

Vergennes Township

PLANNING COMMISSION MINUTES

January 4, 1999

A meeting of the Vergennes Township Planning Commission was held on January 4, 1999 at the Township Offices. At 7:00 PM the meeting was called to order by Chairman Gillett. Also present were Commissioners Alger, Dalga, Howard, Jernberg, Nauta, Pfaller, and Weber. The meeting was also attended by Township planning consultant Marc Daneman.

APPROVAL OF DECEMBER MINUTES: Missing from the December minutes was who seconded the motion regarding Land Divisions; the second was made by Pedley. Motion to approve the December minutes (subject to adding the information just stated) by Pfaller, seconded by Dalga. All approved.

1. UNTABLE BIERI INDUSTRIAL PARK: Lengthy discussion ensued about various remaining concerns:

Sewer/septic: some lots don't perc. Health Department will only approve community septic (only for human sewage) or city sewer hook-up. Indemnity for Township, along with some manner of monitoring and reporting, needs to be in place, esp. if a toxic situation occurs. Would not be easy or inexpensive to convert to public sewer system. Being an industrial setting with septic, we can learn from this model, esp. for PUDs.

Wetlands: MDEQ permit will have to be obtained.

Road: ordinance requires dual-throat entrance, and to vary that, developers will need to go before the ZBA. Also, length of the driveway/road leading to parcel 25 (second phase) is a question (Commission views the situation as a driveway, not a road). The emergency access option was reviewed. Zandstra inquired about a discrepancy in the rules about 22 versus 26 feet of bituminous (paved) road width and the width of the gravel shoulder.

Signs, Utilities, Street Lighting: Daneman pointed out that signs would need to comply with ordinance, that the ordinance requires utilities to be underground, and that street lighting needs to be shown on the plan (Mr. Bieri: no streetlights are planned.).

Industrial zone buffering: will individual site owners need to address this? Surrounding acreage is as-yet undeveloped. Might need to go to ZBA

Size of Unit 14: parcel is of-size when combined with the piece that lies in Lowell Township.

Daneman explained the need to address the five Findings (or Standards) of Fact regarding Special Exceptions approval (p.1008, 1009 of Ordinance Book).

Motion by Pfaller: Based on the five findings of fact based on five standards of Special Exception Uses,

1. Accessibility is adequately served
2. Compatibility with adjacent properties is satisfied (since they are vacant)
3. Value or marketability of adjacent properties is satisfied with screening
4. Compatibility with Vergennes Township Land Use Plan is obvious, and
5. There appears to be no problem regarding hazards or nuisances associated with the proposed use of the land,

that the Planning Commission recommend approval of the plan to the Township Board, conditional on:

- wetland permit from the DEQ
- state and county approval of the septic system
- Master Deed language dealing with utility hook-up to City sewer
- indemnity clause in Master Deed to protect Vergennes Township re: contamination and clean-up if something goes wrong with septic
- road maintenance agreement is spelled out in Master Deed, along with written agreement for emergency access to the north as shown on the plan
- signs are to be shown on plan, and in compliance with the ordinance
- underground utilities easements are to be shown on the plan
- screening and drainage must be shown on the plan and be in compliance with Vergennes Township ordinance
- obtain ZBA variances as follows (all of which the Planning Commission is in favor of):
 1. Dual throat entrance may be a single entrance
 2. Shoulder variance to be a 26-foot bituminous (paved) surface with 2-foot gravel shoulders on each side for total width of 30 feet.
 3. Variance for Unit 14's size.

Motion seconded by Howard. All agreed.

After the vote, Gillette made a second motion, that the Planning Commission recommend to the Township Board that Commissioner Pfaller chair a committee to pursue looking into water and sewer hook-up with the City of Lowell. The committee should include some citizens. Seconded by Nauta. All approved.

2. RECOMMENDATION CONCERNING APPROVAL: JOHNSON PRIVATE ROAD (BIERI DRIVE): Gillette explained that private roads have historically had to go through the Planning Commission process, and that this situation was unusual. Discussion ensued about whether there's enough room to turn around at the end, and whether drainage is an

issue. The public was invited to comment, and no comments were made.

Motion by Weber to recommend approval to the Township Board at the January meeting. Seconded by Pfaller. All agreed.

3. CONTINUING DISCUSSION CONCERNING SIGN ORDINANCE: Daneman explained discrepancies between the sign ordinance and the home occupations rules. The inconsistencies were duly noted, and it was suggested the ordinances be amended when other things to be changed come up.

4. CONTINUING DISCUSSION - ACCESSORY BUILDING SETBACKS IN RA: The goal is to create situations where the Zoning Administrator could OK certain accessory buildings that meet a specific, measurable set of criteria. This should introduce more flexibility into the townships system of allowing accessory buildings. Accessory buildings proposed on tracts not meeting the criteria would still be welcome to apply for a variance. Criteria suggested by Daneman are:

- ⌚ lot be 5.01 acres or larger
- ⌚ set back 150 feet from front property line (but not closer to road than other single family residences within 1/4 mile on either side
- ⌚ 75-foot sideyard setback
- ⌚ if an accessory building is more than 30 feet from front of residence, it would need to be 50% screened or obscured from the front line by topography or screening
- ⌚ intended purpose of the building shall not be for a Home-based Occupation or residential recreational use (e.g. boat house, guest camping, etc.)
- ⌚ accessory building to be constructed of similar materials and be of similar architecture, and be no taller than principle residence

Gillette proposed tabling the discussion to allow new members of the Commission to digest the information.

5. DISCUSSION CONCERNING POSSIBLE CELLULAR TOWER REGULATIONS: Township of Lowell has put a moratorium on new cellular towers until it can write an ordinance. Motion by Gillette to recommend to Township Board to adopt a six month moratorium on cell towers in Vergennes Township while an ordinance is written. Seconded by Dalga. All approved (after discussion changing date range from one year to six months).

6. LAND DIVISIONS REVISITED: Topic comes out of the Johnson (Bieri) Road situation. There's a need to avoid the problem that occurred in that situation. Need to change ordinance so paper flow comes through the Planning Commission, and so there can be a fee schedule to cover cost of engineering studies.

OTHER BUSINESS: Tim Wittenbach made some comments about the fact that it isn't

possible to cover every detail of every person's life. To be careful not to be intrusive, and to be sensitive to individuals. Interested in streamlining, private property rights, and less government intervention. Wants to be respectable (sic) to people's rights and heritage in the township.

Barb Roth spoke about her interest in getting her child care proposal moving again. Gillette explained we're waiting for the Master Plan survey results. She stressed that she is on a specific time line to be ready for the next school year.

Introductions by all members of the Planning Commission were made for the benefit of the several new members.

Meeting adjourned at 9:50 pm.

The next meeting is Monday, February 1, 1999 at 7 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder