

GRATTAN TOWNSHIP PLANNING COMMISSION

Regular Meeting of October 3, 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: A. Rumbaugh, A. Berry, J. Spitler, S. Miller, L. Sostecke, D. Heffron and J. Proos. Members absent: none. Township Supervisor Frank Force, Township Clerk Jim Fues, Township Zoning Administrator Gregg Converse and Township Attorney Jim Brown also attended the meeting.

Pledge of Allegiance

A. Rumbaugh led the Pledge of Allegiance.

Approval of Agenda

A. Rumbaugh suggested that item 9 (Tim Heffron mineral extraction discussion) be moved ahead of the communication tower review (Harp/Czelada) in order to allow the tower applicants time to review information they received at this meeting. L. Sostecke moved and A. Berry seconded to approve the amended agenda. All ayes. The motion carried.

Approval of Minutes

L. Sostecke and A. Berry noted 3 minor corrections. A. Berry moved and L. Sostecke seconded to approve the amended minutes. All ayes. The motion carried.

Public Comments

There were no public comments.

Public Hearing- Proposed Ordinance Amendment Regarding Violations

A. Berry read the proposed ordinance out loud.

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

Joe Nowak said a public notice about the ordinance amendment was posted on the Township door. He asked if any other public notice was made. A. Rumbaugh said the meeting was noticed in the Greenville Daily News. J. Brown said the notice was in the September 18, 2007 paper. Mr. Nowak asked who is authorized to issue violation tickets

now. Township Attorney Jim Brown said the Township Supervisor and Zoning Administrator.

Bob Grille asked who was authorized to issue tickets when the Parnell Store was ticketed. D. Heffron said that is a question for the Township Board, not the Planning Commission.

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

A. Berry moved and L. Sostecke seconded to recommend approval of the amendment by the Township Board. A. Berry read the roll call. All ayes. The motion carried.

Scott Nicholson/Marcy Dawson-Nicholson- New Residence on Non-conforming Lot

Mr. Nicholson explained his proposed site plan for a new residence on Big Pine Island Lake on a non-conforming lot. He is combining 2 lots and would like to build a new home there. A. Rumbaugh asked if the new dwelling would meet setback requirements. He noted that the lot has a steep slope to the waters edge and reminded the applicant that retaining walls can become part of the structure and must then be considered in the setback measurement. Mr. Nicholson said a retaining wall would be located on the lake side of the house. He said the original site plan showed a 15' setback from the road, but that setback has been changed to 21' from the road. He said there would still be enough room on the lot to meet the lakeside setback.

L. Sostecke asked about parking. Mr. Nicholson said there would be room along the length of the lot to park 4 cars. A. Berry asked if the setback is being measured from the road right of way. Township Zoning Administrator Gregg Converse said the applicant is measuring correctly from the edge of the road.

L. Sostecke asked what the lot size is. Mr. Nicholson said it is about 6900 square feet. D. Heffron asked about the history of the purchases of the properties. Mr. Nicholson said he purchased the 2 lots at separate times. A. Rumbaugh asked if this new purchase would exclude back lot use of the existing stairway down to the lake. Mr. Nicholson said it would. Mr. Rumbaugh asked if there were any deed restrictions. Mr. Nicholson said there were none. A. Berry asked if overhangs were included in the setback measurements. Mr. Nicholson said they were. A. Rumbaugh asked if the new home would be a residence or a rental. Mr. Nicholson said it would be a second home and rented on some weeks.

Commission members discussed the location of a sewer grinder pump on the property and whether or not that area would be included in the square footage measurement. It was noted that the grinder pump serves 2 houses. Mr. Converse said he was unable to locate an easement for the grinder pump. Frank Force said all the easements were not recorded. The Township is trying to locate those easements through the County. He said if the Township is unable to locate all the easements, it will try to get the easement from property owners. A. Rumbaugh asked if there was a chance the house would be located

on the easement for the grinder pump. Mr. Converse said it would be very unlikely that it would.

D. Heffron asked about the strip of land between the 2 lots. Mr. Converse said the strip of land is an easement created with the original Plat. He said technically anyone in the Plat could use that easement.

D. Heffron moved and A. Berry seconded to schedule the matter for public hearing at the November 7, 2007 Planning Commission meeting. All ayes. The motion carried.

Timothy and Janet Heffron Trust and Nash Farm LLC Request for Mineral Extraction and Processing

Doug Meekhof, Representative for the mining operation and Brent DeRose, Nederveld Associates attended the meeting. Mr. DeRose said the applicant is requesting a special land use in an Agricultural zone to extract and process minerals. Mr. DeRose said the property is part of the Nash property with Belding Road to the south, Ashley Avenue to the east, Lincoln Lake Avenue to the west and Strotheide to the north. He said part of the property was mined in the past. That existing mine is now sand and the applicants are interested in mining gravel. He did not believe it would make sense to connect the pits.

Mr DeRose said gravel from this site would need to be sorted and crushed. He said there is a natural berm and vegetation in the middle of the proposed operation. He said the proposed mineral extraction would begin in the southern portion of the property and move toward the north. The floor and side slopes would be reclaimed as the mining operation moves to a different area. He estimated 50,000 yards of gravel would be extracted in a good year. He also estimated, on average, one truck per hour in a 10 hour day would leave the site. He said the work season is usually 30 weeks.

The applicant is proposing an entrance off M-44 located further to the east of Lincoln Lake Avenue than the previously discussed extraction proposal. Mr. De Rose said Lincoln Lake Avenue and Strotheide are not good options for the entrance. The hill on Lincoln Lake Avenue is quite steep and Strotheide is a gravel road. He said the length of the road within the property before exiting onto a public road should help with dust control. Most of the dust should be knocked off the trucks before they enter M-44. He said phases of the operation will be driven by the market. Mr. De Rose said the applicant is also proposing to recycle concrete on the site. Mr. DeRose said the applicant would provide a yearly topographical report and a restoration bond.

A. Rumbaugh said there are many details to be considered in this application. He said the Township would need to know what will be done with the existing mining operation. Tim Heffron said that mining operation has been in existence for about 30 years. His father used to mine that area and now he does. He would like to see the property mined in a better fashion. He said he would not continue to mine out of the existing mine and

eventually maybe would have the applicant come in and clean up the area. Mr. DeRose said that would be up for negotiation.

A. Rumbaugh said he checked to see if there are any existing mining operations in the area. He said there are no mining operations close by.

S. Miller asked if one truck per hour would be entering the operation as well as leaving. Mr. DeRose said that was correct.

D. Heffron agreed that Strotheide was not the road to use for an entrance. He asked the applicant what he planned to do with the property he originally requested a special land use for mineral extraction. The applicant said that property is just an investment. He said they would like to sell 22A, 6A and 2S gravel. J. Spitler said 22A requires white clay. He asked the applicant where that would come from. The applicant said that would have to be hauled to the site. D. Heffron did not like the idea of reclaiming concrete on the site. Jim Brown did not believe that would be an allowed use. Mr. Heffron said there is a huge difference in the number of trucks entering and leaving this proposed operation and the first proposal. He would like to see this proposed mining operation and the existing one tied together. He asked the applicant what their proposed hours of operation are. The applicant said the hours of operation would be 7 a.m. to 5 p.m. Monday thru Friday and 7 a.m. to 2 p.m. on Saturday. He said the entrance would be gated with a sign and all exposed faces would be fenced. He said the company runs a similar operation in Walker and could provide the Planning Commission with a copy of Walker 's ordinance.

D. Heffron said he would like to see some restrictions on the number of trucks entering and exiting per day. The applicant said usually the number would be 1 per hour, but if they are working a big job it could be more. J. Brown suggested that the applicant could be allowed an average number of trucks during some period of time and could come to the Planning Commission when they want to bid on a big job for approval. The applicant asked what that would entail. Commissioners said it would require 2 meetings. The applicant said he might need to submit a bid within 2 weeks. It was suggested that the Zoning Administrator could be allowed to review requests for increased truck traffic as part of the special land use.

J. Proos asked if a traffic study has been done. The applicant did not believe a traffic study would be necessary after the entrance was moved farther east from the corner of Lincoln Lake Avenue and M-44. He said the entrance will need MDOT approval.

J. Spitler suggested that Commission members look at Grand Rapids Gravel's operation on Northland Drive . He said that operation is much larger and runs quite smoothly.

J. Brown said it would be helpful if the Planning Commission had supplemental material with more detail regarding the following: hours of operation, fencing, gating, the nature of the sorting and crushing activity, noise, reclamation of the land, what types of equipment would be used, where stock piling would take place and what limits there

would be to stockpiling, how dust and blowing sand would be handled. J. Spitler also asked the applicant to recommend other sites Commission members could visit.

Commissioners discussed the existing mining operation. J. Brown asked Tim Heffron what level that operation is working at now. Mr. Heffron said about 5,000 yards per year. Mr. Brown said it would be a good idea to tie the existing mine in with this request. He said that northern portion could be called parcel 1B and approved with lower levels of operation. He said the existing operation is probably not legal and should be addressed and taken care of. Commission members discussed the matter and agreed to continue review of the request at the November meeting. They told the applicant they would need any revisions or additional information regarding this matter 2 weeks before the November meeting.

Review- Harp/Czelada- Request to Install a 199' Guyed Communications Tower

Mr. Czelada reviewed maps that were submitted to the FCC regarding this proposal. Mr. Czelada said Larry Will, who reviewed the application at his request, has indicated the tower could be moved no more than one mile from the proposed location, mainly to the east/northeast. A. Rumbaugh asked Mr. Czelada how he knew Mr. Will. Mr. Czelada said an acquaintance recommended Mr. Will and that he did not know Mr. Will before. J. Proos asked the applicants if they have looked anywhere else. Mr. Proos said he wished there were more options available for location of the tower. A. Berry asked about using the existing tower to the northeast. The applicant said rent on that tower would be too expensive for their donation supported entity. D. Heffron asked what criteria they used when looking for a site. Mr. Czelada said they were using FCC requirements. Mrs. Harp said they drove through the area looking for a suitable location that was available.

J. Brown said according to the Township's consultant, Drew Wireless, the applicant usually gets approval for the local government first and then applies to the FCC. The applicant said the FCC grants permits with a 3 year completion deadline with a reasonable assurance that the applicant did some checking and has no reason to believe the tower will not be approved. J. Brown said this would be a very tall structure in a rural area. Mrs. Harp said other towers have been approved in the Township. D. Heffron asked the applicant what information he submitted to the Engineer for his study. Mr. Czelada said he submitted his maps, the Township ordinance and a link to the FCC website where his application could be found.

D. Heffron asked what types of antennae would be used. The applicant said they would use a highly directional panel antennae. D. Heffron asked if the output power can be adjusted on those towers. The applicant said it can be, but minimal levels must be maintained.

Clayton Hewitt said he did not believe the Township's consultant was qualified to review this application. He said he told the Planning Commission at the September meeting that

the Township's consultant must be FM radio knowledgeable. J. Brown said the Township has confidence in Drew Wireless' opinions. Mr. Harp said Drew Wireless is not a PE, yet he was required to provide the opinion of a PE. He also said the applicants were supposed to get the Township's report 2 weeks prior to the meeting, but did not receive that information until tonight. He said he has provided everything the Township has requested. Jim Fues, Township Clerk, said the applicant did not pay the entire requested escrow amount and therefore the Township was delayed in getting the information.

J. Spitler said he did not believe the application meets the intent of the Township's Master Plan to maintain the rural quality of Grattan Township. J. Brown said towers are decided by a special land use. He said special land use requests are granted sparingly and at the discretion of the Planning Commission.

J. Proos said there was enough stuff along M-44 and he would like the location of the tower changed.

L. Sostecke said Belding Road is unaesthetic as it is and perhaps would be a better place for location of a tower. She did not however want to make that area "uglier". She asked if there were any towers of the proposed height in the area as she would like to "picture" the proposed tower. It was noted that the tower near 5-Mile Road and Lincoln Lake Avenue is about 430'.

A. Berry said at first he did not like the proposed location of the tower, but after the applicant explained frequency requirements he understands better. He said he was not interested in seeing too many towers in the Township. He said the proposed site might be one of the better locations because the building shouldn't be visible from the road.

S. Miller asked the applicant how the Township will benefit from this tower. The applicant said they could provide the Township with in kind services such as public service announcements. Ms. Miller asked where the radio station would be broadcast from. Mr. Czelada said it would be broadcast from Williamston, Michigan. Ms. Miller asked if the proposed tower would interfere with existing cellular tower service. Mr. Czelada said it would operate at a much lower frequency and would not interfere. Ms. Miller asked if no cell phone interference was guaranteed. Mr. Czelada said it was. Mr. Hewitt said the applicants will offer space on the tower to the Independent Repeater Association. That organization provides communication during emergencies. S. Miller asked the applicant if the tower itself would be 199' with antennae on top. Mr. Czelada said the total height of the tower and antennae would not exceed 199' feet.

D. Heffron had no questions.

A. Rumbaugh asked the applicants if they could move the tower further away from the road. Mr. Czelada said the property slopes down in the back and the lot narrows. He did not believe the guy wiring system would fit in the back area of the property and said the slopes would make placement of the tower more difficult.

A. Berry moved and L. Sostecke seconded to approve the application as outlined in the resolution for acceptance provided by J. Brown. A. Berry read the roll call.

Ayes: S. Miller, L. Sostecke, A. Berry and A. Rumbaugh. Nays: J. Spitler, D. Heffron and J. Proos. The motion carried 4-3. J. Brown said he will issue the special land use.

Adjournment

There being no further business, A. Rumbaugh declared the meeting adjourned at 9:45 p.m. The next regular Planning Commission meeting will be held on November 7, 2007.

Respectfully submitted,

Diane Timmons

Recording Secretary, GTPC

Al Berry, Secretary, GTPC