

# Vergennes Township

## PLANNING COMMISSION MINUTES

July 29, 2002 (August meeting)

A meeting of the Vergennes Township Planning Commission was held on July 29, 2002 at the Township Offices. (The August 5 meeting was changed due to elections.) At 7:04 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Gillett, Kropf, Mastrovito, Medendorp, and Nauta. Absent was Richmond.

**APPROVAL OF JULY MINUTES:** Motion to approve by Nauta, seconded by Gillett. All approved.

**APPROVAL OF/CHANGES TO AGENDA:** Motion to approve as is by Nauta, seconded by Gillett. All approved.

**1. CAROLYN WAY PRIVATE ROAD.** [Note: Mastrovito was excused from the Planning Commission table, re: conflict of interest, and did not participate in the following discussion except to respond to questions directed to him by the Planning Commission.]

Rick Pulaski presented on behalf of Carolyn Mackay. Goal: to get onto October planning commission public hearing agenda. Background: In April, 1999, Mackay had approval for this road, but didn't build it in the ordinance-mandated time-frame. In February 2000, new ordinance changed the 225-foot rule between private roads to 500 feet, so at MacKay's request for reapproval in Aug 2001, they didn't have the distance needed. The layout proposed on the map presented tonight is their only alternative. Have met with neighbors, have tried various layouts with Clear Creek neighbors, none of the proposals has been 100% ok with neighbors.

If Planning Commission says no to the proposal, the applicant has indicated that a legal recourse will be pursued.

Jernberg: did they try to get easements from north or elsewhere? / Yes, applicant has talked with the Browns [to the north], but can't get 100% approval. Bruce Dow didn't want to help out with an easement either.

What proposals have they tried with neighbors on Clear Creek? Demonstrated on map. Offer to put in trees, etc.

Jernberg [to Mastrovito]: what were the homeowner opinions?/Mastrovito: we all looked it over and people put in effort, but couldn't come up with resolution. Looked at line of sight coming out on road. First 3 lots are the most affected. Traffic was also a concern. There are other alternatives or resolutions that have not been explored, but that is not my job.

Medendorp: did Clear Creek group offer any alternative that satisfied them? / Mastrovito: no planning has been done on this. There are potential solutions; we made offers but didn't make headway. One was to move road to north. Plan it out. The application as it is now seems to be an "or else" decision. Access is still allowable and

you haven't denied the owner access for one split.

The road itself meets the road ordinance except the 500-foot rule.

Gillett: they've asked for a public hearing, and we should schedule it.

**Motion** by Gillett to schedule a public hearing at the October Planning Commission meeting. Seconded by Medendorp. All approved.

Mastrovito rejoined the commissioners at the table.

**2. OPEN SPACE/PUD AMENDMENT.** Jay Kilpatrick discussed the latest draft of the ordinance and how it complies with the Open Space committee's original recommendations and the requirement of the state. His revision refined the work of the committee but he wanted to acknowledge the committee's hard work. Definitions were prepared and added. Some policy questions have been raised by Jeanne Vandersloot that also need discussion.

Refresher: this ordinance would permit Open Space preservation communities as an option as use by right in RA and R1 areas and as a special exception use in R2 and R3. Property owner gets a slight density bonus, and 50% of the property is preserved as open space. Primary change from the last draft: reduction in minimum lot area for R2 and R3, so that the bonus and preservation of open space would actually work. Minimum lot size (17,000 sq ft.) needed to be adjusted to make open space preservation possible, so 8,500 sq ft with reduced frontage is proposed. Because of the requirement for public water/sewer, it's a small window for lots that size to exist, but with this, the township will have complied with state statute by offering the option.

Formula for determining base density: applied 85% standard to overall site area less wetlands or unbuildable areas (rights of way, etc.) divided by minimum lot size. Jeanne asked why take wetlands out? Answer: so if someone has a windfall of lots, it could be a problem. By eliminating wetlands, township would handicap itself - a developer can go with either the 85% base density or show a feasible development under the normal standards that would otherwise work.

Why not offer this in lake district? Committee hadn't suggested it and the statute wouldn't require it due to minimum lot sizes there.

Jeanne asked if this idea of requiring a site analysis at front end is too burdensome and would scare people away? Reason: when you tell developers they can get 25% bonus by saving 50% open space, that developer will have to look at the prime natural features on that land, which is the point of the ordinance. The mandatory analysis that existed in an earlier draft has been softened in the current draft to ask for the developer's assessment rather than a formal analysis. This takes the bite out of that requirement. Also proper planning says you start with what's on the ground to minimize damage to the site.

Minimum size piece of land for the concept—it was agreed it would be best to let the market determine if someone wants to try doing this sort of development on any size site.

Setbacks also have to be scaled down when reducing lot sizes, to explain those. Re: scenic rural setback standards were slightly reduced to give developer a little flexibility. There were also a few technical changes on how to carry all this out. End of

Jay's presentation.

Jernberg: hypothetically, on a 4-5 acre lot, would I have the option to subdivide in another community such as Carlson Farms, something already developed where I can't change master deed. / Jay: there's nothing to stop it at this point. Would be simple to add a clause limiting this Open Space option to non-platted and non-condo parcels.

Wilcox: glad to see developers getting the option about how to do site analysis. The developer is charged with identifying the valuable features / this tool is a little more work but will preserve features a landowner likes / Stone: also good that the burden rests on the developer, not the commission.

Schreur: why does this have language where an owner has to implement water/sewer on own property even if they don't need it? / Jernberg: with house layout including setbacks and Health Dept rules, the equations make it so that in all practicality, a lot would have to be bigger than 8,500 square feet to make it happen. / why couldn't the sewer/water be in the open space? / Jernberg: It would depend on the land – you'd defeat the purpose if it was a forest that had to be flattened to make a drain field. / Jay: this permits public or private systems. / Schreur: Private systems should be allowed, with agreement among the landowners. / Wilcox: township would want to require a bond to cover the cost of private septic systems

Schreur: doesn't want township to force me into hooking up to sewer/water / Jernberg: property value rises when it has public sewer/water. Kilpatrick: Bill's concern is on page 15. He read the language aloud, which is direct and mandatory. The idea is to protect ground water, esp. in more dense development. Sewer district is limited. If someone located within 500 feet, township board may waive it. Notion of a developer getting backed into a corner is eased by ability for the commission to waive the requirement.

Gustafson: this provision would apply only to open space development parcels. Not a general provision, so a developer would have to do it this way if he wanted to get the bonus of an open space project, could that be made permissive instead of mandatory? We want to encourage the open space program. / Jernberg: maybe this should be tied to the size of the lot, since 8500 sq ft lots would not tolerate private septic too well.

More discussion on sewer, septic systems, health department, lot sizes, and fixing problems that come up. / Jay: Maybe instead of requiring hookup we could say that if sewers are extended, none of intervening properties would be required to absorb that cost.

Baird: didn't the Open Space committee say no one would be forced to do anything they don't want to? / Gillett: no one has to use this ordinance, but if you do, you follow the ordinance. / Gillett: in my opinion, an 8500 sq ft lot needs a hookup. / Schreur: that should be an option they can exercise, I don't want anyone telling me I have to hook up. / Jernberg: if you join a system electively later, you'll face paying a cap fee. /

Jay recommends eliminating the 500 foot requirement and if sewer is extended past properties, those people would not be required to hook up. The sewer discussion is outside this ordinance. Jay will rewrite that part, stopping the requirement to extend.

If anything goes wrong, the township should have a bond. Best is a strong ordinance and a strong policy and assurance it is all maintained from the outset.

Gillett: we have something fairly close. This is well done.

Mari Stone: what's the commission's opinion on "rural scenic easements" term/concept? It's 100 feet, but in some areas, as such as open fields, 100 feet isn't that far. Doesn't work in all situations. / Jernberg: the ordinance needs flexibility beginning with looking at the lay of the land. / Jay Kilpatrick: it's smart to have some "wiggle room" to allow for what works best. / Jeanne Vandersloot: the original road setback in RA was 150 feet. Discussion about setback. / Gillett: wants 150-foot setback so that it's possible to ease to a smaller setback if it's appropriate. / Consensus to add language to show more flexibility.

Platt: from the survey, one prominent sentiment shows wildlife corridors through the township. / Jay: people want it to still look rural as they drive through.

Medendorp: should we increase the other districts' setbacks, too? / Jeanne: R1 was 10, stay at 30 feet for R2 and R3.

Discussion about clusters of houses. Where they have to be 150 feet apart, is that feasible in R2, R3? / Jay: he worked off other ordinances re: minimum cluster separation, and in R2, R3, that could be problematic. Recommends leaving it in but suggests the commission allow for flexibility to shift clusters as needed. The idea of cluster size and isolation is to create enclaves surrounded by natural features, but it is site-dependent. It limits creativity if the numbers are too hard and fast. Will work on dimension flexibility.

Jeanne: then we might also suggest the need for reduced setbacks also for R3 and RA.

Re: bonus lots: the bonus is an incentive. / Jay: it's up to 125%, but most sites will be challenged to get that high, but we need to offer the carrot. We can always reduce it once the concept catches on. The new draft of the PUD ordinance does remove the bonus, in hopes of encouraging people to consider the Open Space ordinance.

Discussion about side yard setback being waived for attached units.

**Motion** by Nauta to table the discussion about the PUD Ordinance rewrite in the interests of time, and to revise and review the Open Space ordinance one more time, then schedule a public hearing. Seconded by Nauta. All approved by voice vote.

Motion to adjourn by Nauta. Seconded by Gillett. All approved by voice vote.

The next meeting is Monday, September 9, 2002 [Note: second Monday re: Labor Day]

The meeting was adjourned at 9:00 PM.

Respectfully submitted,  
Kate Dernocoeur, Recorder