

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

September 22, 2008

The Saugatuck Township Planning Commission met on September 22, 2008, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

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

Absent: Jarzembowski

Also present: Planner Sisson, P. G. Walter and Brent DeRose for Moore's Creek Trail PUD.

Chairman Hanson called the meeting to order at 7:00 P.M. Minutes of August 25 were approved as amended as follows: Page 2, first line, 2<sup>nd</sup> sentence, "The applicant for Saugatuck LLC" was corrected to say "Mr. Borland, Blue Star LLC," and the date for the next meeting was changed to September 22 (Rowe/Rausch).

Public Comment: P. G. Walter commented on the difference in ratings between the Fennville and Saugatuck Township fire departments.

Hanson referred the Planning Commission to the final review of the Moore's Creek Trail PUD Site Condo, and DeRose explained that the location for accessory buildings has been noted on the site plan, that the 25-foot setback from the easement to the east of unit #4 is no longer included in the environmentally sensitive area but will be labeled "open space," the boundary of the floodplain and environmentally sensitive area are the same on the southern part of the property while the environmentally sensitive area goes beyond the floodplain on the northern end. The master deed has been corrected and is ready for review by the township attorney.

There was discussion of a performance guarantee for road construction, the expression "in perpetuity" in reference to the open space, and whether the conservation easement was for the purpose of tax relief. In the Resolution to Grant Approval of Moore's Creek Trail PUD and Site Condominium Project, under section H. Private Roads, the letter of credit figure of \$40,000 was inserted, which represents ½ of the anticipated infrastructure costs, according to Walter, who also read from the conservation easement document to verify the meaning of "in perpetuity." Sisson did not think there would be a tax advantage to the conservation easement. Edris, the expert on land conservancies, suggested using a different name for the "conservation easement" because of all the requirements of federal law. Walter said the applicant's attorney would confer with Edris, and since this would be the first time the township has been asked to accept a "conservation easement," Darpel thought the township attorney should advise. Milauckas asked what would be the advantage to the township to accept a conservation easement, and Sisson said it would mean that any infractions would be a civil matter and, therefore, more enforceable than fines for cutting trees, etc.

Edris made a motion to give final approval to Moore's Creek Trail PUD Site Condominium based on the site plan dated September 19, 2008, and subject to the Resolution to Grant Approval of Moore's Creek Trail PUD and Site Condominium of the same date with the inclusion in Section H of the letter of credit of \$40,000, or ½ of construction costs, for the private road. Rowe supported, and the motion carried.

After a brief recess, the meeting reconvened to discuss Draft #7 of the amendments to the Water Access and Dock Density Regulations. After again reviewing Sec. 910 a 2, 4, and 7 (b) and (c) relating to the contiguity of water access lots, it was decided to require that if the lots are not completely adjacent, the walking easement or common property line must be no less than 15 feet. Sisson explained that subsection 8 (c) means that when an SAU is requested by four shared waterfront users to build a parking lot or accessory building, and where the parcel will also support a residence, the property must be split so as to retain a residential parcel meeting the lot size and setback requirements, unencumbered by easements. Hanson and Edris will review these amendments with Sisson and the township attorney.

Edris made a motion to set the November 24 meeting for a public hearing on the proposed amendments to the Water Access and Dock Density Regulations along with an amendment to the Table of Uses to allow docks in the A-2 Zoning District. Rowe seconded and the motion carried.

December 15 was set for the regular December meeting.

There was brief discussion of the Township Road Committee's meeting with Bill Nelson of the Allegan County Road Commission regarding Lakeshore Drive and access to the lakeshore. Rowe commented that the Fire Chief and Drain Commissioner should have been there to help with information. Milauckas said he wanted realistic monetary estimates, to discuss all options for alternate routes, and to know where a road is really needed.

Hanson's annual report was presented, and ethics rules were discussed. Sisson said it is the job of the Planning Commission to prepare a capital improvements program if the Township Board does not exempt it from that responsibility, according to the Municipal Planning Enabling Act. Hanson said he would discuss this with the Township Board.

Meeting adjourned at 9:17 P.M. The next regular meeting is October 27 at 7:00 P.M.

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Betty A. White, Recording Secretary

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Sandra Rausch, Secretary

**MOTIONS**

1. Motion by Rowe/Rausch to approve the minutes of August 25 as amended.
2. Motion by Edris/Rowe to give final approval to Moore's Creek Trail PUD Site Condominium via the Resolution.
3. Motion by Edris/Rowe to set Nov. 24 for public hearing on proposed amendments to Water Access and Dock Density Regulations and to amend Table of Uses to allow docks in A-2 Zone.