

SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 28, 2008

The Saugatuck Township Planning Commission met on July 28, 2008, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Edris, Hanson, Jarzembowski, Milauckas, Rausch and Rowe

Absent: Darpel

Also present: Planner Sisson, Kirk Van Order, Jack Helder, Josh Young, William Sikkell and various members of the general public.

At 7:00 P.M. Chairman Hanson called the meeting to order. Minutes for the June 23 regular meeting were approved as amended (Rausch/Jarzembowski) as follows: Page 3, next to last paragraph: following "Red Barn," insert "and Darby property," and the last words of that same paragraph should read "Laketown Township Planning Commission." Minutes for the June 23 workshop meeting were approved as amended (Edris/Rowe) by removing Rausch's name from those present.

Hanson and Jarzembowski said they would see that the Planning Commission is provided with copies of the sewer agreement with Laketown Township.

Dayle Harrison postponed his discussion of ordinary high water mark to later in the meeting, and there was no general public comment. Hanson reopened the discussion of Jack Helder's request for SAU for a sand mining operation. Kirk Van Order, representing Helder, reported that Mr. Jordan of the DEQ said there are wetlands in the area of the proposed access road so culverts should be placed 150 feet east of the Rose Marsh Drain at the 653' elevation, which will require a permit. He showed on the drawing where the berm proposed for the north part of the property would extend at an angle 400 feet from the centerline of the proposed access road.

Donald Brown, 2535 62nd Street, said his property, labeled as Sanders' on the drawing, was not shielded by trees from the site where the sand mining would take place.

Van Order continued to say that a gate would be located 150 feet or more off the asphalt of 62nd St. He said they would like the proposed fence to be done in phases as the mining operation progresses. Sisson had suggested a perimeter fence 4 feet tall besides the movable one. Hanson said this was open to discussion.

Discussion of haul routes centered on primary roads 62nd St., M-89 and Riverside Road/Wiley Road to Blue Star. Sisson said other roads can only be used if a load is going to a specific construction site. Milauckas wondered whether the Road Commission should be consulted regarding the heavy use projected and any bond that might be required. Nellie DeJonge asked about installing a weigh scale at 62nd Street, and Josh Young, the trucker involved in this project, said the amount of pressure on the air ride of the truck tells the driver how much weight is there. He added that haulers pay about

\$4000 a year in road-use tax. Sisson said other than seasonal weight restrictions, there are no requirements other than that haulers use primary roads, and he didn't recall any posting of bonds. Further, jake brakes are limited to ½ mile from the site. Signs shall be posted at intervals to designate this as a mining site. The applicant chose the letter of credit of \$10,000 plus \$4000 per acre to be excavated each year over the alternative method explained in Sisson's Draft #2 of the Special Use Permit to Conduct a Sand Mining Operation. Hanson asked about monitoring wells, and Sisson said they would not be necessary. The pros and cons of slag as a surface for the access road were discussed. Josh Young said the dust would be controlled by water wagon, and if he is too busy, he would call Bruce Allen to spread brine. Van Order suggested water could be obtained from the Rose Drain, and shallow wells could be sunk, according to Helder. When Milauckas asked what the yardstick is for measuring when the dust control system is not being effective, Sisson said there is a DEQ standard for that. The berm to shield Brown's property would be outside the excavation limit line and would be retrievable when the mining is done.

At Edris' suggestion the standards in Sec. 40-740 were reviewed, to discover that the perimeter fence is required to be 6 feet high. Van Order suggested the fence be set up in the southwest part of the property until that area is mined and reclaimed, and proceeding in four phases, the fence would then be moved to the next section in a counter-clockwise manner. Hanson said the P.C. would have to know where the fences would be in order to complete the Special Use Permit document. There was some talk about the proposed access road being subsequently used for the agricultural operation. Hanson added that there will be an annual review of this operation to make sure it is done according to the conditions set.

Vicki Lepior, 2495 62nd Street, explained her collection of photos showing surrounding properties owned and farmed by Jack Helder which are accessed by way of M-89, in an effort to convince the Planning Commission to require him to use other means of access to these 11 acres he wants to mine rather than the proposed access road.

Hanson reviewed points to be settled for the next draft of the Special Use Permit document: 1. The surface of the access road will be roto-milled asphalt. 2. Dust will be controlled by the water wagon (water to be obtained from the stream or shallow wells) or application of salt water. 3. There will be berms shielding the Lepior's and the Brown's properties. 4. The 6' fence needs to be pictured on the drawing as the phases of mining and reclamation progress. 5. No monitoring wells are needed. 6. There will be a five-year limit, with a possible extension. 7. A letter of credit will be required. Further discussion involved days and times of operation, correspondence with school hours, and speed limit of 15 mph.

Edris made a motion, supported by Rowe, to table the SAU for Helder's sand mining operation to the next meeting, pending a resolution of the phasing and an update of Draft #2 of the Special Use Permit. The motion carried.

After a brief recess, William Sikkel was introduced to present a revised drawing for Borland's application for SAU for 6471 Blue Star LLC professional building. Milauckas recused himself from the Commission. Sikkel explained that a portion of the existing building is used as a real estate office and vacation property management. Questions arose at the hearing on this SAU about access, parking, exterior lighting, landscaping, easements, and the unusual shape of the property. He submitted a revised site plan showing restricted access from Blue Star and parking spaces. He said no new lighting was proposed. He referred to an alternative drawing done by Sisson, which eliminated parking in front of the building, and said his client was agreeable with it, except for the parking in an easement on the west side of the building which he had no authority to use. Instead, he said they would extend the eastside parking to the north property line, making 13 spaces. Easements were explained at length as having every characteristic of ownership. If trees or bushes are taken out, replacements should be provided with evergreens or native species, and the extension of the parking lot should include a filtering process for run-off to Goshorn Creek. A revised drawing will be required.

Edris made a motion, supported by Rowe, to table the SAU for 6471 Blue Star LLC professional building to the next meeting, pending an update on plans to address the issues raised by Sisson. The motion carried.

Milauckas rejoined the Commission, and Hanson asked Sisson to explain the process for creating the Central Lakeshore Sub Area. Sisson said the Planning Commission should refine the draft for the Master Plan for that area, submit it to the Township Board which will decide whether the document is suitable for review by other municipalities and release it for that review. Those municipalities will have sixty days to comment upon it. The Planning Commission then sets a date for the public hearing, and afterwards the Township Board may retain the right to approve it or allow the Planning Commission final approval. In the discussion of the draft, a few minor changes were made, including the addition of a final sentence to Section 2.0: "Any additional road blockages either north or south of existing washouts will cause isolation of homes and businesses from emergency vehicles." Sisson suggested adding maps to the document.

Dayle Harrison, who attended the meeting to discuss how to determine the Ordinary High Water Mark, said he needed more time, but generally what he thought was needed was the deletion of the definitions of "Water's Edge" and "River's Edge" from the Zoning Ordinance. They should be replaced by "Ordinary High Water Mark" He added that the 579.8-foot elevation referred to doesn't belong either. He explained that the OHWM is different as you progress up river, and this affects how you measure the required 75' setback. The Commissioners referred to the International Great Lakes Datum (IGLD) 1985 pamphlet, which Hanson said should be in effect until 2012. Milauckas maintained that the OHWM will vary with long-term drought or flood conditions, and he preferred an elevation. Hanson said the elevation measurement should be associated with the year of effectiveness, but he was dubious about trying to change the Ordinance very soon.

A workshop meeting to discuss the Anti-funneling Ordinance was set for Thursday, August 7, from 4:00 to 6:00 P.M.

Election of Officers: Edris nominated Hanson as Chairman, supported by Rausch; motion carried. Hanson nominated Edris as Vice Chairman, supported by Jarzembowski; motion carried. Hanson nominated Rausch as Secretary, supported by Jarzembowski; motion carried. So the officers remain the same.

Meeting adjourned at 11:15 P.M. The next meeting is a workshop Thursday, August 7, 4:00-6:00 P.M. The next regular meeting is Monday, August 25 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Rausch/Jarzembowski to approve minutes of June 23 as amended.
2. Motion by Edris/Rowe to approve workshop minutes of June 23 as amended.
3. Motion by Edris/Rowe to table SAU for Helder's sand mining operation.
4. Motion by Edris/Rowe to table 6471 Blue Star LLC SAU for professional building.
5. Motion by Edris/Rausch to elect Hanson Chairman.
6. Motion by Hanson/Jarzembowski to elect Edris Vice Chairman.
7. Motion by Hanson/Jarzembowski to elect Rausch Secretary.