

# Vergennes Township

## PLANNING COMMISSION MINUTES

October 2, 2006

*Approved 11-13-06*

A meeting of the Vergennes Township Planning Commission was held on October 2, 2006 at the Township Offices. At 7:00 PM Chairman Jernberg called the meeting to order. Also present were Commissioners Gillett, Makuski, Mastrovito, Medendorp, Nauta, and new member Post. Assisting the commissioners were Jeanne Vandersloot (Township Zoning Administrator) and Jay Kilpatrick (Township Planner).

**APPROVAL OF SEPT 11, 2006 MINUTES:** Motion to approve by Nauta, seconded by Gillett. All approved.

**APPROVAL OF/CHANGES TO AGENDA:** Jeanne requested Marsha Wilcox's information to be read (dropped off envelopes). Motion to delete item seven and otherwise approve by Gillett, seconded by Medendorp. All approved.

**1. PRIVATE ROAD - FORESTLAND HOLDINGS, INC. - CUMBERLAND WOODS.** Presentation by Becky Page, Driesenga Associates, configuration has been redrawn. Jernberg was in contact with Tim at Kent County Road Commission re: questions about abandonment and also safest route (assuming abandonment), which led back to the original design. Has received comment and approval for the location (but not official permit yet). Abandonment process is under way and no problem is foreseen.

Kilpatrick: private road maintenance agreement has been drafted by the township attorney, dated 27Sept06, and meets township ordinance requirements with minor modifications. Nearly complete.

Vandersloot: official land division application still has to go to the assessor.

Godfrey Vanderwerff: County engineer has also recommended in a 25Sept06 memo to continue assuring passage of a drainage easement from onsite sources to avoid future conflicts with adjoining properties. Will be an increased flow of water with this development, and cannot be allowed to flow back onto his neighboring land. There is a natural flow of water across these 40 acres, and township engineer suggests handling of this be clearly spelled out to future property owners with an arrangement to handle the increased water flow. Not sure if should be in road maintenance agreement, or where, but notification of buyers needs to be clear. Kilpatrick explained, discussed. Issue is to seek a mechanism to restrict development on lots 1, 2, 3, and 4. Well isolation and proposed house locations don't seem to interfere (except lot 3) but there's a lot of room on these parcels.

Becky: have sized the culvert not to cause a problem. The plan is for land divisions. You can't block a natural drainage source across the sites in a development. Lots can't block drainage of other lots. To set easements would be difficult as long as a drainage path is planned across each parcel. Intent is not to block drainage paths.

How to assure of this assertion of intent? And who would enforce that? Becky:

application of building permit could be a time to review drainage. Planning on wording in the covenants not to block neighboring drainage. Jernberg: perhaps applicant should include a binding deed restriction on the purchase agreement to that effect. Kilpatrick: could be a condition of the recommendation for approval to the Board. Could divert, but not prevent, drainage. Nauta: It's hard to reverse a drainage problem if it becomes a problem, so now is the time to do something about it. Applicant: there are several other restrictions, so it could be included.

Re: the land across the driveway attached to Lot 1 (and also a bit across from lot 3), it's uneconomic, and something to look over. Kilpatrick: it's rural, wooded, and shouldn't be an issue, but things like this should be considered in more urban situations.

**Motion** by Nauta to recommend approval to the Township Board on the following conditions:

1. Land division final approval
2. Language pertaining to not interfering with drainage of adjacent properties,
3. Approval of abandonment of Cumberland Road,
4. Road maintenance agreement is completed, and
5. Driveway access permit is received from the county. Seconded by Gillett. All approved.

**2. PAWSITIVE CANINE TRAINING CENTER - SEUP - LIZ FAHNENSTIEL.** Applicant showed revised plan with Jay's synopsis in mind. Drive has been revised, pushed south to avoid interfering with the culvert. Re: drainage: will be addressed. Kilpatrick: dealing with two decisions: special exception use, and also the site plan. Five standards have been provided in a written memo to the Board and addressed: low traffic, low health/safety concerns, compatible with adjacent use, property values at worst is neutral, at best an improvement. Nuisance effects caused by the site (e.g. barking dogs and animal waste): agility training area is 10-feet off north property line. Outdoor training presumably limited to daylight hours. Recommendation: conditional approval for special exception

Site approval: setbacks are not on site plan. Fenced agility area does not meet 50-foot setback. Can question if a fenced area needs to be within the setback (a conservative reading might require realignment to meet that standard, esp. if it's left 10-feet off the line sets a precedent that should be avoided). Berm or fence of property lines, distinct from the agility training area, there's a variance pending. Onsite lighting is not detailed. Parking area: needs to be screened if facing residential area (simple solution). Animal waste not discussed. A dumpster (or other plan) is not shown on site plan. Sign details: no indication if lighting is proposed. Three site plan details: exterior facing must be shown for non-complying sides; parking surface material (dust free, resistant to erosion) needs to be clarified; property lines abutting residential areas. Variances need to be resolved before approving site plan. Recommendations - conditional approval based on written memo dated Sept. 30, 2006.

**Motion** by Medendorp to set a public hearing for the November 13 meeting. Seconded by Gillett. All approved.

**3. BANQUET FACILITY - SEUP - KENT MCKAY.** Applicant presented. Leach basins and detention ponds as drawn by DC Engineering who worked on the adjacent properties. New plan has 7 leach basins and pipe will disperse all rainwater from 75% of storms. Parking area has a square shoulder; all asphalt sloped towards drains. 10 temporary silt sacks and two catchment

basins. Detention basins will normally be dry, no cattails or standing water. Slope of basins are 1:5 (shallow). Entire project wants an upscale look & feel, so detention ponds will be mowed. Pond design is at 145% of required volume of 100-year flood.

Kilpatrick: two decisions tonight: special exception use for banquet center, and site plan. Reviewed prior considerations. Review of standards is that this application meets requirements. Re: site plan, some issues have still not been addressed from Aug 14 memo. Building elevation, signage, traffic generation (an issue of prime concern for a facility like this); two driveways are proposed 240 feet apart, facility/event management (over-served drivers and alcohol policies). Outdoor ceremony area elevation is not shown. Lighting questions. These are two tax-properties, recommend they be combined. Vandersloot noted that they are a two-lot site condo and cannot be combined. Engineer's report: drainage calculations based on a very aggressive percolation standard (16 feet/hour). Question if drainage would work if pipe were higher than pipe at parking lot. Recommends: scheduling a hearing but asking for adjustments to the site plan before final approval.

**Motion** by Gillett to set a public hearing for Nov 13, 2006. Seconded by Nauta. All approved.

**4. COMPREHENSIVE PLAN UPDATE REVIEW - JAY KILPATRICK.** Last time talked about farmland preservation and the PDR program. Planning Commission's sending out of the revision starts a 90-day review process by neighboring townships. Two main concerns tonight:

Extended commercial and industrial development corridor: some of the frontage has developed as quasi-commercial/industrial. To the north, should we look at more commercial/industrial to the tracks? Commercial-type uses are already extending along Lincoln Lake Road.

Extent of wastewater utilities and its impact on density. Current Master Plan shows a light utilities area built in the late 1990s. Water main serves the high school. A request for rezoning in the area depending on utilities is increasing. Do we want to promote higher-density uses that could take development pressure off the rest of the township? And could that be sustained as a higher-intensity development area over time, esp. if utilities are not available (which would encourage 3-acre development).

Each plan is reconsidered on a five-year basis, won't look at it again until 2010. Should consider a 5-year horizon. Medium density area is still relatively low. Should we depart from the current standard or stay with it?

Medendorp: Alden Nash development is looking pretty good (south of football field). That type of development in that area seems better to encourage. Nauta: Cook property will come with greater density, probably. Cooper property may want to get a similar density. Could shift some of the western medium density portions that are already developed in a low-density manner, and try to hold growth in the other southern sections.

Question: what do we want to do with utilities? Expand or not? Planning Commission and Board need to consider these things. Nauta: we're just looking at a site-specific system for the Cook property. A lot is up in the air regarding that. Further discussion. If the township were to build a sewer treatment plant, we want to think 15-20 years out, but respond to the 5-year challenge today. Can do build-out standards to phase in development over time. Where to place the treatment plant is at issue now - build a smaller plant for a smaller project, or more? Cheaper

to build and operate one plant than 4-5 smaller plants. Also, the permitting process for multiple plants is another issue. Then a larger one should be cited with the next 20 years in mind, expandable in phases.

#### **5. ORDINANCE AMENDMENT DISCUSSION (HISTORICAL DISTRICTS COMMISSION).**

Presentation by Kilpatrick. Memo distributed to Commissioners. Two issues: 1. the need for a better ordinance structure and 2. whether the preservation effort is slowing down in the township. To put this language in the zoning ordinance has some constraints. Overlay defines what can happen within an historical district, shown on the zoning maps so prospective property owners know what they have to do. Planning Commission and HDC would review applications for changes. Could beef up demolition by neglect but that can be contentious. Meetings can be at will or on call (rather than quarterly) but not meeting results in a possible perception of weakness. Could seek a partnering effort with historical organizations such as Fallasburg. Tax credits are of no value to non-profit organizations. Next level: requires appointment of a historic review committee. Recommends steps be taken to regenerate the current historic districts commission and broaden its preservation efforts, including a shift of some tasks to outside the ordinance.

Medendorp: historical review of whether our ordinance needs to mimic the state ordinance -something that once brought about great local turmoil. Kilpatrick: a population of 5,000 changes things. To be eligible for funding, improvements have to conform with state's historical preservation standards. Caution: be careful what you wish for in implementing an ordinance. Additional commentary and history by Craig Wood. Township Board has requested some tweaking to the ordinance if not a rewrite. Need an ordinance we'll use, if we have it in there. What's the public policy you're trying to achieve? Would need to be voluntary. Historically, 2/3rds of the property owners affected would have to agree. Gillett suggested this be reviewed; invite more people to the public discussion. The last time this ordinance came up, the discussion was very intense. Get input from the Board as well. Recommended to table the discussion for November (if possible) or December and get further review from township planner's office and input and direction from the Township Board.

#### **6. PRIVATE ROAD - LLB ENTERPRISES - ALDEN NASH MEADOWS.** Presentation by Linda Biggs. Project is located on Alden Nash between McPherson and Bailey (old apple orchard).

Maintenance agreement: township attorney will be drafting. Previous land division: home (parcel 11, 1-1/2 acres) has been there more than 40 years. Parent parcel isn't included as part of the division. Shared driveway: lot 7 on south end of property to lot 13, is a 66-foot easement over railroad track, application has been sent in to railroad for a crossing (hoping it'll be abandoned, land could revert to land owners). Has no current plans for lot 13. Re: request to consider using open space ordinance, realized she could have more houses, not the way she envisions the township, wants nice lots that don't show from the road, most are 5 acres or more. Wants to make less money and have it the way she envisions.

Kilpatrick: parcel split means it's not part of the parent parcel, may mean she's entitled to 10 total splits, plus 2 bonus splits for the road for a total of 12. Railroad: parcel 13 is 21 acres and could accommodate additional splits, but that has implications to the road design. The 66-foot right of way would accommodate a standard road. Parcel 13 depends on railroad

abandonment. They often grant driveway access. Open space: property seemed ideal for this application, but she doesn't have to take the maximum number of lots entitled to her, and could leave more space open. Recommends postponing setting a hearing to resolve issues. Applicant says there are several options for the 20 acre portion. Question about easement to cross the tracks now. Township engineer also raised some concerns, which can be dealt with administratively. Need clarification of land division, road maintenance agreement, and driveway permit from KC Road Commission, none of which is fatal for moving forward. Medendorp: the landlocked piece is bothersome; an easement between parcels 6 & 7 would perhaps be an easier/shorter access. Applicant said she has a very old easement to cross the tracks and a neighbor to the east is interested in that parcel.

**Motion** by Nauta to schedule a public hearing for the November 13, 2006 meeting. Seconded by Makuski. All approved.

**General Public Comment Time:** Medendorp: can we promote the open space planning more? Discussion. People with bigger parcels get a suggestion from Jeanne.

Motion to adjourn by Makuski. Seconded by Gillett.

The next meeting is November 13, 2006.

The meeting was adjourned at 9:10 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder