

# Vergennes Township

## PLANNING COMMISSION MINUTES

December 4, 2000

A meeting of the Vergennes Township Planning Commission was held on December 4, 2000 at the Township Offices. At 7:02 PM the meeting was called to order by Chairman Nauta. Also present were Commissioners Alger (tardy), Culross, Gillett, Lenihan, Jernberg and Warning.

**APPROVAL OF OCTOBER 30 MINUTES:** Motion to approve by Gillett, seconded by Culross. All approved.

**APPROVAL OF AGENDA:** Motion to approve by Gillett, seconded by Lenihan. All approved.

### OLD BUSINESS

**1. PUBLIC HEARING: HEADWATERS PUD HOME DEVELOPMENT - JOE HOST.** Public hearing opened at 7:05 PM.

Presentation by applicant: Ron VanSingel represented Joe Host. Reviewed previous meetings and methods for meeting PUD requirements. Lots are smaller with common open space to equal 28+ acres on the 54 acre property. Conservation easements included along two margins. Applicant believes using open space concept on this parcel is more beneficial to the community than developing in a standard manner, including one curb cut on the main road, meeting the goals of the master plan, and not impacting the neighbors so negatively. Feel all questions including well and septic have been adequately answered. Master deed to contain restrictive covenants.

Public comments:

- ➔ Mark Isman (neighbor): how far into the process are we now/(answers come after the slash marks) very close
- ➔ Mike Pniewski (neighbor) speaking for Bernadette (mom) who owns farm to west - she has liability concerns, and would like a fence along the section line/Joe Host: fence not required by PUD or other rules, but has verbally committed to the family to put up a fence if or when a problem arises.
- ➔ Godfrey Vanderwarf speaking for Geraldine (neighbor): are common areas open to the public or restricted to the residents?/Host: it'll be owned by the association of owners within the project.
- ➔ Host: draft of master deed include being particular about the types of fences which would be allowed. No wire fences. Re: liability: use & occupancy restrictions - no motor driven recreational vehicles to be allowed to be used anywhere on the property.
- ➔ Mike Pniewski: mother's concern about liability remains. She might accept something

in writing about the future, if problems arise.

→ Godfrey Vanderwarf: this development represents up to 60 persons in the area - could impact the farming taking place. Temptation to ride 4-wheelers will occur if the land is not fenced. Farmer shouldn't have to bear the risk/there is no zoning requirement either way to fence.

→ Mark Isman: any plan to work to control traffic or signage?/Road Commission would apply its rules

Public hearing closed at 7:31 PM.

Comments by planner & zoning administrator. Jay: was the SW corner easement subtracted from open space calculation and not to be attached to the private road?/ attorney's letter speaks for itself, assuming master deed and condo bylaws. Changes tonight meet Township standards, *recommendation that the Planning Commission forward this to the Township Board for approval, subject to the approval of bylaws and master deed, KCRC approval, and any other requirements of the commission and ordinance.*

Discussion/motions by Planning Commission.

→ Alger: appropriate to have verbage re: fence in writing?/Jay: you can establish conditions to your approval, including standards for implementation and funding in the condo. assoc. to do it.

→ Culross: what precedents would we set by making this sort of recommendation [fence requirement]? Do we have to check condo master plans to be sure they aren't changing? PUD is better serving its neighbors than 15 independent homes - neighbors have one level of protection with the PUD that they don't have without it.

✓ Other comments: Parties are talking already and are working together. Part of the intent is to allow the wildlife patterns to be as minimally impacted as possible. PUD can preserve natural uniqueness and integrity of the property better than chopping the property into 3-acre lots.

**Motion** by Culross: recommend approval based on Jay's recommendation (above, in italics). Seconded by Gillett. All approved.

## **2. PUBLIC HEARING: PHEASANT VALLEY PRIVATE ROAD - LOT SPLIT / WAIVER OF ROAD UPGRADE.** Public hearing opened at 7:49 PM.

Presentation by applicant. Sam Tawney reviewed prior meetings. Met with neighborhood, developed draft for upgrade of road (in order to allow him to split his 10-acre lot). Some neighborhood disagreement and resistance to the idea of being forced to comply with upgrade. There's not a formal, recorded maintenance agreement; an informal one had been in existence (but not recorded) and cannot be found. Can get maintenance agreement with about 7 of 12 neighbors.

→ Nauta: The concern is that there are several parcels along there that could be split, and if we give a waiver, can't say no to the next guy. Ordinance requires roads to come up to standard when a change is requested - Pheasant Valley predates the ordinances, so now

that a change is being requested, it has to come up to standard. Only other way is to get an agreement with the neighbors (or a waiver by the Township Board).

→ Angie Dusett: bought 1 year ago. 12th house was supposed to have to pave, but the paving requirement got changed to the 20th house.

→ Ron Rotier: since 1990 there were 6 houses, now there are 12, and we've never gotten a maintenance agreement. There have been other splits since then./Gillett: Those splits wouldn't have come to the PC at that time, because the assessor handled splits then. / Jeanne: the ones that were done (in 1994) should have come to the Planning Commission, but didn't...

→ Al Baird: there are other grandfathered private roads. Why isn't this something for the ZBA? / Jay: this isn't part of the zoning ordinance, it's part of the private road ordinance, thus the responsibility of the Township Board.

→ Ed Crimmins: General maintenance on the road has proceeded reasonably for the 4 years he's been there. Lives at the first house and can't agree with equally sharing cost of maintenance. Liability issues are unanswered. Not willing to sign an agreement without knowing those things. Not against the property split. Doesn't want to hold back that progress. Snow-plowing and grading have been equally shared so far. Blacktop would be a significant expense.

→ Sam Tawney - some people on the road cannot afford the expense.

→ Beth Cosmos: Lived there 4 years. There are divisions on the road. No bad people on the road, but we cannot get everyone together.

→ John Haffenden: knew it was private drive coming in.

→ Maureen Arnette: Not a signer, and neighbor Frank Schumer won't either. Concerned about equal sharing of costs. Bad initial experience on the road re: re-graveling. Plowing problems, too, being unequal.

→ Rob Steele: had there been a maintenance agreement, she'd have had advance awareness of the impending costs. By not signing now, she might hurt the next guy.

→ Beth Cosmos: it's a matter of communication between parties.

→ Marcie Tawney: sounds like the Planning Commission wants a maintenance plan. Not granting the split will not accomplish getting the maintenance agreement / Gillett - but it's our only way of getting people talking about the issues and coming up with a plan for everyone's good.

→ Ed Crimmins: I'd like to go ahead and work together

→ Angie Dusett: if everyone doesn't chip in, someone has to pick up the slack, so it has to be everyone together.

→ Tom Dusett: the people against signing this didn't come to our earlier meeting to be involved to give their views. Bickering isn't helping.

Public hearing closed at 8:32 PM.

Comments by planner & zoning administrator. Jay: there's little that can be done. Private roads without a maintenance agreement start to have problems such as this. Would suggest that if a waiver is granted, the planning commission find an element

existing here to prevent a precedent for other roads to get waivers easily.

Discussion/motions by Planning Commission. (many made during the public comment period)

Gillett: sounds like these people need more time to come to an agreement.

Culross: wants to see an agreement on roads without one. Get one going.

Jernberg: emergency response is a problem when there are no addresses.

Culross: the rules for the roads are there for good reasons such as being sure emergency vehicles can get in and out.

Nauta: the neighborhood has started talking, so maybe they can work out an agreement

**Motion** by Gillett: give this neighborhood 60 days to get an agreement together and revisit the issue later. Seconded by Alger. Discussion: Warning: township has been lenient and not made you do things you should have done. You should work things out. And do what you're supposed to be doing (like get a street sign). All approved.

## NEW BUSINESS

**1. PRECISE ENGINEERING ADDITION.** Pat Quinlan displayed his site plan. 11 year old business, across from Lowell airport. Needs two new buildings with another 1,500 foot addition for a press to come in several years. (Jay: site approvals are good for one year, with construction to begin in 1 year, but the addition in 2003-04 window would be OK because it's attached to the construction to begin immediately.) Phase 1 would be built within the next 12 months. 19-foot setback from lot line to buildings (there wasn't a setback requirement at time buildings were built). Face of original building is aluminum siding, wants to match the existing building with new buildings. Has 48 employees, will max at 55 employees. (Jay: parking should not be an issue, but recommends getting the details in writing.)

Re: Set-back: the 1992 addition to the original plan grandfathers this business as a legal nonconforming building use (as to rear set-back), and the PC can recommend varying the site plan standard instead of going through the ZBA based on existing conditions on the site. Can also waive facade requirements in same manner.

Warning: running press any problem?/ Owner: has never had noise complaints. Doors are closed. Running two shifts but not disruptive.

Alger: recommend putting orientation and exact roads on site plan correctly.

**Motion** by Gillett to move this project to the public hearing stage. Seconded by Alger. All approved.

## 2. YEAR 2001 MEETINGS.

January 8 (note: 2<sup>nd</sup> Monday)

February 5

March 5

April 2 (revisit later re: spring break)

May 7

June 4

July 9 (Note: 2<sup>nd</sup> Monday)

August 6

September 10 (Note: 2<sup>nd</sup> Monday)

October 1

November 5

December 3

**Motion** by Alger to accept meeting schedule as printed. Seconded by Gillett. All approved.

Motion to adjourn by Lenihan. Seconded by Nauta.

The next meeting is January 8, 2000. (**NOTE:** 2<sup>nd</sup> Monday)

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder