

Vergennes Township

PLANNING COMMISSION MINUTES

June 6, 2005

A meeting of the Vergennes Township Planning Commission was held on June 6, 2005 at the Township Offices. At 7:05 pm Chairman Jernberg called the meeting to order. Also present were Commissioners Gillett, Mastrovito, Medendorp, Nauta and Richmond. Absent was Kropf. Present to assist the commissioners were: Jeanne Vandersloot (Zoning Administrator) and Jay Kilpatrick (Township Planner).

APPROVAL OF MAY 9, 2005 MINUTES: Motion to approve as written by Nauta, seconded by Gillett. All approved.

APPROVAL OF/CHANGES TO AGENDA: Motion to approve as written by Gillett, seconded by Medendorp. All approved.

1. PRIVATE ROAD REVIEW: PUBLIC HEARING (DEWITT).

Applicant Presentation: Chad Dewitt updated the commission based on the engineer's comments, stating the questions posed were answered. Jay Kilpatrick commented that several issues raised previously seem addressed, but they still don't have a road maintenance agreement (it is being drafted by the township attorney; per Jeanne, the Township Board is trying something new in having the township attorney draft a generic version for smaller projects such as this one). Per Jay, there is an issue about a slope of greater than 6%. Looking for justification for handling the specific site slope; the ordinance allows and commission has approved steeper slopes for preservation of features, but there is not documentation for this particular situation. Tonight's comments are the next step in the process. In commissioner packets is a letter from the township engineer. Nauta: doesn't appear to be any flat area before coming out on Fallasburg Road.

Public Comment opened 7:17 pm.

– Lynette Engle, 1749 Fallasburg Road (house next to this project): Rain comes off their driveway onto her driveway and where the tar comes down it comes across her driveway. Comes along Fallasburg to her driveway. There are two big trees on each side close to the road. When they built they followed the road commission's requirements (they told them where to put their drive) and with the dirt/dust from this private road is there maintenance as far as keeping the dust down? Can't open windows. / Nauta: that's not a usual requirement or mandate in the ordinance. There are two houses on the road. Engle: there's a lot of traffic, no rules about speed? / Not on private roads.

Public Comment Time closed 7:27 pm. (includes some commission discussion)

Discussion/motions by Planning Commission: Re: roadway drainage/storm run-off, they would look at existing drainage at Fallasburg. Jernberg sees about 300-350 feet of water collecting before it goes back the other direction, and no comments from the engineer. Richmond inquired about surface being sand or gravel? Medendorp said in earlier letter doesn't see why slope can't be at 6%. Per Jay: engineer suggested a culvert at 660 and shows that there is no drainage calculation, and doesn't know if engineer has responded beyond that. Comment in

engineer letter is to let it run down sides of the new road and ditches on Fallasburg. Jernberg: is that acceptable? Jay: his sense is that it is OK, given the small scale of this project. Road commission cleaned the ditches around the Downs intersection recently but didn't go north.

Two issues: steepness of the road and possible erosion/run-off. Jernberg: engineer is supposed to do a run-off assessment - whatever water is generated on your property has to leave the property after changes as if nothing has changed. Stone check dams are slowing the water down, but on other projects, sometimes a retention pond holds the water releasing it to the ditch appropriately. Would a culvert in applicant driveway possibly help? Section at Fallasburg to the crest of the first hill is what is concerning Jernberg; amount of water generated is creating an issue at Fallasburg and needs to be addressed. Owner of corner property to the NE is Lynette Engle. Applicant owns other side on the corner. Jernberg: something that can help might be to have water flow is changed to a retention pond/self-leaching basin in the other corner that can collect volume to avoid having water go onto neighbor's property? Natural drainage would send water back in neighbor's direction, but it might work in most rain situations. / Jay: can have the engineer look at it to contain west side runoff as much as possible. Richmond: can't dig a pond uphill.

Trees are contested as to whose property they are on. Where is the property line derived? Applicant states the line is a surveyed line. If there's a dispute, Engle needs a survey showing to the contrary and then they need to work it out. (This creates a third issue: lot line dispute).

Regarding lot line disputes, Jay commented that approval of this private road would be based on this survey. If there are credible allegations that the lot lines are not accurate, the Planning Commission should stop and wait until there's resolution. However, there is also a non-complying situation that also needs resolution. Any survey can be recorded and it doesn't have to be accurate.

Gillett: cannot act on this tonight - there are drainage, slope/landing, and survey/lot line issues. Need answers before Planning Commission can make a finding. Recommendations for how to proceed given to applicant and the contesting neighbor.

Applicant: could there be a performance bond put in place? The cost of the drive is wrapped in her construction loan, and there's a timeframe. Wittenbach: this would be a can of worms when delays are not the township's fault and it's relevant to get this right. Jernberg suggests surveyors contact Jay/Jeanne directly to be sure issues are appropriately addressed to appropriate detail to avoid further delays. Planning Commission needs the survey companies to make the boundary clear before it can proceed with the application.

Jay: the four percent slope is what maximum slope requires according to the ordinance at the entrance within 30 feet of the public road ROW. Regarding the comment about speed limits, there is a 25 mph speed limit on private roads and that should be written in the road maintenance agreement. Regarding clarifying slope issues? Anything steeper than the ordinance needs more level ground at the road intersection for vehicles to slow down.

Motion by Gillett, seconded by Medendorp, to table the application pending resolution of the three major issues that have been raised (slope, drainage/run-off, and lot lines). All approved.

2. AGRICULTURE BUILDINGS. Presentation by Jay with documentation dated June 3 distributed to commissioners. In RA district, farming is a permitted use (described in detail). Struck "accessory buildings" for consistency and added other language to make clear freestanding

buildings are not permitted but would be added as a special exception use. Language is in the amendment. Added three standards for a freestanding building when not on same parcel as a residence (see memo). In Chapter 4, language changed for consistency with other recommended changes. Doesn't prohibit freestanding structures, but clarifies where they can be built. Next step: public hearing. Gillett: this does what we wanted to accomplish.

Motion by Gillett to set up a public hearing for the July meeting. Seconded by Nauta. All approved.

3. LIGHTING ORDINANCE. Medendorp questions the extent of the language in the draft document (based on Lowell Township's ordinance). Gillett: much of Lowell's language came from the observatory. Is there an advantage to being more specific than we've been in industrial and commercial? Jay: Yes, there can be an impact on night skies if it's enforced. Existing lighting will be grandfathered. As more commercial development occurs, there are reasonable controls. A more complicated ordinance has some benefits if the township is prepared to enforce it. Issue of reflectivity can become a big deal. This is for commercial zoning. Jay suggests there will be few opportunities to apply it. Medendorp was hoping to expand to residential ordinance lighting standards.

Dernocoeur offered to have Open Space committee work on something for residential lighting. Planning Commission agreed to have the legwork done for them.

Motion by Medendorp to table this to await input from Open Space committee to work out a lighting ordinance for residential areas. Seconded by Mastrovito. All approved.

General Public Comment Time: None

Motion to adjourn by Richmond. Seconded by Nauta.

The next meeting is July 11, 2005

The meeting was adjourned at 8:30 pm.

Respectfully submitted,
Kate Dernocoeur, Recorder