

Bridgewater Township

**Planning Commission
Minutes of Regular Meeting – August 8, 2005
Location: Bridgewater Township Hall, 10990 Clinton Road, Clinton Michigan**

1. Chair Fish called the meeting to order at 7:30 P.M.
2. Roll Call Present: Glenn Burkhardt, Glen Finkbeiner, Dave Faust, Jim Fish, Amy Riley, Jim Tice and Dave Woods
Absent: Mike Bisco and Mark Iwanicki
3. Review Agenda
Chair stated he had items to add: Under Bridgewater Commons, a discussion of the Subdivision Advisory Committee meeting and under Bridgewater Farms a discussion of the private road.
Agenda accepted as amended.
4. The minutes of July 11, 2005 were approved as printed.
5. Public Comments
Carlos Acevedo asked how he could review the material provided to Planning Commission members prior to the meeting. Chair stated that he could call to make an appointment with the Administrative Assistant. He was provided with the telephone number. Stated that material is available three or so days prior to the meeting.
6. Bridgewater Commons
Chair said he had distributed a set of materials from the Subdivision Advisory Committee held July 14, 2005 reviewing Bridgewater Commons. Input received from Drain Commission, Road Commission, Soil Conservation, Environmental Health, Planning Commission (Washtenaw County). He attended the meeting. Material from the meeting is attached to the record. Health Department indicated several conditions regarding wells and a hydro geological study. Indicated wells are not allowed in a general commons area. Woods: Concern that no well tests have yet been done. Chair: They have a permit to do one. Burkhardt: For new development, county standards state you have to demonstrate you have the necessary quality and quantity of water. Usually done after the conceptual layout approval. Mr. Disani indicates that none of the wells can be located in the general common element. If true, may be a significant problem. Except for the buildings, everything in Bridgewater Commons is a general common element, haven't heard of this requirement.
Discussion of what a general common element is. See the draft master deed for the definition of general common element in Bridgewater Commons. Burkhardt: This may be misstated by Environmental Health. Woods: Also noted those plan calls for four units per each well and Health Department wants one well per two units. Chair: Summarizes the applicant must follow up with the Health Department regarding the wells. Applicant has the comments and should share their response.
Chair said that many oral responses were made at the meeting by Jack Schneider, consulting engineer's consultant.
Chair reported that Scott Miller from the Drain Commission had indicated that the Drain Commission was not involved in the project, but that John Everett, also at the Drain Commission, had stated the previous year that the project would be reviewed by the Drain Commission. Everett sent a letter dated July 28, 2005, to Gary Niethammer stating the project would be under the review of the Washtenaw County Drain Commission and did not meet standards. (Letter attached to the record).
County Planning noted that active open space was not indicated and is required.
Discussion of the September 11, 2004, decision of the Bridgewater Township Zoning Board of Appeals regarding the request for a variance from the setback requirements for a pond. Glen

Finkbeiner, Chair of the ZBA, indicated he thought the proposed pond for Bridgewater Commons was larger than permitted by the conditions of the variance. Dave Woods stated he thought the proposed pond was double the size. Discussion of obtaining easements from adjoining property owners, role of the Drain Commission because the pond will serve as a retention area. Question regarding if setbacks for retention area is different than for ponds. Woods: Concern about calculations for the additional runoff that will be generated. Question regarding labeling the proposed pond as an "existing pond," applicant to be told. Chair: Affirms that configuration of the proposed pond differs significantly from the pond for which the ZBA granted a variance. No one knew if the pond configuration had been changed since the variance was granted. Burkhardt: Then they have to comply with section 1228 for ponds. Woods: Yes, and with the conditions of the variance.

Woods: Several questions regarding the drainage - storm water system runoff planned to go to a sediment basin then to the pond via what's called an "existing 18" storm sewer, installed last year. Was there a permit for it? It was put in after the ZBA decision regarding the pond, hooks into the culvert running across the road into the drain system. There doesn't seem to be anything controlling the outlet for the pond. Burkhardt: Not enough detail to determine if the system can handle the runoff, etc. Woods: Comments this has to be sorted out. Need to correctly label the pond as proposed on site plans, not as "existing."

Master Deed and By-Laws.

Comments from Twp. Counsel Fred Lucas, identifying several issues in the Master Deed and Bylaws. Comments attached to the record. Needs language facilitating township to step in if there is a failure to maintain the common elements. OHM, Township Consulting Engineering firm, is now drafting an amendment to the private road ordinance that will deal with road maintenance and the ability of the township to step in if the road is not maintained. Will provide more detail. There was a question regarding the rights of mortgagees, event of foreclosures. Need to establish that the assessments go with the property so that when a property is assumed, the assessments go with it, not with the previous owner. Concern about access easements, granting of easements to the township. Requests language regarding what can be put into the sewers be clarified.

OHM comments regarding the Master Deed and By-Laws and conceptual site plan, attached to record. Birchler Arroyo did not comment on the Master Deed and the By-Laws.

Chair stated that all comments would be forwarded to the applicant.

Burkhardt: Concern that applicant either is not getting the information and addressing it or is getting different inputs at different times and they do not know the expectations. Also observes conflicts in what is being said, cites the Drain Commission saying one thing and then later another. Asks how this can be moved along. Chair: Agrees. The SAC meeting was all input and our consultants have provided a lot of input also. Have to assume we should expect resolution on several points by the September meeting. Burkhardt: The applicants needs to review the material and respond clearly as to how they are going to move forward. Chair: There are three things. Need to communicate that we expect responses and resolution to the SAC issues. Expect resolutions to the concerns that have been brought forward to by the Township's consultants. Need to have the pond issues sorted out. The applicant applied for a variance to the Township ZBA and received a specific variance they now appear to be violating. Woods: The applicant has demanded approvals, and we've given them in concept, trying to clear the way. Some preceded drawings that we should have had. The applicant needs to look at the input, look at the ordinance and respond in an orderly way. Finkbeiner: Agrees, the pond issue has to be resolved. Woods: The process is taking too long because the applicant has approached this piecemeal. We're having to coordinate the process when that it the applicant's job, to present the application in a comprehensive way. Finkbeiner: Notes the process is applicant driven. If the applicant wants to move a project quickly, they need to be complete and comprehensive. It's up to the applicant. Woods: A lot rides on the applicant's choice of their consultant, the level of professionalism and competence.

OHM comments regarding the conceptual plan review, need to identify the active open space, parking, landscaping, sidewalks, building elevation drawings, need to identify some safety

concerns. Parking spaces should not be perpendicular and should be located away from Boettner Road due to the turn. Woods: Already spent a lot of time on this. OHM recommends parallel parking on one side of the street only. There is still nothing from the Washtenaw County Road Commission regarding the intersections. No comments from the fire marshal.

OHM recommends the proposed variance for the radius be a maximum of 100 feet rather than 79 feet. Chair noted that the applicant has applied to the Board for a variance, but none can be approved until the Planning Commission recommends. Discussion of the variance needed. Faust: Simply flattens out the turn. Discussion of large vehicles making the turn safely. Discussion of the radius measurements indicated on the site plan, not clear. Should have road detail.

Motion: Woods, second by Finkbeiner: As recommended by OHM, the Township consulting engineering firm, the Planning Commission recommends the Township Board grant a maximum horizontal (inside) radius variance of 130 feet, leaving a required horizontal radius of 100 feet or more. Motion passed unanimously.

7. Bridgewater Farms

Received comments from the Attorney regarding the Master Deed and By-Laws, attached to the record.

Received comments from OHM, the Township's engineering consultant. Note that OHM is reworking the Township's Private Road Ordinance to address several general concerns. Master Deed: Attorney raised a concern about allocation of expenses when lots are combined. Expenses would be allocated by the number of lots, so people who acquired two lots would pay the same as those who had one. Concern extends to assessments in the event of Township involvement.

Lucas also raised concern about the rights of mortgagees and the event of foreclosure similar to that raised regarding Bridgewater Commons. Applicant will be asked to address.

By-Laws: Lucas suggested the draft By-Laws Section 6 be checked against the Township Zoning Ordinance to resolve any conflicts. Agreement that the Zoning Administrator will be asked to look at the August 3, 2005 comments from the Attorney and comment.

Comments from Birchler Arroyo received August 8, 2005.

Chair asked if the Applicant had received comments from the Washtenaw County Road Commission. Derek Niethammer said that a response has been received and that he will share it with the Planning Commission later, that it has been provided to the Applicants' engineering consultant. Derek Niethammer stated they would submit an entire revised application. Chair stated that a series of comments had been received from Birchler Arroyo regarding natural features. Question re connection of the larger wetland to the smaller and the status of lot #6. Derek Niethammer said they had eliminated lot six, preferred to simply submit an entire revised application. Not sure of the timing of the new submission. Stressed that they wanted to bring everything together instead of constantly changing the details.

Motion: Burkhardt, second by Woods. Move that all comments be provided to the applicants and await a revised approach. The motion was adopted unanimously.

8. Sewer Allocation

Chair asked Burkhardt to address the allocation. Burkhardt: Any vacant property in the sewer district can be granted initially up to half a residential per acre. Bridgewater Farms can be allocated up to 12 units and Bridgewater Commons up to 11 units.

Bridgewater Farms. Currently has three units and can be granted up to 12 additional under the policy adopted by the Township Board. Chair suggests the members consider recommending an allocation of nine additional units, for a total of 12 units.

Motion: Burkhardt, second by Faust: The Planning Commission recommends to the Township Board the allocation to Bridgewater Farms of nine additional sewer units, conditioned on final site plan approval. Motion passed unanimously.

Bridgewater Commons:

Burkhardt: According to the allocation policy, they can have a half unit per acre plus the already assessed units. In this case, they have two assessed units and can have up to nine additional residential units for a total of 11 residential units of capacity, for an initial allocation. Chair: The proposal is for 30 units, to be phased and future requests will be considered under the allocation formula. The following discussion clarified that each building is two dwelling units. Faust: Ron Finkbeiner is assuming that each building is one unit, which is how he is figuring the project. Burkhardt: this was discussed during the development of the allocation policy and it was clear – each dwelling unit is one residential unit, so even though you have the grinder pumps shared, each duplex building is still two residential units for the purposes of the sewer.

Motion: Burkhardt, second by Faust: The Planning Commission recommends to the Township Board the allocation to Bridgewater Commons of nine additional sewer units, conditioned on final site plan approval. Motion passed unanimously.

Tice: Asks for clarification that adequate capacity will be available. Burkhardt: States the policy was developed to assure initial capacity is assured until there can be a document flow study that will be the basis for additional capacity.

9. Master Plan

Chair introduced Gretchen Barr.

Barr presented an analysis of the trends extracted from the surveys done for the 2001 and 1992 Master Plans. Presentation is attached to the record.

Barr asked that members consider what issues, areas of questions, should be expanded upon for the next survey.

Observations from the data show:

- Slight shift from Clinton Schools towards Manchester schools.
- Zip codes reflects the same.
- 2001 survey had more female responses, more respondents were 41 years or older.
- Generally, people owned property before they became residents.
- Increasing trend of people living here because they like the rural, natural environment.
- Affordable housing is a declining concern.
- 91 - 2001 shift in where people do business. Shift from Ann Arbor and Saline towards Tecumseh and Adrian.
- From 1991 to 2001, number of people who farm decreased 20%
- Support/interest for commercial and industrial land use has lessened from 1991 to 2001. There is some support for expansion in commercial, but a decline in support for industrial.
- Most are opposed to new shopping areas.
- 1991 - 2001 trend increase against residential development.
- 52% in 2001 prefer cluster development in exchange for preservation of open space.
- 1991-2001 increased trend towards preservation of natural features, resources, across the board
- Continued lack of support in using tax funds for purchase of development rights

Discussion of how to get more information regarding support for various initiatives. See what voters will support in terms of ways to preserve open space. Concern about leading the answers, how to elicit careful consideration of the questions, amount of education needed. Discussion of the amount of building we can continue to do from the high participation rate in the 2001 survey. Need to relate the questions to specific policy directions.

B. Existing Land Use Updates

Burkhardt commented that he was surprised at some of the development that had taken place, lack of planning, referring to the Braun Road area that was simply split without any investment. Demonstrates the need to get input regarding where people want development and what it should be. Highlights the need for planning.

Discussion of how you can address the financial inequities involved if you try to restrict development in some areas.

Discussion that people are moving despite the high costs, despite the fact they
C. Special meeting schedule

10. Intent to Plan

Communication received from Freedom Township regarding their beginning of a master plan process (attached to record).

11. Zoning Administrator Report - Attached to the record

Chair noted the Zoning Administrator is getting many inquiries about land divisions and development.

12. Member Reports - None

13. Zoning Board of Appeals - Glen Finkbeiner reported there were no applications

14. Other Business

Chair distributed a flyer for a workshop on land use legislation on August 30.

15. Public Comments

Carol Peacock asked that the Planning Commission make an effort to include farmers early in the Master Plan process.

Motion to adjourn: Finkbeiner, second by Burkhardt: Meeting adjourned at 10:25 PM