

SAUGATUCK TOWNSHIP PLANNING COMMISSION

August 27, 2007

The Saugatuck Township Planning Commission met on August 27, 2007, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Jarzembowski, Milauckas, Rausch and Van Oss

Absent: Edris

Also present: Planner Sisson, Doug Hesse, Dan Schaafsma and John Balmer for Chestnut Lane Site Condo, and various members of the general public.

Chairman Hanson called the meeting to order at 7:12 P.M. Minutes for the special joint meeting with the Township Board of July 18 were approved (Milauckas/Rausch). Rausch made a motion to approve the minutes of the regular meeting July 23, Jarzembowski seconded and the motion carried.

Public Comment: Dayle Harrison, 3108 62nd St., reported the Saugatuck LLC has filed a tax appeal on the large parcels it has recently acquired, and he asked the Planning Commission to defer rescheduling a public hearing on the R-4 rezoning of those parcels until it has had further advice from counsel. Milauckas answered that the Planning Commission has consulted an attorney, and the reason for considering resetting the public hearing for R-4 rezoning was to cure the possible notice defect.

Correspondence: From Janik, Fire Inspector, reporting that the driveways at River's Edge have been reconfigured, notice of a seminar on Natural Connections Oct. 18 in Hudsonville, notice of conference at Grand Traverse Oct. 17-19, a book titled "Protecting Michigan's Wetlands," and Saugatuck Harbor Plan is available.

Hanson opened conversation on the SAU for home occupation application for a ceramic studio by Doug Hesse on Old Allegan Road, explaining that the public hearing will be held at the September meeting because several neighbors did not receive notice in time. Hesse stated that his wife intends to move her ceramic studio from Holland to a pole barn which he will build on their property. It will also provide storage for the farm. She has six to twelve students per week from 5:00 to 9:00 in the evening. The building will be heated by gas, forced air, and the two electric kilns will be situated in the storage half of the building. Rausch asked about the site plan which shows buildings crossed off. Hesse said he has built a new home to replace the one already there and two sheds will come down when this new pole barn is built. He explained that two driveways remain and parking will be 40X60 crushed concrete right off the road behind the tree line. There were questions about the scale of the drawings and property lines. Milauckas asked Hesse to stake where the pole barn will be.

Hanson opened the meeting to public comment, and Linda Charvat, 6394 Old Allegan Rd., presented a letter in opposition dated August 27, photos of smoke from the wood burner and a notice on their inefficiency, and asked how the ceramic studio would be

heated. Hesse: Gas. Hanson read Charvat's letter as well as one from neighbor Anita Nielsen dated August 20, who said she was not opposed to the ceramic studio, unless it would be heated by the wood burner. Letters dated August 20 from Chris Ballard and Scott Feinstein also complained about the wood burner, the lack of communication with the applicant, and were in opposition to the possible commercialization of the area.

Upon questioning Hesse stated that any waste from the ceramic studio would be on paper towels, which would not be burned but would go in the garbage. Discussion of possible nuisance of smoke from wood burner is not the business of the Planning Commission, Hanson pointed out, especially since various officials have examined the issue and not identified it as a nuisance. Jarzembowski said there is evidently still a problem, the township does not have an ordinance against it, but asked Hesse to not use the wood burner in the summer when windows are open.

Hanson reopened the preliminary site plan review of Chestnut Lane Site Condo and Dan Schaafsma, Latitude Engineering, displayed the site plan dated 7/05/07 with more drainage detail and with the pond moved to the east, which the Drain Commissioner approved recently (see letter dated August 24). The pond is a wet detention pond with controlled release and with a hydrant which the Fire Department can use for fire suppression for the neighborhood, their primary concern (see letter dated August 13). The letter from the Allegan County Road Commission dated August 7 stated its 18" culvert should not be negatively impacted by this development. Hanson read all these letters into the record.

Tim Locker, 2659 Lakeshore Rd., said he understood the 12" drainpipe running along his property was put in fifty years ago when the house was built, and he has asked the Road and Drain Commissions to help maintain it, but they said it was not within their jurisdiction. He said the stream running behind some of the Collins Woods houses goes into this 12" pipe, which drains into the 18" culvert. Sisson said this has no bearing on the pond for the Chestnut Lane Site Condo and if the neighborhood ever decides to create a special assessment district for drainage, this development should be part of it.

Hanson read letters from Cynthia Hatfield dated August 10 and 23, whose concerns Hanson answered; one from Deb and John Matthai dated August 27 about their easement rights which Hanson said would not change; petitions by Citizens Against Chestnut Lane Site Condominium Project.

When Hanson opened the meeting to public comment, Deb Matthai, 6936 Hickory Lane, presented a letter suggesting there should be a decision on whether there will be single-family homes or duplexes, wondering why Sisson's suggestion to shift the building sites to the east was not implemented, asking that deeded restrictions apply, and asking that no land changes be allowed until all necessary approvals have been received and that no marketing be allowed until the Master Deed is recorded. Jerome Post, 2675 Chestnut Lane, asked if the items in the letter from the Fire Department amounted to an agreement, and Hanson answered that the Fire Department makes requests when they review a project, but an agreement will be part of the final review. Concerns expressed about the

maintenance of the level of the pond brought an explanation that a 433 agreement involved inspection by the Drain Commission and maintenance by the home owners' association. Other concerns were about wetlands and Sisson said if it is determined that wetlands will be impacted by this development, adjustments will have to be made. Jim Cooper, 6946 Colver, asked if 126th Ave., a dirt road, could be another exit from Collins Woods, and Hanson referred him to the Road Commission. Hanson closed public comment.

Hanson quoted from Bultje's letter of July 30 that if a site condo plan follows Sec. 40-937 and includes all the information regarding dimensions of lots and building areas, it would be evident whether it was for single-family homes or duplexes. He then read from the letter from Balmer of August 27, which disputes this, saying he is creating lots and leaving it up to the purchaser to decide whether he wants a single-family home or duplex.

Hanson read his findings dated August 13 (see attached) in which he reviewed all the Zoning Ordinance sections which applied to this project. He then read Sisson's recommendations, and Sisson added that the condo documents would have to indicate either single-family homes or duplexes in order to determine the owner's rights.

Hanson made a motion, supported by Darpel, and unanimously approved by a roll call vote that after a review of the following ordinances: Secs. 40-938, 20-126(1)-(8), 40-332, 40-190, 40-658, 20-196 through 20-202, 40-939 and others which contain standards for preliminary approval of site condominiums, the Planning Commission grants preliminary approval to the Chestnut Lane Site condo based on the 7/5/07 site plan by Latitude Engineering, with the following recommendations:

(1) The submittal of proposed topography, grading and tree removal plans, which address road construction, drainage, wastewater collection and treatment system, limits of cutting, filling and tree removal, and identifying "no disturb" zones on lot 1 and 2 and any others e.g., easements [ref. 40-191(1)].

(2) Identify which lots, if any, are to support two family dwellings [ref. 40-191(1)]. Plans of proposed residential buildings should be included for the final approval. Such plans would require the selection of single-family residences or duplexes before final approval. This requirement is subject to the approval of the Township Attorney. If he determines that such plans are not required under law, they will not be required for final approval.

(3) Provide draft site condominium documents:

- i) Open space use and maintenance
- ii) For 433 Drainage District
- iii) Private Street
- iv) Wastewater system
- v) Any other use restrictions or covenants. These must be reviewed to ensure that no conflicts with Township standards exist, e.g., minimum floor area, access to buildings, etc.

vi) Agreement to participate in a future regional Special Approval District for drainage over and above the 433 district covering the development

vii) Agreement to participate in a future Special Approval District for public water

viii) Agreement to participate in a future Special Approval District for public sewer, if it becomes available.

ix) Agreement to abandon the private sewer system at owner's expense.

(4) The Commission required a statement on proposed covenants and deed restrictions, which was provided by the applicant. We do not need to see the actual proposed documents as part of preliminary approval. We think it appropriate however to have a draft outline of the proposed uses, covenants and other provisions so that we have an understanding of what sort of limitations, restrictions and safeguards will ultimately be in the condo documents. For instance, we need to know that the proposed deed restrictions discussed on Lot 1 will be included in the final approval package.

(5) An agreement showing how the common areas will be maintained should be included in the submissions for final approval.

(6) Documentation required in 20-126(1)-(8) including affidavit of ownership, proposed street name and documentation from the schools.

(7) The Planning Commission requires that open space areas be preserved in a natural state and be adequately protected as nature preserves or limited access areas if animal or plant habitats of significant value exist on the site. The Commission finds that such habitats exist. Therefore, such plans for protection need to be presented as part of the final approval submission.

(8) Traffic control means on the private road leading into Chestnut Lane should preserve the existing low-speed residential character of that street. Stop sign(s) should be provided and plans for their location should be submitted as part of the final approval documents.

(9) The Planning Commission does not direct that streetlights be provided on the private road.

(10) The Planning Commission requests a review of the location of trees in the area where the private road will be constructed, with a view of any possible changes in design that may preserve significant unique and/or mature vegetation.

(11) No specific waivers of the standards in 20-196 through 20-202 will be made.

(12) The Fire District's recommendations, as contained in Greg Janik's letter of August 7, 2007, must be followed with regard to street construction and fire suppression water capacity.

(13) If pond levels must be refilled to meet the Fire District's requirements, we need to know how this will be done. Who will be responsible for checking if the pond levels are adequate for the Fire District's needs? What will be the frequency of such refills, if any? The applicant should address the concern that the pond will have to be refilled frequently, thus drawing down the supply of well water in the area.

(14) The marketing and sale of these condo units will follow the state Condominium Acts.

(15) All submissions to relevant state and county agencies having review or direct approval authority over any aspect of the proposed project will be made.

(16) The proposed site condominium will be constructed in accordance with all other federal, state, county and township laws.

After a brief recess, the meeting reconvened at 10:15 to discuss the Farm Labor Housing Zoning Text Amendment dated 8/06/07. After some discussion, Jarzembowski made a motion, supported by Darpel, to adopt the Farm Labor Housing Zoning Text Amendment dated 8/06/07, with two changes: (1) Add "on or adjacent to property on which agricultural activities occur" after "five acres of continuous land," in "**Permitted by right,**" and (2) Change "employing" to "who employs" after "Farm operator" in (7) (a). A roll call vote was unanimously affirmative.

The issue of Howard Bouwens' possible lack of compliance with the conditions of his SAU at 365 Maple Street was discussed. Hanson listed items which had not been done, and said that although the SAU was crafted for the former tenant, Van Howe, it does not change the fact that the conditions for the SAU still apply. Therefore, a hearing could be held to rescind his SAU. There was consensus among the Commissioners that occupancy and use permits should not be issued by the township until all conditions are met. Jarzembowski asked Commissioners for examples of non-compliance in writing so he can bring them up at the Township Board meeting.

Jarzembowski made a motion, supported by Rausch, to call a public hearing to review Howard Bouwens' compliance or non-compliance with the conditions of his SAU. The motion carried.

The last discussion concerned whether or not the township should reschedule a public hearing to review the adoption of the R-4 zoning district and the alleged inadequacy of public notice. Hanson thought it should not be rescheduled. Milauckas requested a joint meeting with the Township Board to understand why there was a change in strategy. Jarzembowski asked that the township attorney also attend the joint meeting. Hanson said he would try to set up such a joint meeting, but he expressed extreme frustration.

Hanson announced a September 10 Joint Planning Commission meeting at 7:00 P.M. at the Library Annex.

Meeting adjourned at 11:30 P.M. The next meeting is September 24 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Milauckas/Rausch to approve minutes of joint meeting with Township Board on July 18.
2. Motion by Rausch/ Jarzembowski to approve minutes of July 23.
3. Motion by Hanson/Darpel to approve preliminary site plan approval for Chestnut Lane Site Condo, with many recommendations/
4. Motion by Jarzembowski/Darpel to adopt Farm Labor Housing Zoning Text Amendment of 8/06/07 with two changes.
5. Motion by Jarzembowski/Rausch to call public hearing to review compliance or non-compliance of Howard Bouwens' SAU.