

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 27, 2009

The Saugatuck Township Planning Commission met on July 27, 2009, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Conklin, Edris, Hanson, Milauckas, Rausch, Rowe

Absent: Darpel

Also present: Planner Sisson, John Balmer and Cal Becksvoort for Whispering Waters Condominium, and several members of the general public.

At 7:02 P. M. Vice Chair Edris called the meeting to order and introduced Maggie Conklin, the new Planning Commissioner. He explained that the Rules of Procedure were temporarily off the agenda because creating a Wind Energy Ordinance is the #1 priority. Minutes of the June 22 joint meeting with the township board were approved (Hanson/Rowe). Minutes of the regular June 22 meeting of the Planning Commission were approved as amended to correctly spell Peter Stanislawski's name and give his official title, Finance Director of the City of Saugatuck (Milauckas/Rowe).

There being no general public comment, Edris opened the final site plan review of Whispering Waters Condominium, formerly known as Chestnut Lane, explaining that even though it is not a public hearing, a similar procedure would be followed. Cal Becksvoort, Latitude Engineering, described the project as five units on a 10.08 acre parcel at the corner of Chestnut Lane and what would have been Hickory Lane in the Collins Woods tract off Lakeshore Drive. He said the preliminary review produced 16 items to be addressed and those are reflected in Sisson's memo of July 23. Proceeding through those, Becksvoort explained what had been done to satisfy each item, including picturing typical plans for each of the five lots with duplexes, although single family homes are also possible and clearing limits and size and orientation of the building can vary according to the individual lot owner. However, lots 1 and 2 have "no disturb limits" and a community septic system governed by the DEQ because of the wetlands. All five lots will have private wells and lots 3, 4 and 5 will have private septic systems. There is also a "no disturb limit" in the open space around the proposed pond at the west end of the development. The private road serving these units is called Karsen Path, and there will be a stop sign at the intersection with Chestnut Lane. Street lights are proposed at the dry hydrant at the western end of Karsen Path and at the hammer head turn-around at the eastern end of Karsen Path. Approvals have been received from the Allegan County Road Commission and the Saugatuck Township Fire Department, preliminary approvals from the Allegan County Health Department and the Allegan County Drain Commission, an acknowledgement from the Fennville Public Schools, the MDEQ permit for floodplain and wetland work, a tree inventory for areas of disturbance (private road, pond and drain field), and a copy of warranty deed. The DEQ's approval of the community septic system is forthcoming. Becksvoort stated that a 50,000 gallon reservoir with a recharge well will be constructed to assure that sufficient water is available for the Fire Department's use in case of drought

conditions. He added that the developer is willing to make a contract with the Fire Department.

Sisson reviewed his memo (see attached). Hanson said he understood the neighbors on Hickory and Colver being concerned about changes on this property in question, starting and stopping, and the drainage run-off they might cause, and he did not agree with language in the condo documents which said unit boundaries could be changed after approvals are given. Balmer said that was typical condo document language and not his intent, and Sisson explained that until all the units are sold, the developer is in control and does not have to get the other owner's approval to a change, such as combining two lots. When the homeowner's association takes over, they can make changes, but not to "no disturb limit" or lot boundaries unless they come to the Planning Commission. Hanson also brought up the original question of whether final approval would include whether the units would be single-family or duplexes, as was part of a memo from the township attorney, and Milauckas wanted to know whether Balmer would have to come back when that was decided. Sisson said "No," but he did not know what the township attorney's opinion would be. Hanson wanted to know plans for the open space on the east end of the project, and Balmer said he used language from the Zoning Ordinance to describe typical activities allowed therein. Hanson specified non-motorized activity is generally recommended by the P.C. Edris questioned why those restrictions are in the By-laws and not the Master Deed, and Balmer explained that the agencies he was dealing with wanted their restrictions in the Master Deed, so he kept "building and use restrictions" in the By-laws. Hanson said Fire Inspector Janik wanted the fire suppression availability located on a site plan. Hanson said he did not want final approval on this development until all documents are reviewed by the attorney. Milauckas added performance bonds to the review by attorney.

Edris opened the meeting to public comment. In answer to a question from Deb Matthai, 6936 Hickory Lane, about posting a performance bond on the drainage system, Becksvoort said the permit from the DEQ for the pond is limited to 5 years and the requirement is that the pond be built first, before the roads, etc. Jim Wentzel, 2659 Chestnut Lane, questioned building on soggy ground, forcing the water off to other areas and whether someone could drown in the proposed pond. Emily Watts, 2593 Lakeshore Dr., asked to have the Drain Commission come back to reassess drainage from a creek which flows north from her property to this area in question. Becksvoort pointed out where this creek flows around the western edge of the proposed pond. Jerome Post, Chestnut Lane, wondered if there had been a hydrological study to see what filling the pond for the Fire Department might do to the water table for other surrounding wells in dry periods. Other persons in the audience expressed concerns about the creek and pond converging to flood the area, and who watches to see that no more than 3 feet of fill is used on a lot. There was also a comment about how duplexes do not fit in this area and how 10 dwelling units will increase traffic, etc. Judy Coffield, 2533 Lakeshore Dr., asked what happens if Balmer sells the parcel, and Hanson replied that the approvals follow the land.

Edris read letters from Cynthia and Larry Hatfield, 2660 Chestnut Ln. and Robert and Emily Watts, asking that Balmer be required to post a surety bond; from Jim and Ginny Cooper, 6946 Colver, asking that Balmer be required to guarantee that he will restore site if he cannot finish the project; from Charles Van Duren, 2657 Lakeshore Dr., stating that removal of vegetation for this construction will cause even more disaster to the area than the tragic event

of 2008; and from Deb and John Matthai stating concerns that the positioning of a proposed board walk not stray across their property line, that the level of arsenic be identified in wells, that wells should be dug below 137 feet to the protected aquifer; and from John Balmer, answering questions posed by Matthai.

The Commissioners reviewed Sisson's memo to underline what was needed from the developer:

1. Description of "no disturb" zone in the condo documents and the limits of tree cutting for maintenance that can occur in the "no disturb" zone;
- 3.v. No restrictions on rentals;
4. Location of "no disturb" zones other than lots 1 and 2 and the open space on the west end, perhaps by legal description; "no disturb" zones should be discussed in the Master Deed;
5. Only non-motorized recreation in the open space, plans for structures there should be described, and forest maintenance allowed;
- 9, 11 & 13. Underground tanks should be shown on the site plan; the agreement with the Fire Department should be reviewed by the township attorney; street lights were questioned because of the rural nature of the area; dollar amounts for the performance bond suggested to the township attorney.

Regarding the 5-foot-wide board walk, Becksvoort pointed it out on the site plan along where Hickory Lane would be. Milauckas proposed that it be placed 5 feet from the property line, except where wetlands prevent that.

Hanson made a motion to table the final review of Whispering Waters to a future next meeting when the Commission will have the township attorney's review of the condominium documents. Rausch seconded. Hanson amended the motion to include the attorney's review of the performance bond requirements, and Rausch seconded the amendment. Motion carried.

After a brief recess, the meeting reconvened at 10:03 to consider Wind Energy Ordinances. Edris asked Sisson to lead the Commissioners through the major points to look for in the examples provided, and he proposed then that a sub-committee be appointed to study them more thoroughly. Sisson explained the difference between private, personal or small business wind energy systems and larger commercial enterprises or utility company wind farms. Hanson commented that there are no large tracts in Saugatuck Township for the latter. Sisson suggested some items to consider: Do you want to make it difficult or easy for someone to build a personal wind energy system? Do you want to control nuisance noise for the neighbors by acreage requirement, limiting distance from lot line, 1-1/2 times 65-foot height or decibel level (nighttime/daytime), for which expensive monitoring equipment might be needed? Will you allow wind turbine on a roof? In which zones would wind turbines be allowed and by SAU, overlay? Sisson suggested examining the Wayland Ordinance. Conklin, Hanson and Rowe volunteered to form a Wind Energy subcommittee.

Edris opened the meeting to election of officers. Hanson named Edris to be elected chairman, seconded by Milauckas; Conklin named Rowe to be elected vice chairman, seconded by Milauckas; Rowe named Rausch to be elected secretary, seconded by Hanson. All motions carried. Hanson thanked them for taking on the responsibility.

Meeting adjourned at 10:50 P.M. The next regular meeting is August 24 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 Hanson/Rowe to approve minutes of June 22 joint meeting with Township Board.
2. Motion by Milauckas/Rowe to approve amended minutes of P. C. June 22 meeting.
3. Motion by Hanson/Rausch to table final review of Whispering Waters (formerly Chestnut Lane) Condominium until attorney reviews documents and performance bond requirements.
4. Motion by Hanson/Milauckas to elect Larry Edris Chairman.
5. Motion by Conklin/Milauckas to elect Bill Rowe Vice Chairman.
6. Motion by Rowe/Hanson to elect Sandra Rausch Secretary.