

Vergennes Township

PLANNING COMMISSION MINUTES

November 8, 2004

A meeting of the Vergennes Township Planning Commission was held on November 8, 2004 at the Township Offices. At 7:02 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Mastrovito, Medendorp, Nauta and Richmond. Absent were Kropf and Gillett. Also present for the township: Jeanne Vandersloot (zoning administrator) and Kerwin Keen from Williams & Works (substituting for Jay Kilpatrick).

APPROVAL OF OCTOBER 4, 2004 MINUTES: In the second paragraph in the AT&T application, the 35-40-foot foundation was too large a number. With that in mind, motion to approve by Nauta, seconded by Mastrovito. All approved.

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

1. PRIVATE ROAD APPLICATION - JAMES STURRUS. Paul Henderson with Roosien & Associates Surveying & Engineering presented. Sturru is proposing a private road per twp ordinance. Letters from engineering and planning consultants have been submitted that addressed prior concerns, now awaiting comments on the thus-revised plan. Applicant feels the concerns have been addressed. The proposed road is an 18' gravel road with 4' shoulders. Is now planning a 22' travel-way on the first 100 feet of the roadway. Other engineering concerns include the cover and size of a culvert that was changed to a 25-year (from 10-year) requirement (tributary of Page Creek runs across the property). Jernberg: Is this drain going to do the job? App: Complies to Kent County rules for a 10-year storm. There is a retention pond in NW corner; they are not counting on infiltration. Calculations are to hold for evaporation or run-off in case it overwhelms the outlet. Trench detail for piping has also been added. Need a variance from the Planning Commission re: the requirement for a 500-foot separation between the two private roads. Has submitted for approval to County Road Commission (their minimum standard is 250 feet between intersections on local roads). Jeanne: why we have 500-feet (versus county's standard), can't recall why the 500-foot number was chosen, but probably for traffic movement. The distance on this application is 400 feet, centerline to centerline. Topography of site makes the proposed location the most practical. Planner: it appears that his prior concerns are adequately addressed. The 400-foot separation between drives fits the topography; engineering-wise, this is the best place for the intersection. Jernberg: concerns re: grade / the application is within limits. The road would not disrupt too many trees. Jeanne: the maintenance agreement needs a bit of

additional attention. Medendorp: is an easement required for the run-off? / Keen: to establish a drainage easement would make it cleaner in the future. App: Discharge easement has been created to the property line to make sure that portion of the site will not be built upon. Signage: recommended 25 mph sign; applicant advised that a project development sign would need to meet township restrictions. Construction schedule? / with approval they'd like to get started ASAP.

Motion by Nauta to schedule a public hearing on December 6, 2004. Applicant will need to decide whether to include signage information on the site plan or get a sign permit later, and also needs to get a letter from the Kent County Road Commission stating that the 400-foot sight lines meet county standards. Seconded by Medendorp. All approved.

2. INFORMAL DISCUSSION: INDUSTRIAL DEVELOPMENT (PETE FABER). Presented by Pete Faber. Parcel B-2A and B-2R are currently one piece of land, 2 and 4.9 acres respectively. A vet clinic is now in B-1 and another vet group has purchased B-2B. A church was interested in the entire 6.9 acres in back but now another company is looking at B-2R for an industrial site. Faber will be requesting a split on the B-2A and B-2R parcels. B-2R would use same road as B-1. Planning to put in a drive for B-2A and B-2B (this plan has been approved by Kent County Road Commission).

Faber still owns the egress in B1 and B-2R. B-2R will probably get ownership of egress rights, and B-1 has a permanent easement. Why do they have a common drive? / Too many road cuts. Jeanne: whether B-2R owns or has an easement will make a difference on conforming to the ordinance. B-2A may need to own it with an easement to B-2B (she will double-check this). Jernberg: concern about frontage and easements/ access to the drive. Frontage needs to be 200 feet; if B-2R owned it, it wouldn't meet minimum frontage standards. B-2A needs to own it, with easements to the parcels in back. Jeanne: applicant is looking for suggestions and what to address on the site plan other than what's in the ordinance. Jernberg: be aware that B-2R will need to be OK with road volume re: entrance (trucks, size, etc.) - depending on the nature of the industry being put in there. Check it out. Faber: that road is 27' wide. Applicant encouraged to rework the plan and also have engineers look over the project.

3. PUBLIC HEARING: AT&T CELLULAR TOWER APPLICATION. Presentation by T.J. Garrett from AT&T on proposed cell tower on Heim Street, following up on last month's discussion. Showed photo-simulations from three views (there was no way to get one from the south). AT&T has acquired a co-location on the Consumers Tower already in the township, that location will commence soon. Co-location also on the Alger tower is also pending. Need to complete the Vergennes Township network with the proposed Heim site. Mr. Haley last month showed the overall build in the area. No light on the tower will be required by the FAA. Tower meets all FAA requirements. Footing is 15-20

feet deep. Construction drawings will show all that. This tower is the most common design on the I-96 corridor; it's mostly the same for all the cell companies now. Alger's tower is a lattice tower, but it's 240 feet high. This tower is under 200 feet.

Public Hearing Opened at 7:43 pm.

* Jim Jorgenson, 865 Lincoln Lake Drive: there will never be lights ever? / App: none now, and FAA does not require a light. If FAA changes its requirements, couldn't say what would happen. / Jorgenson: what would AT&T's second choice site be? App: would move the site closer to Lincoln Lake Road. Noell property (current location) will hide the tower better than the Lincoln Lake site and the Noells will be the ones to see it most. The network is designed to go tower-to-tower, and without a connection the network is not complete. Trying to be least intrusive. Jorgenson: where on Heim is it? / App: end of Heim, into the woods 191 feet and north 180 feet. It's as close to back of the property line as possible to still meet setback rules.

* Howard Burton, 12511 Heim Road: lives on the end of Heim on the north. I don't believe Lowell Airport has seen this application or knows about this tower. There is concern at the airport. Where is the access road? / off Heim Road at the end of the Noall property. / Burton: county says you cannot do that. App: after zoning is approved, the application is sent to KCRC and they will look and see if they need a culvert. It's like building another driveway, which is within the Noell's rights. Burton: gated? App: not decided (Jernberg: recommends it, applicant agrees). Burton: if tower is approved, what would a lease do? / App: it adds another carrier to the tower, and puts another piece of equipment at the base, is all. / Burton: why that spot? App: showed the network and the need for coverage. Carol Burton: concerned about radio waves/cancer connection.

* Jim Sowle, 770 Lincoln Lake: lives on property abutting the Lowell airport and is airport manager; speaking both as airport manager and personally. FAA is not interested in smaller airports, and as long as this tower does not impact Kent County Airport, the FAA will not be concerned. Applicant will also need Mich. Dept. of Transportation (MDOT) Aeronautics Commission permission, which will worry about towers interfering with Lowell Airport, particularly runway 33 and runway 30. Re: lighting the tower: any tower within 10,000 feet of airport as crow flies will require some lighting. Maybe not a strobe, but at least a red light. Advises Planning Commission to be sure applicant meets MDOT airspace requirements before approval / App: AT&T is aware of this situation. Has had to adjust another site to meet these requirements. Has to go to FAA first, then MDOT. If MDOT requires tower height adjustment, they do it, and will have to come back to a different site request in order to fill coverage gaps (as is happening in Sparta). AT&T will meet all state and federal objectives. Jernberg: AT&T has contacted MDOT and has filed a tall structure permit. Intensive study is still pending. Sowle: MDOT does not have a record of any such application as of today. App: FAA approval comes prior to MDOT, just got the FAA report back, and it will be sent on to MDOT.

* David Carstens, 12513 Heim Rd. Won't see the tower. Concerned that Heim Road

ends, but isn't designed to end. It splits Noall's property. App: this design will not impact where Heim Road is designed to go. The roadway is a statutory right of way. The tower would be on the east side of the access. Pulls telephone access power from telephone box at end of Heim, and electric power from the transformer on the Noall property, a meter will be installed there. Jernberg: everything will be contained within 100x100 foot lease area.

* Karen Jorgenson, 865 Lincoln Lake: There is no dead zone on Lincoln Lake when she uses her cell phone. Discussion about dead zones. We moved from GR area to this area 2-1/2 years ago for the natural area, and like what the Planning Commission has been doing to keep it that way. She and her husband do not want the tower.

* Jim Sowle, 770 Lincoln Lake: any limit to the number of towers in the township?

Jernberg: the township's ordinance gives the cell tower community as a whole the requirement to use existing towers first, and also provide engineering drawing showing tower strength and capability to avoid duplication, to show maximizing use of the technology to minimize the number of cell towers. No one wants such things in their backyards. The Planning Commission has tried to minimize how often that disruption occurs. / App: what exists: a run of Consumers Power towers in the township, and Alger's tower on Three-Mile. WLAV tower is in Grattan Twp (not structurally sound). Police tower is not available for colocation. AT&T would prefer to colocate when possible. Jernberg: explained removal of towers section in ordinance.

* Carol Burton, 12511 Heim: This is an extremely lucrative business for AT&T. Don't do it at our expense. We pay tax dollars to live in the country. Want the taxpayers to be happy. I don't care for this technology. / App: please don't blame your Planning Commission, they are under some obligations in the Telecom Act controlled by the federal government. Services include 911 service and other essential services. Townships are required to allow coverage as needed. No one likes these things in their back door. / Burton: doesn't like the waves that go out, has young kids. If they get sick, I'll pursue it. / Jernberg: a lot of study has gone into getting into compliance with federal rules.

* Tim Wittenbach, 13005 Three-Mile Road: There's a 500-foot tower on Lincoln Lake and 3-Mile Rd. To Sowle: how high were Cook's silos that used to be at the end of the runway (Runway 30)? No light on those. They've been taken down, but... Sowle: State of Michigan is more in control of the airport now. Even 10,000 feet away, the 191-foot tower may not be an issue, but sitting at an elevation that puts it over 1,000 feet above sea level may be an issue.

* Greg Mooney, 1269 Heim: Curious about traffic volume to maintain/service the tower. There are seven houses on Heim, not posted for speed limit. / Jernberg: the township board can request speed designated if residents would like. Not something that would be handled by the Planning Commission / App: once or twice a month, a visit to the site by a pick-up truck or SUV.

* Jim Jorgenson: back to the lights. There was discussion there may be a need for lights

based on MDOT requirements / App: FAA has ruled no lighting is required. MDOT application will still need to be made and they will tell us if a light is required. The Vergennes Township Planning Commission can approve on the condition there will not be a light, and if they do that, then AT&T would have to reduce the height of the tower, with other consequences, such as needing another tower to fill the hole in the network. Color of tower: galvanized steel. Jorgenson: lighting can be made horizontal or upward facing, not directed downward. People living on Heim would probably not see the light.

- * Phil Fye, 2560 Lincoln Lake: will there be a generator in there? App: No, unless there's a light. It's only when there's a light that a generator is needed. AT&T tries to avoid them. Government mandate makes this likely? Jernberg: yes, and we're trying to limit it as much as possible - the lower we make these towers, the more will need to be built. Or, maybe the technology will make fewer towers necessary.
- * Burton: another tower? Consumers Power tower at Vergennes and Bailey, mounted on a 112' lattice tower that's already in existence.
- * Fye: owns property across the street and his cell service is currently "lousy." Jernberg: it's a balancing act to make the best possible plan.
- * Jorgenson: What about migratory birds? App: issue about how they're attracted to the lights. That's mostly the higher towers.
- * Mooney: if leasees are not the ones he uses for phone and TV, is there adverse affect on his service? / App: service on other cell phone carriers is not impacted. 911 will always work no matter who you're with. Telephone and TV transmit at different frequencies from cell companies, for example, for towers built on hospitals, there is not interference. Also, the lease provides that they will assist if such a problem comes up.
- * Carstens: aren't the radio signals directional? App: they are aimed to other towers, e.g., the Alger tower. Carstens: is it anywhere but directly at the next antenna, not down or up? App: No, just at the next antenna. One school has put cell towers on every light at its football stadium. There is no more radiation 75' from a tower than standing 4' from a baby monitor. This is a 100-plus foot tower. Carstens: timeframe? App: Grattan tower is being built next month - as soon as approval is given here, they will order the pole.
- * Burton: impact on property value? / Jernberg: hard to say. Cited a study provided in the paperwork. If Noalls sell, the lease will go to the next owner, per the agreement.
- * Mooney: is there another location that might help Howard out re: the driveway coming out right by his house? App: will gate their drive, or they could put the access off Mr. Noall's driveway, which will require cutting down a whole lot of trees which will be much less scenic when driving down Heim. Can avoid cutting the trees using the proposed driveway path. Burton: you're using county access at the proposed point. The current plan shows the least tree removal possible. Trees are not yet flagged.
- * Mooney: recommends/requests that the Planning Commission limit the lights to "no lights" no matter what.

Public Hearing closed at 8:42 pm.

Further discussion by Planning Commission: Jernberg: recommends vertical or horizontal lights only, if required, and no downward lights at all. Commission will also want to state that maximum height will be lowered below MDOT's requirement for lights by one foot. Signal strength: Jernberg would also want to require AT&T to maximize signal strength. Medendorp: access road needs to be constructed so neighbors don't see all the way down access road. Jernberg: can access go such to create a 20-30 foot sight buffer by altering the access line? Mr. Noall invited people to come take a look. Jernberg: also, we'll want it gated.

Motion by Nauta, seconded by Richmond, to recommend to the Township Board to approve this application, with the following stipulations:

- drive must be gated with 2-3 conifer trees planted for screening purposes
- access drive to be located in a manner to stagger it to avoid being directly across from the north neighbors
- work site zone to be replanted and reseeded to be as natural as possible within a year
- AT&T construction (such as with construction crane) will be limited to the 20' construction easement as noted on the site plan
- re: lighting: if a light is required to meet minimum signal strength (to avoid the need for another tower), limit tower height to a) prefer no light at all, or b) if one is required by MDOT to meet minimum signal strength, have it be the minimum requirement to keep it to a one-tower maximum with a single upward-facing light only
- proper documentation must be submitted to and approved by the MDOT before erection can begin. All approved.

General Public Comment Time:

Phil Fye, 2560Lincoln Lake: question about annexation situation: Cooks and their potential buyer have asked their border property to be annexed to City of Lowell. Tim Wittenbach: 177 acres applied for annexation. Boundary Commission hearing in Lansing is scheduled for next Thursday to assess "legal sufficiency" to do this. The township will have attorneys to represent its interest. The Cooks now own one ½ acre strip adjoining the city. Annexation request was filed several weeks ago. Questions about how to support the township's fight against this application, comments about the Master Plan being written to avoid this sort of maneuver by landowners.

Motion to adjourn by Nauta. Seconded by Medendorp.

The next meeting is December 6, 2004.

The meeting was adjourned at 9:15 PM.

Respectfully submitted,
Kate Dernocoeur, Recorder