on to the MLB. I am open to any language suggestions to provide this.

Iwanicki: Perhaps we could refer to the Baker berms and screening.

Tokar: When the Mineral License was reviewed and revised, that section was beefed up significantly. The current proposal should be more than adequate. We have the soil, why not berm?

Porter: Our recommendation is based on a condition of natural screening. We are handing this off to the zoning adm. We have no control of the outcome. We need to maintain final approval. We don't want to be sued and not have recourse. The conditions of the ordinance should be listed as conditions in the permit.

Faust: I agree. ML and zoning adm. duties should be separated. Is the condition for SLU overstepping the condition of the ML?

Porter: The PC is asked to approve, and the condition should be met.

Faust: ML should enforce.

Porter: In the draft Carl is not in it.

Faust: If Carl thinks it's OK and MLB doesn't, what then?

Bisco: ML does site operations only.

Faust: well, what if we say ok, and ML says no. Shouldn't one entity do it from start to finish?

Faust: Well it is all part of Ord. 59. They both have site plan components in them.

Bisco: We can't approve something that has site plan components in it.

Porter: Our recommendation could be that the ML could monitor the berm and natural screening is adequate to meet the needs of the mineral extraction ordinance. Then the responsibility would be MLB's to maintain.

Faust: We need to leave Carl out of it so that we can maintain consistency.

Bisco: Who than will access the compliancy of site plan condition?

Porter: The normal process would be for Carl to approve it.

Bisco: Then we need Carl to approve the application and then to monitor the ongoing compliance throughout construction.

Tokar: On the Baker project the zoning inspector came out with a zoning compliance check list. Once completed, the annual review consultant listed it as compliant or not. The condition must be met before the mining can be started. Zoning compliance comes when conditions have been met.

Porter: A review happened first?.

Tokar: Yes. All conditions will be met before mining begins Yes

Porter: We're on the right track. We'll tune the language

Motion to lay over Crego/Peltcs till B. Hayes report is reviewed next month and final draft of conditions and findings is completed moved by Iwanicki, seconded by Klager. Burkhart abstains, Faust abstains. Motion carried.

Bridgewater Farms:

Bisco: No new info on Bridgewater Farms. Motion to lay over until new information is obtained moved by Faust: seconded by Porter. Carried unanimously.

T-Mobile:

Reports not back from UIS. Marcus said that UIS is working on RF reports. Able road and Case tower and are not appropriate, they will tell us why.

Motion by Burkhart and support by Iwanicki to lay over till more information is obtained. Carried unanimously.

Hodges (?): New plans for a site are they appropriate?: we don't know yet because of co-location.

Enzer SLU

Bisco recuses himself.

Burkhart: in the packet is information describing activities at the site. Does this address all the questions everyone had?

Iwanicki: I don't know what kind of questions you forwarded.

Burkhart: In my opinion we are dealing with a situation where we are uncertain who has what authority. Building code requirements and state law have jurisdiction, etc. are we taking the cart before the horse? Fire dept and ATF also have jurisdiction. We can't issue special land use without their input. We need to examine all that evidence as well

Faust: We need to see the approval from ATF. We need to know how many lbs of explosive are in a sea container...etc.

Enzer: about 10,000lbs.

Faust: How long will it be there?

Enzer: It depends on if it is spoken for or not.

Faust: Will it be unloaded immediately or not?

Enzer: Yes it will be unloaded immediately. The explosive will be loaded into the magazine and the delivery truck will leave immediately the truck is there about two hours for delivery.

Faust: As far as the building codes, who control that?

Burkhart: MI law requires the local building officer to insure operation. The fire marshall insures building meets conditions for explosive class. This group, i.e. the PC, is not qualified. The Western Washtenaw building authority, ATF, etc. would be knowledgeable on setbacks etc. they need to approve in writing before we could issue a SLU. We have an existing facility, as I understand the MI building code, the building officer needs to issue a permit. Supplemented by a review by the ATF. I know that you said they would not issue anything in writing.

Enzer: yes they would only issue my license. They come out and make sure that everything meets construction requirements. Their own regs are met. I am sure they would acknowledge that they visited the site. They would put violations in writing. A license means you have met the requirements of licensure. I have a federal license specific to this address.

Burkhart: you mean this is location specific. The location is noted and has recent date? Resubmit the license please.

Have you also submitted renewal for insurance?

Enzer: It should have been in the package, If not I will.

Burkhart: Enzer needs an operating license from Western Washtenaw

Enzer: Building Authority can't approve before Twp.

Burkhart: Why don't we all prepare and meet on the same date.

Enzer: why don't you say we can't go forward until fire chief or building authority or name the conditions.

Iwanicki: I think everyone might be a little apprehensive, beyond our scope of knowledge. We don't want to say no, we just want to cover our bases. We don't want damage to occur and be asked why we let this happen.

Enzer: I worked with Scully (fire chief) before and he did not see any reason for problems but didn't really want to bless it either. I invited him to come out for training, I have worked with many in training. He didn't seem too thrilled at the idea. He didn't take advantage of the offer. May be he is concerned with giving his stamp of approval may be he didn't want to take responsibility.

Burkhart: have there ever been pictures taken of an explosion relative to the amount of explosives you are talking about storing.

Enzer: I have concerns that a negative picture would fuel peoples concerns even further. The possibility of an explosion is very remote.

Burkhart: we have to consider the potential impact on neighboring properties

Enzer: Makers of Explosives have a standard. The intent is make sure that sensitive areas are at a distance of storage of explosives to minimize impact and make insignificant the consequence of explosion. The table of distance is a standard. Scientifically arrived upon. The number one goal is public safety. A reasonable level of safety is arrived at. This is a quantitative way of measuring safety.

Burkhart. It's also prescribed in MI building Code. Most regulatory agencies address specifics at least somewhat.

Enzer: have you reviewed the portion of Mi building code related to this? This is the first entity that has referred to the MI building Code?

Burkhart: just like any building code, the MI building code does define use of explosives. 1.3G. and minimum magazine requirements and isolation distances, 2003 MI building code also references the international fire code. ATF storage guidelines, etc. all these are

different. Whichever one is most restrictive, in my opinion, should be the one you have to comply with.

Others should comment, we can grant a special land use with conditions. Or we can deny it. We have to act. We are at that point.

Porter: we can then begin defining conditions. We would ask for a public hearing:

Faust: Yes that could raise other conditions.

Faust: I have a question: did the issue of our liability come up now that we need to know. Can we be named as additionally insured?

Enzer: Yes, you can be named.

Faust: I just feel that we need to be covered.

Enzer I think that this is an example certificate that we just got.

Faust: should we go to Fred Lucas?

Carver: Wasn't an agreement made.

Faust: no an agreement wasn't made

Faust: We need to ask Lucas whether a certificate of insurance with our name on it is needed.

Burkhart: What should we do here. Are there any reasons for complete denial: I propose moving ahead with public hearing and draft SLU with conditions at earliest possible date.

Porter: Does draft have to be done before public hearing. The SLU would be based on application and use

Motion to lay over: and schedule public hearing for Feb. PC Mtg. and prepare initial draft with special conditions moved by Porter and supported by Iwanicki. Passed.

Iwanicki: could we have a better drawing with distances to other residence

Porter: is this based on plan a or plan b

Porter: the biggest concern is the manufacture of the explosives. I have a concern when taking raw components and manufacturing. This is where the building regulations would come into play. This 2% of your business.

Bisco returns.

Enzer if you have specific concerns I would like to address them for you. Bisco produces copy of insurance certificate.

Burkhart to Bisco: we need to make public hearing and historically the administrate asst. handled this. Agreed that this would be handled by all.

LIAA-SWWCOG update:

Bisco: Ideas to balance high density housing, a sewer district is generally assessed a fee. The issue that arises is a two hundred foot lot does not make the cut. Service supplied should be the high density lots. A farm might use 30cents on a dollar and home residential 1.40 on a dollar.

The whole idea of the LIAA grant is to get SW Washtenaw members to have the same definitions. So all r1 would all be the same. Some would be combined because they are so close. A zoning administrator might then be shared or other benefits through consistency.

Agricultural definitions might be kept, however they might not be on the map Frankenmouth was discussed and the village around it. Coexistence between Frankenmuth and surrounding farming. The trend is family farming. And all wish to keep the trend.

I have the minutes here.

Wireless Washtenaw:

Further comments anyone?

Burkhart: I don't know how we can comment without additional information. There is no sense doing anything if the pilot doesn't work.

Bisco: The ordinance bares some review. We might all just want to look at this . the wireless master plan and the ordinance seem to be a little out of sink the are targeted to colocation and preference to farms. The ordinance doesn't appear to have a way to do this. Do we even have budget to work on the ordinance update. Do we have funds and is it an appropriate project.

Burkhart: on the board level. The twp board needs to decide if we can afford to spend the money. I think we have it, There is probably \$12,000 surplus. Is this the direction the twp board wants to go.

Bisco: My guess would be a minimum of a meeting, and then the cost of rewriting the ordinance. Copies can probably be found. Fred offered to look for some so we can save some on legal fees. It would still have to be reviewed.

Burkhart: We could spend a couple thousand dollars. We should ask for direction from the representative board member. If the answer is no we will work with what we have.

Bisco: a public hearing would be involved because of ordinance change.

Master Plan Update:

Discussion: do we want to crack master plan and do administrative updates? Shelley sent me this copy Shelly indicated the escrow accounts are all in the right direction. However this copy indicates that they are not. I need to confirm this. One thing I noted is that total expenses coded to master plan were 300 dollars. I would have thought we spent more than that.

Burkhart: Only the publishing and at least one other meeting

Cindy: This is done by fiscal year. Second quarter salary is reflected. What you are actually looking at is the first quarter of 06.

Bisco: Is there a current carry forward balance?

Cindy: she can run December report.

Bisco: Some escrows...T-mobile sent in a check for 6850, only a 1000 is shown here.. Is the balance a fee? Date received 6-31-06. Escrow date is 6-6-06

Cindy: I only receipt the checks. I don't take them to the bank

Bisco: Are the negative balances in the escrow accounts correct

Cindy: They should be all up to date. Ledger reversals? Some escrow accounts were combined.

Bisco: I would like to look at some up to date budget sheets
We should also send out notices to sixty entities.
We should budget 1-2k for access risk level of current plan.

Burkhart: Our planner probably needs to be asked. We could spend a couple thousand just on their opinion.

Bisco: Their opinion would certainly find things to be done. We could send this out and access the significance of their recommendations.

Cindy: We want to use the Information from the last fiscal year, surveys etc.

Bisco: Yes they are starting bases and still current
So whatever we spent last year minus the update. I think we made two extra meetings.
And an outside consult to get last 5 years updates effecting planning. Birchler Arroyo is waiting for us to decide whether we are going forward with this before offering proposals back.

Ordinance 26

Should we open this project this year. The board has expressed some interest in this. The public has expressed interest in this. We need to decide priority with direction from board. with zoning there is probably more legal fees associated.

Burkhart: I don't think we had contemplated budget. The level of detail would be great.

Bisco probably 100-160 hrs of work. I had thirty hours into it.
Jolea had mentioned a legal internship. I think this has expired. How much do we want to spend?

Burkhart: we don't want to be cheap. You get what you pay for. We want experienced people. We need a periodicity for major legal refinements of the ordinance.

Bisco. I don't know may be 10 years

Burkhart: OK let's ask Birchler Arroyo how much a periodic update would be.

Porter: we should decide about the zoning ordinance. It is a lot of responsibility to take on both the master plan and the zoning ordinance at once,

Bisco. The master plan is much more current than the zoning ordinance.

Porter: we have met the 5 year commitment. We have identified a need in the master plan let's meet it, this would satisfy another five years. Then we could update the ordinance.

Burkhart: we should accrue the money so we would have it when we needed it. We cant spend 10k all in one year.

Election of officers 13A

Bisco: job descriptions: to a great extent they are cast in concrete in MI law.

Porter: at some point just the secretarial duties, I asked some simple questions on what to do. I was given differing directions from different sources. Since we are having elections tonight, I don't feel that I can jump in unless I know what I am being asked to do.

Burkhart: I have read the act I know what i am expected to do.
Secretary duties are special meetings posting, public meeting notices, minutes, and other significant duties.

Porter: the three new members on this board need to know what the duties are. I am suggesting that as a board we come up with a sample job description that we can have in a note book to refer to that describes all the duties. We are in a period of transition we need to get up to speed quickly. we almost have a quorum in new people. I just want to know.

Bisco: do you want to do the secretary duties?

Porter: you can also delegate duties.

Bisco: It is all in Township Planning Act of 1959.

Cindy: we had some reference sheets back when Heidi was here.

Faust: admin. asst. duties were described,

Burkhart: yes I agree with John the appointee needs to know what they are agreeing to do or what they will be expected to do. Some direction back from twp board should be given It wouldn't be worth 50 bucks a meeting. Sometimes we had 3 or 4 public hearings. There is a lot of work.

Porter: I just wanted to bring this item to the table. I am going to withdrawal my name from the hat until I know the time commitment involved. We have lost the luxury of an admin asst.

Burkhart: I agree, I would even go so far to hold off the election of officers until we know the duties prescribed.

Porter if we all know the duties and responsibilities we can make the assumption that the duties wold be carried out. A guideline would be great.

Bisco: The planning act as well as the zoning act will need to be consulted. The zoning act defines the execution of the planning act duties.

Burkhart: The planning act is really all that is needed

Porter we have a public hearing scheduled for next month.

Burkhart: we should be able to handle it.

Cindy: it is not a big deal.

Enzer: I can give you a recipient list based on public notice guidelines.

Cindy: Mary Rider can give yo a list. She is helpful.

Motion to lay over election until next month after job descriptions have become available to all: moved by Burkhardt, seconded by Faust. All in favor, none opposed. Motion carried.

Appointment to SWWAGG.

We should really have a representative and an alternate representative to SWWCOG in case someone can't go.

Faust: Does the PC need someone as well as the Twp.?

Bisco: Yes one from each.

Manchester village, Twp, Bridgewater, Sharon Twp. Freedom Twp.. The goal is to improve communication and cooperation. They have their own master plan that incorporates the smaller communities. The LIAA grant is meant to provide consistency between the community entities. Resources could be better shared.

Porter: did someone just copy our mineral extraction ordinance.

Bisco: Yes Freedom Twp.

Burkhart: Discussion on Freedom Twp revision of mineral extraction ordinance. They don't want mining to cause the creation of a lake. Called "no blow" mining. SWWCOG rotates their meeting place. SWWCOG also has a website with location of meetings and Twp halls..

Mull: Both Twp and PC representative are both participants.

Bisco: It is beneficial and open. A refreshing group with the community's best interest at heart. Anyone interested.

Burkhart: I will volunteer.

Bisco: Do you want to be the representative or the alternate representative

Proter: Can we rotate?

Bisco: Excellent idea however I would think there would be some continuity issues.

Cindy: there is 30 dollar stipend.

Bisco and board agree that Twps work with what they have. Wages are not a primary benefit of any township board.

Bisco: ok, who will be our voting representative? I don't go officially.

Burkhart: I will go most times. I can't go every time.

Mull: They are a political body that speaks collectively to county commissioners.

Motion to appoint Burkhart as representative to SWWCOG with Bisco as alternative with possibility of alternating moved by Porter, seconded by Faust. Motion carried unanimously.

PC Meeting Schedule

Once yearly posted meetings required outside door. Traditionally second Monday of month at 7:30. do we need changes?

Motion to continue PC meetings on second Monday of month at 7:30, by Bisco, seconded by Burkhart. Passed unanimously.

Other business:

Birchler Arroyo general “services offered” letter received for files.

Other public comments:

Cindy: When we talked about LIAA review, the SWWAGG felt it would lead right into zoning ordinance

I have keys for you as well. The key also brings up the fact that the new packets will be here in the Twp hall in ten business days, in your new mail boxes.

Motion made to close meeting moved by Faust, seconded by Iwanicki. Motion carried unanimously.