

# Vergennes Township

## PLANNING COMMISSION MINUTES

November 2, 1998

A meeting of the Vergennes Township Planning Commission was held on November 2, 1998 at the Vergennes United Methodist Church. At 7:02 PM the meeting was called to order by Chairman Gillett. Also present were Commissioners Howard, Pfaller, Pedley and Weber. Absent: Commissioner Dalga. Also present was Township Planning Advisor Marc Daneman.

**APPROVAL OF OCTOBER MINUTES:** Motion to approve by Pfaller, seconded by Howard. All approved.

**1. INFORMAL HEARING: BIERI INDUSTRIAL PARK:** Ray Zandstra and Mr. Bieri spoke. Would like a Public Hearing in December. Discussion included:

- whether unit 14 is undersized and may need ZBA approval
- community sewer/septic: lots to have 2 septic tanks and the Master Deed will require each owner to pump every 2 years. Developer to speak with City of Lowell re: possibility of eventually tapping into city sewer.
- there will be a gravel emergency access connector strip via the adjacent Lincoln Lake business area.
- industrial zoning requires 80-foot traveled surface diameter turnaround.
- items still to show on site plan: screening, lighting, signage, whether DEQ is OK with wetland mitigation plan.
- in the event owners can't/don't take care of the septic system, State says the Township would be responsible (and would bill the owners)

**2. PUBLIC HEARING: HISTORIC DISTRICTS ORDINANCE PUBLIC HEARING:** The Public Hearing was begun at 7:39 pm. Dave Thompson, Chairman of the Commission, introduced the members of the commission and explained the work they've done for the past year. Stated the intent of the Commission is to preserve historic sites in Vergennes Township. Thompson had received a 60-page list of citizen questions about the ordinance and offered to answer community member questions. Of the hundreds of structures in the Township, only a few would qualify after a rigorous and lengthy selection process which can take a year or more. Owners would have to come to the commission to apply for consideration as a historic district. The committee is all volunteer. He stated that a goal of the township ordinance is to mirror the newly rewritten state law so that the township would be protected if taken to court. Also, by following state language, the township could be eligible for state assistance and grants.

A group of approximately 60 citizens was on hand for discussion, which included:

- Craig Wood: question about modifying boundaries of a historic district requiring a vote of landowners. Old rule needed a 2/3rds vote, new one only 1/2, with one vote per piece of property owned.
- Mike Page (on hand to support the committee, Mr. Page has worked in historic preservation in GR for 10 years): a “district” can be one property or several contiguous properties. Process: if there’s interest in being designated, the property owners go to the Historic Commission, which appoints a Study Committee, which would help decide the Historic District’s boundaries.
- Craig Wood: can a boundary be configured without an owner’s permission?
- Mike Page: At a Public Hearing, owners can voice an objection if they don’t want it, but it would basically be up to the Vergennes Township Board. Under State law, owner consent is not required, However, very rarely in the State of Michigan has any property been designated over the objection of the owner. Technically, there’s no vote (either 1/2 or 2/3rds). Initiation of a request doesn’t always come from a property owner; could come from a neighbor.
- Sue Ford: doesn’t matter the intent or goodwill of the commission now -- those who follow will use the ordinance to follow the letter of the law. Under old ordinance, those with historic structures were self-governing. Now, State will be telling me I don’t have a choice whether to be registered.
- Alicia Harris: are you “after” Fallasburg Park area? [Dave Thompson: not after anything specific at this point.]
- Dan Briggs: wants all 60 questions read and the changes to the ordinance explained.
- Steven Briggs: Proposed tabling passage of this ordinance until changes can be backed up with evidence.
- Mary Conlon: wants copy of the 60 questions.
- Sue Ford: wants a copy of both the old and proposed ordinance, and also the 60 questions.
- Tim Wittenbach: comments from Marc Daneman? And would like time to review the proposals. [Marc Daneman: Has some technical and consistency questions. Mirroring State law isn’t critical, but provides for presumption of State law behind a local ordinance. There’s value in tracking the language of the State law.]
- Craig Wood: submitted to the Planning Commission and read a 7-point document titled “Request a 60 Day Stay for the Following Reasons.” (Attached) Is willing to work with the commission. Finds the new ordinance to be not a neighborly or friendly document.
- Ruth Worthington: Wants to have a better idea what’s going on. Why are

- we all bickering?
- Mike Armstrong: People are concerned with losing control of what they can do to their own private property. We want protection to do what we want within zoning rules. Broad-based powers in this ordinance could take that away.
  - Carmen Miller: Worried how her husband's land is at high risk of being controlled. Requested specific definitions. Disputes Dave's assertion that an owner has control over whether to be included in a historic district. Publicize meetings better.
  - Bill Schreur: can we make whether or not to be included in a district voluntary, or that it cannot be done without an owner's consent? [Thompson: State Act has language about necessity to comply.]
  - Rob Crook and Alicia Harris spoke about targeted sites for the Historic Commission, or whether there is a "red line."
  - Ken Ewing: is there a statute that says the ordinance must mirror the State statute? [Marc Daneman: no, but when it mirrors the State language, the ordinance gains validity. And there are things in the ordinance that creates certain minimums for compliance. Dave Thompson: if don't mirror their language, things like grant monies may not be available.]
  - Dean Alger: we need to find out what State statute says, esp. re: where there's a conflict about who can propose a property for designation. If a Historical District is being developed and there are 10 owners who want it and one owner who doesn't, that one owner has no recourse. [Dave Thompson: you're taking things out of context. There's a process.] If someone doesn't want to be part of this, where's our protection?
  - Roger Odell: Those who would be targeted, like Fallasburg and families with centennial farms like ours would be surrendering significant property rights without compensation, and we shouldn't have to without it being voluntary.

Exhibits submitted for inclusion in the record of this discussion: 60 day stay Proposal (Wood); Letter from Katie Alderink (opposed to passage); Fax from Sue Greener (opposed to passage).

Motion by Chairman Gillette to table the Historical Districts Ordinance and get the commission, along with interested citizens and the Township planner (Marc Daneman) to revisit the language in the ordinance. Seconded by Pfaller. All agreed. The Public Hearing was closed at 8:48 pm.

**3. PUBLIC HEARING FOR VARIOUS ORDINANCE CHANGES.** Public hearing opened at 8:59 pm. No discussion. Gillette moved that the Planning Commission recommend to the

Township Board that we adopt these ordinance changes as recommended by the Township Attorney. Seconded by Pfaller. All agreed. Public hearing closed at 8:59 pm.

**4. PRIVATE ROAD ORDINANCE PUBLIC HEARING.** Public hearing opened at 9:02 pm. Purposed of this is to make private roads according to the revised County specs. No discussion or questions. Howard moved that the Planning Commission recommend to the Township Board that we adopt these ordinance changes. Seconded by Pedley. All agreed. Public hearing closed at 9:03 pm.

**5. PRELIMINARY APPROVAL: JOHNSON PRIVATE ROAD (OFF MONTCALM ROAD) :** this project still needs a public hearing re: township precedent. There's a new state law re: how splits are made. Mr. Johnson should apply for a public hearing at the December meeting, and should also look at the new private road ordinance and get this project up to those specifications.

- Concern was expressed re: two roads named "Bieri" -- one "Court," the other "Drive." (The other would be at Bieri Industrial Park)
- Daneman: under land development act, a person can now develop 6-10 units without going through the subdivision process, which doesn't give Planning Commission a chance to review. How to manage this in the future?

**6. DISCUSSION CONCERNING SIGN ORDINANCE:** New zoning administrator, Jeannie Vandersloot, pointed out a contradiction between the allowed 4 sq.ft. sign for a home occupation and the requirement that applicants go before the ZBA. Have to be cautious about what the zoning is for an area -- it varies. This issue will be reviewed and revisited in December.

**7. CONTINUING DISCUSSION: ACCESSORY BUILDING SETBACKS IN RA:** Pedley reported that he and Marsha Wilcox met, as directed last month. They discovered while trying to compile a list of parameters that it is not possible to cover every situation. Committee discussed making this a special use permit with some guidelines, instead of setting parameters. Committee referred the issue to Daneman for his review. Also, need to define "accessory use," and be sure to maintain similar character with the primary structure. Question: should the ordinance limit the number of accessory buildings allowed on a property?

The meeting was adjourned at 9:28 p.m.

The next meeting is Monday, December 7<sup>th</sup> at 7 p.m.. at the Vergennes Township Hall.

Respectfully submitted,

Kate Dernocoeur, Recorder