

# Vergennes Township

## PLANNING COMMISSION MINUTES

October 4, 2004

A meeting of the Vergennes Township Planning Commission was held on October 4, 2004 at the Township Offices. At 7:00 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Gillett, Kropf, Mastrovito, Medendorp, Nauta and Richmond.

**APPROVAL OF JULY 26 (SERVED AS AUGUST MEETING DATE - THERE WAS NO SEPTEMBER MEETING) MINUTES:** Motion to approve by Gillett, seconded by Kropf. All approved.

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

**1. AT&T CELLULAR TOWER APPLICATION.** Wally Haley presented for AT&T. Addition to packet is a visual of how the pieces of the network fit together. Discussion of co-location opportunities to show how this site fits others around it. Tonight's proposed site is on Hein Rd. just west of Lincoln Lake Rd. Tower is under 200 feet per township ordinance, and is far enough from airport.

Discussion: if tower were to fall, what happens? Modern monopole towers are designed to crimp over onto themselves by pre-engineered stress points if catastrophic loading causes failure. None failed in Florida from the recent hurricane; other examples from Oklahoma/tornado experience. 75x75-foot square area being leased. Will the tower stay within the parameter and not fall into the adjacent landowner's land? Haley will get a letter from tower manufacturer re: the fall zone. Jernberg is concerned with buildings being too near to fall zone. Tower foundation is 35-40 feet into the ground with cement caisson. Pole structure is stacked (40-foot sections over top of each other, sleeved). Doesn't know of anyone else going onto this tower at this time.

Jay Kilpatrick: this is a special exception use referred to Planning Commission by the Township Board, and this will require a public hearing. Referring to a memo from Williams & Works, dated 9/27/04:

1. Completeness of the application: Lessee or owner must be the applicant, or sign the application. If the tower is abandoned, it has to be removed within 3 months; there needs to be a bond to cover township costs to do so.
2. Special Exception Use: Documentation of similar structures within two miles that could be used for co-location and efforts to use available co-location sites needs to be shown. (What Haley showed may have covered this point.) Other general provisions as shown in the Williams & Works memo.

3. Performance Standards for Wireless Communications Facilities: Documentation of the applicant's assertions could be helpful to the Planning Commission. Discussion about engineering certification and fall zone information, accessory structures, obstruction lighting, and visual impact of the facility (no lighting preferred/white strobe light disallowed by ordinance).

4. Site Plan: need to show on the site plan any existing structures on the property. Height exceeds lease area, which is OK if the owner signs the application showing an understanding of the fall zone issues.

Options: table and wait for the answers to these issues, or set a public hearing and be ready to address them at that time. AT&T would like to start building this year.

**Motion** by Gillett schedule a public hearing on November 8, pending receipt of the following:

1. Documentation of agreement to allow Haley's office to represent landowner and AT&T
2. Clarify issue of tower removal lien/agreement
3. Documentation of surrounding towers of the facility and co-location efforts on towers that already exist.
4. Provide set of tower record drawings for a monopole and fall zone certification letter
5. Owner must sign special exception use permit application at the township .
6. Provide documentation to Vergennes Township re: property values
7. Include setback from parcel lines
8. Show dimensions of cabinet elevations and platform
9. Provide documentation about tower not being lit
10. Provide digital photo simulations from N-S-E-W elevations.
11. Show structures existing on the property on the site plan.

Seconded by Medendorp. All approved.

**2. PARCEL SPLIT & PRIVATE ROAD INFORMAL DISCUSSION - STOCKREEF.** David Stockreef, 11960 Alden Pines Drive presented. When purchased property in 1978, 26 years ago, there was no road, and lots sizes were 2-1/2 acres minimum. He recently discovered that frontage/easement is not included in the 3 acres of a parcel split. Is 1/10 acre shy so is requesting a variance, still consistent with rural setting. Changes have created a hardship. Smallest lot is his current house, which is adjacent to four 2/12 acre lots. Has road frontage on three sides and feel penalized by the easement, and cannot be divided further. South boundary butts onto Land Conservancy land.

Jernberg: size of personal lot is an issue, balanced against lot B has to be accessed off the private road as a requirement of the ordinance. Piece of property that touches the main road is the frontage. Parcel A and B have to come off the private road, and Parcel C can come off Alden Nash.

Two-prong request - sub sized lot for owner, and how much road improvement

needs to occur to conform the road to the requested split. Currently there are six residences, with potential for a 7<sup>th</sup>. Issues about frontage. Lot is a half-mile off Bailey. The configurations are drawn this way to give all landowners on the split access to the public property (Land Conservancy) to the south to all the landowners.

Kilpatrick: Two issues. First: lot size, the application has to go to ZBA (an application for variance is already in). Second: lot B results in a new parcel on the private road, which triggers the requirement to upgrade the road to the next level.

Residents get together annually regarding the road. Re: upgrading the road, residents want to keep it as is. An upgrade has to be for the entire length of the road, unless an exception is granted.

Private road ordinance requires to road to be 18' wide. Can the Planning Commission change that requirement? Township Board can waive certain requirements, but not the Zoning Board of Appeals or Planning Commission. Need an engineered site plan to know for sure. Could recommend a waiver of that standard, but need something specific to work off of. Lot width, applicant has a good argument to take to the ZBA.

Jernberg recommends applicants meet with Jeanne and prepare what to do with the engineer. Planning Commission is reluctant to deviate from the ordinances, unless compelling reasons (such as applicant has tended to offer) exist. The people on the private road already have a maintenance agreement. The lot split is a separate issue if the ZBA approves the split as smaller (2.78 acre) lots. If ZBA does not approve this, the second request will be impacted accordingly. Go to ZBA next.

**3. CHANGE NOVEMBER MEETING DATE (ELECTION CONFLICT).** Motion by Medendorp, seconded by Nauta to hold the next Planning Commission meeting on November 8, 2004. All approved, but Kropf won't be here.

**General Public Comments:** none.

Motion to adjourn by Nauta. Seconded by Medendorp.

The next meeting is November 8, 2004

The meeting was adjourned at 8:35 PM.

Respectfully submitted,  
Kate Dernocoeur, Recorder