

GRATTAN TOWNSHIP PLANNING COMMISSION

Regular Meeting of November 7, 2007

Call to Order/Roll Call

Chairperson Alan Rumbaugh called the regular meeting of the Grattan Township Planning commission to order at the Grattan Township Hall at 12050 Old Belding Road at 7:00 p.m. Members present: S. Miller, A. Rumbaugh, L. Sostecke, J. Spitler, A. Berry and J. Proos. Members absent: D. Heffron. This was an excused absence. Township Supervisor Frank Force, Township Treasurer Sabrina Freeman, Township Enforcer Al Darzniek, Township Zoning Administrator Gregg Converse, Township Building Inspector Casey Patterson and Township Attorney Jim Brown also attended the meeting.

Pledge of Allegiance

A. Rumbaugh led the Pledge of Allegiance.

Approval of Agenda

L. Sostecke moved and S. Miller seconded to approve the agenda as presented. All ayes. The motion carried.

Approval of Minutes

Minor corrections to the minutes were noted by A. Berry and S. Miller. L. Sostecke moved and J. Spitler seconded to approve the amended minutes. All ayes. The motion carried.

Public Comments

There were no public comments.

Public Hearing- Scott Nicholson/Marcy Dawson-Nicholson-12433 Woodland Park Drive- New Residence on Non-Conforming Lot

A. Berry moved and S. Miller seconded to open the public hearing. All ayes. The motion carried.

A. Rumbaugh asked for comments in favor of the proposal. There were none.

A. Rumbaugh asked for comments opposed to the proposal. Marty Bender, 12441 Cabin Dr. , asked what parcels were being provided. A. Rumbaugh provided Mr. Bender with paperwork regarding the proposed lot split. Mr. Bender asked if any Township restrictions were being changed. Commission members said they were not. He also asked if setback requirements would be met. A. Rumbaugh said they would be. Mr. Rumbaugh

explained the easement on the property for the sewer grinder pump. He also said the existing stairway to the lake could only be used by that parcel to access the lake.

J. Proos moved and A. Berry seconded to close the public hearing. All ayes. The motion carried.

L. Sostecke asked if any back lots would have access through this parcel to the lake. It was noted that they would not. J. Proos asked if any boats other than the owner's would be able to use the dock. A. Rumbaugh said they would not.

Township Attorney Jim Brown explained the proposed resolution to approve the Nicholson's request. J. Spitler moved and J. Proos seconded to approve the resolution. A. Berry read the roll call. All ayes. The motion carried.

Continued Review- Timothy and Janet Heffron Trust and Nash Farm LLC-13310
Strotheide Road- Request for Mineral Extraction and Processing

Brent De Rose, Nederveld Associates, said changes to the proposed site plan now include more detail regarding the entrance. The entrance would be gated and bermed and landscaped. The entrance road would be paved 150' into the property from M-44. This should help with dirt and dust control. Mr. De Rose said no more than 5 acres at a time would be mined and no recycling of materials would take place on site. Four foot fencing would be erected around steep slopes. He said an expansion of the mining operation to the north is not in the plan, but assumed that issue would be discussed later. Mr. De Rose said he attended a Michigan Department of Transportation (MDOT) meeting with L. Sostecke, A. Rumbaugh and Township Engineer Chad Sosnowski. It was determined at the meeting that a 225' extended right turn lane would be needed, but a center left turn lane would not be required. MDOT determined the number of vehicles along this section of M-44 and the proposed number of trucks per hour for the mining operation did not warrant a traffic study.

Mr. De Rose said a \$5000.00/acre letter of credit has been approved for a 3-year duration. There would also be an annual review of compliance regarding the estimated removal of 50,000 cubic yards of material per year, with the maximum of 100,000 yards if the market demands are there. Extraction of minerals and restoration of the land to a natural state would not exceed 12 years. Mr. De Rose said the proposed hours of operation are Monday thru Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. to 2:00 p.m.

L. Sostecke said MDOT did not consider the proposed maximum 6 trucks per hour at the site very many and they said a traffic study would only be required if there were more trucks or more traffic along M-44. She said the safety issue of the additional trucks was not even close to requiring a left turn lane at the entrance. Ms. Sostecke said most of the hours of operation would be daylight hours.

S. Miller asked if there would be an acceleration lane. Mr. De Rose said there would not be an acceleration lane. He said the driveway would be flared at the entrance. It was estimated that the flared driveway would be .8 of a mile. Ms. Miller questioned whether that was long enough for trucks exiting the operation with a gross vehicle weight of approximately 77 tons to reach the 55 mph speed limit on M-44 Mr. De Rose said safety was up to individual drivers. Ms. Miller said she was concerned about safety.

A. Rumbaugh asked if there would be signs signaling drivers that trucks were entering and exiting in the area. Mr. De Rose said the Township could ask the road commission for those signs.

J. Spitler asked if an approval of this request is granted to the operator of the mining operation only. A. Rumbaugh said the special land use goes with the land.

J. Proos said he was concerned about traffic flow, but MDOT doesn't seem to be concerned and they are the experts. A. Berry agreed with Mr. Proos.

A. Rumbaugh said D. Heffron had asked what would happen if the operation was in its last year and they might decide to take an excessive amount of minerals out before the 12 year limit expired. He was concerned that operation might increase to 10 acres with larger quantities of minerals being extracted. J. Brown said the bond ensures proper operation of the pit. He said the applicant could ask to extend the operation past 12 years.

L. Sostecke said Commissioners had discussed allowing more mineral extraction if needed with Township administrative approval. She said only 5 acres at a time could be mined, reclaimed and then another 5 acres could be mined.

There was a discussion about the number of trucks per hour. Ms. Miller asked if the 6 trucks per hour figure given by the applicants were trucks only exiting or also entering. Mr. De Rose said they would be entering and exiting. Mr. Meekhof said that is how they have always stated the number of trucks per hour. J. Brown said the Planning Commission can consider a maximum number of trucks allowed. A. Rumbaugh questioned how the Township would enforce that. J. Spitler asked how many trucks per hour were discussed with MDOT. Mr. De Rose said 10 trucks per hour. Mr. Spitler asked if 20 trucks per hour would be okay with MDOT. It was noted that MDOT would not look at requiring a center turn lane unless hundreds of trucks were entering and exiting the site. MDOT said although they would not require a traffic study, if Grattan Township did require one they would abide by the requirements of the study. Mr. Brown said the ordinance requires the restored land not to exceed a 5% grade. He said that would be quite flat and suggested the land could be reclaimed with a gently rolling terrain. He was going to review wording to allow a 5 to 1 slope to better match the area.

Commissioners asked Tim Heffron how he perceived the land being used at the end of the 12 year mining operation. He was not sure at this time. A. Rumbaugh said the Planning Commission should look at requiring fencing around the north mining operation and reclamation of the land at the north mining operation to match the southern property

when that mining operation is completed. Mr. Heffron said that proposal sounded logical. He would like to continue to mine the north property as he has in the past.

Mr. Brown said he would need a description of the land excluded from the Meekhof's proposed mining operation and what rules would apply to the northern property. Commissioners discussed limiting the northern property to extracting 10,000 cubic yards per year, which would maintain the same level of current operation. J. Brown asked if the northern property would be reclaimed with top soil and seed. Mr. Heffron said it would be. There was a discussion about requiring a performance bond from Mr. Heffron. Commissioners agreed the expense of the performance bond would be a hardship for this small operation. A. Rumbaugh said the Township can require Mr. Heffron to stop the operation if any issues should arise.

J. Proos asked what recourse the Township would have if residents complained about traffic from the larger operation. J. Brown said the operation can not continue if it is causing traffic problems, etc., but if the complaint was about a nuisance the Township would not have any recourse.

J. Spitler asked the applicant if he could offer something to the Township given the concerns about traffic. Mr. Meekhof said he could limit the number of trucks to 20 a day (a round trip each truck) and ask for an increase in the number of trucks per day if the mining operation had a big job to fill. Mr. Meekhof said some clay and limestone will need to be brought to the site. J. Brown agreed to add up to 5,000 cubic yards per year. S. Miller asked about noise levels at the site. It was noted by Doug Meekhof that noise levels are regulated by law (see attachment). He felt the operation would not exceed levels as detailed in his summary of the different pieces of equipment. Readings are required each year. Commissioners estimated the closest residence was 1200' from the operation. J. Brown said he would add excessive noise as an adverse effect. J. Brown said the special land use would be reviewed annually by Township Engineers and every third year by the Planning Commission.

J. Spitler moved and J. Proos seconded to move the matter to public hearing at the December meeting. All ayes. The motion carried.

Review- Appeal of Brian Heethuis- Accessory Building

A. Rumbaugh explained the purpose of this review. Mr. Heethuis made request for a permit to restore and expand an existing structure (garage) on June 4, 2007. That permit was issued on June 7, 2007. On October 22, 2007 the Township became aware that the structure had been removed and rebuilt. It was also noted that the structure did not maintain the 10' separation requirement from the house. Mr. Heethuis has requested relief for that requirement.

Mr. Heethuis said the original structure was in very poor condition. He said the structure was expanded, resided and windows and doors replaced. The original foundation and a brick wall remain. A. Rumbaugh said Township ordinance says a non-conforming

structure can be repaired to make it livable. He asked Mr. Heethius why there is only 9' between the garage and the house. He said it was surveyed and if the survey was off by 1' that could be why. He said the deck off the house was on the application. Mr. Heethius said the trusses were replaced. A. Rumbaugh referred to photos and said the side walls were also replaced.

A. Rumbaugh said the height of the garage is in violation. The maximum height allowed is 16'. The garage is 16' 2". Drawings of the garage show the garage height at 15' 4". A. Berry asked why the application was not brought to the Planning Commission if the structure was in such poor shape. Mr. Heethius said that after talking with Gregg Converse he realized the matter should have been brought to the Planning Commission.

A. Berry asked Mr. Heethius how long he has been a builder. Mr. Heethius said building houses is a supplemental job he has done for 3-4 years. Commissioners asked Mr. Heethius why he ignored the stop work order posted on site. Mr. Heethius said the stop work order had the wrong address listed. He also said he had contractors on site and was nearly finished with the job. J. Spitler said the structure is no longer an existing non-conforming structure. Mr. Heethius disagreed. He said the Township was aware of the condition of the structure. He said he has spent about \$3000.00 for the 4" x 20' expansion. Township Building Inspector Casey Patterson said neither the application nor plans mentioned the remodel work done to the garage, just the 4' x 20' expansion. Mr. Patterson said he had no idea Mr. Heethius was going to rebuild the garage. Gregg Converse said there was a permit for construction of the house and a separate permit for the garage.

A. Rumbaugh said if overhang on the garage is considered the current separation is only 8 1/2'. Commissioners discussed many options to bring the matter into compliance including tearing down the garage, removing part of the deck or connecting the garage and the house. J. Spitler said his biggest problem with the matter was Mr. Heethius ignoring the stop work order. A. Berry said he was bothered by the applicant tearing down and rebuilding the structure. L. Sostecke said she did not feel the Planning Commission was here to fix mistakes people make.

Mr. Heethius withdrew his application for a special land use and will solve the violation by making adjustments to the deck and the garage. Township Zoning Administrator Gregg Converse and Township Building Inspector Casey Patterson will make sure the 10' separation requirement is met.

Adjournment

There being no further business, A. Rumbaugh declared the meeting adjourned at 9:30 p.m. The next regular Planning Commission meeting will be held on December 5, 2007.

Respectfully submitted,

Diane Timmons

Recording Secretary, GTPC