

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Regular Meeting</p> <p style="text-align: center;">Thursday, March 17, 2011 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Page 1 of 8 <i>C. Strickland et - 21 - 11</i></p>
<p>Meeting called to order at 7:00 PM by Chairman Frank Fiala.</p> <p><u>Roll Call: All Present:</u> Cunningham, Fiala, Jansens, Purcell, Schwennesen, Strickland, Wells.</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Staff Present: Chuck Misak, R. Lippert, ZA.</p> <p>Greg Milliken of McKenna & Assoc. was present.</p> <p><u>Visitors:</u> 5 (not including staff present)</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA:</p> <p>Al Schwennesen asked to add boat lifts/boathouses to Old Business.</p> <p>Addition to meeting minutes of February 17, 2011: #1 - #5 Objectives for 2011 requested addition by Frank Fiala, Chairman.</p>	<p>ADDITIONS TO AGENDA</p>
<p><u>MEETING REPORTS:</u></p> <p><u>ZBA REPORT:</u> Gordon Wells: The ZBA met earlier in March. At this meeting, a parcel split and a request of lot coverage from 30% to approx. 33% were approved.</p> <p><u>Board of Trustees Report:</u> Al Schwennesen</p> <ul style="list-style-type: none"> • Fire contract with TTES approved. • A. McCrumb to meet with Barry County Zoning and Planning. • Road Repairs for 2011 were approved. • Proposed expansion of the Township Hall was presented. • J. Lohrstorfer is working on the library issue. • LLC didn't issue a liquor license to the Sand Bar and Grill because the LLC didn't accept its application. Sand Bar & Grill wasn't in compliance with the sign ordinance. 	<p>MEETING REPORTS</p> <p>ZBA Report- G. Wells</p> <p>Board of Trustees Report- Al Schwennesen</p>

MEETING REPORTS: cont'd

ZONING ADMINISTRATOR'S REPORT: Robert Lippert, ZA

- **SPR's: (3)- 1 new house, 2 accessory buildings**
- **Farmer's Market Concept – (prepared by C. Strickland) was presented to the Board.** The Board wanted further study to proceed.
- **Complaints: (2)- Bassett Lake:** A pontoon was parked on an easement. Registered letter was sent to the owner. Citation was issued.

Heritage Bay Dr.- Water run off issue. R. Lippert inspected, but dry at the time of inspection. House is at base of a steep hill. R. Lippert will inspect after rain.

- **FEMA-** Still getting LOMA's (Letters of Map Amendments). Have currently received **244** of **475**.
- **MTA Workshop in Grand Rapids: "Complete Streets" Workshop** offered on April 21, 2011. Board has appropriated \$500 if anyone would like to participate.

PUBLIC COMMENT:

Bill Baughman, of S. Patterson Rd., asked about the Gravel Mining Ordinance update. Mr. Baughman was given a copy of the updates. Public Hearing is to be held later in the meeting.

APPROVAL OF MINUTES:

To be added to meeting minutes of February 17, 2011:

Planning Commission Objectives #1 through #5 for 2011

1. **To strongly encourage all members to attend at least one MSU extension class.**
2. **To complete Gravel Mining Ordinance.**
3. **To complete Outbuilding Ordinance.**
4. **To create a procedure for easy permits for charitable business organizations.**
5. **To update the C.I.P. (Capital Improvement Plan).**

Motion by Purcell with support from Schwennesen to accept and approve minutes of February 17, 2011 as amended (with inclusion of PC 2011 Objectives #1 – 5). All ayes. **MOTION CARRIED.**

Handwritten initials and date: 4/2/11

REPORTS: cont'd

PUBLIC COMMENT

Motion to approve PC meeting minutes of Feb. 17, 2011 as amended. Motion Carried.

MCKENNA BILLING:

Motion by Wells with support from Jansens to recommend payment of February billing from McKenna to the Board of Trustees. All ayes. MOTION CARRIED.

NEW BUSINESS:

Outbuilding Ordinance: PUBLIC HEARING

G. Milliken explained that the ordinance was being amended by incorporating the character design standards language to address characteristic questions that came up with consistency of outbuildings with the neighborhood. The newer language said they'd have to compatible with the character of the neighborhood. G. Milliken read the following three paragraphs to proceed the existing paragraphs already in existence in the subsection (12.7.5):

- a. The architectural character of all outbuildings in excess of 200 square feet shall be compatible to the principal building on site.
- b. The proposed outbuilding must be consistent with the established character of the existing neighborhood and the structures and uses already in existence. Previous use of the subject property shall be a consideration.
- c. The proposed outbuilding shall not have a negative impact on the surrounding neighborhood or adjacent properties.

Bill Baughman, Patterson Rd., commented that people use it for a storage building and the kids have a party in it. The principle building is not on site and the owners live too far away.

Dave Williamson, of Bluff Dr., questioned if "design intent" meant the materials used in constructing the outbuilding.

Greg Milliken commented that a resident may pay \$800,000 for a house and then build a little shack across the street for storage – that is what is not wanted.

Mike Cunningham asked that if a public hearing was held for an outbuilding (to be built), wouldn't comments come into consideration? M. Cunningham also asked, "What about an outbuilding and no principle owner within 20 miles?"

At 7:29 p.m. the public hearing for the Outbuilding Ordinance was closed.

Brief discussion occurred about the intent of the additional language. G. Milliken stated that the intent has more to do with the consistency of impact on existing properties rather than a building being -for example- "Victorian" in design.

Motion to approve February
billing of McKenna Assoc.
Motion Carried.

NEW BUSINESS

CONTINUED NEW BUSINESS- OUTBUILDING ORDINANCE:

M. Cunningham remarked that most people match the exterior of outbuildings to their house, not the opposite- if the outbuilding is built beforehand.

Greg Purcell questioned the process for determining architectural compatibility. "Who makes the determination? Frank Fiala responded, "My thoughts are we (Planning Commission) will make that determination." G. Milliken commented "A Public Hearing for Special Exception Use would occur and the seven of you (PC) will make your decision."

Motion was made by Jansens with support from Schwennesen to submit the Outbuilding Ordinance to the Township Board for approval. All ayes. MOTION CARRIED.

GRAVEL MINING ORDINANCE: DISCUSSION AND PUBLIC HEARING

Chairperson Fiala opened the public hearing by asking Bill Baughman if he had any comments on the Gravel Mining Ordinance. B. Baughman commented that on page 4, last paragraph, there was redundancy (located in a location).

C. Strickland commented on page 7 regarding a water table item. It was noted that 8 (b) had been changed at the bottom of the page.

G. Purcell recollected discussing page 8 and permit fees. R. Lippert added that he had emailed over 20 townships on tipping fees. Only a few responses were received. The mass majority has yet to be heard from.

A. Schwennesen questioned the ponds made in process of restoration. "Do we want to address FEMA regarding homes on ponds?" G. Milliken said that would be kind of getting out of the scope of things. Milliken said that based on experience, waterfront building sites are created so that flood plains are not an issue. R. Lippert commented that the SPR form checks the FEMA map on what they decide on if it's a flood plain area.

Bill Baughman remarked that on page 5, at the bottom of page, under (3) b – in regards to a berm, "at least" should be replaced with "no more than".

G. Purcell mentioned page 6 – Dust and Debris. Discussion occurred regarding fencing. It was commented that instead of "six foot high", wouldn't it be better to have "at least six foot high"? Barbed wire was mentioned as well. G. Milliken said that an allowance for barbed wire would be okay, but anything more would be too permissive- a 15 foot fence would stand out. M. Cunningham asked, "If the minimum standard was listed, wouldn't they have to come to the board if they wanted a 7 foot?" G. Milliken responded that the resident would have to come before the board. B. Baughman remarked that the owner of the mine may want to keep people out because you are liable if a kid gets hurt. M. Cunningham asked if it (wording) could be left the way it is. They could come to the board for approval. He also added, "There is so much detail that we don't have in the ordinance; we'll have to make some kind of a judgement." P. Jansens asked, "Why not say no more than eight foot?" G. Purcell added that he'd like a six to eight foot. A. Schwennesen commented about snow fence being used.

Motion to submit Outbuilding Ordinance to Twp. Board of Trustees for approval. Motion Carried.

GRAVEL MINING ORDINANCE PUBLIC HRG.

GRAVEL MINING ORDINANCE: cont'd

Motion by Cunningham with support from Schwennesen to submit the Gravel Mining Ordinance to the Board of Trustees for approval. All ayes. MOTION CARRIED.

*****GRAVEL MINING ORDINANCE ATTACHED TO MINUTES*****

OLD BUSINESS

Discussion of Portable Businesses:

It was commented that "Charitable Use" language needs to be added to the ordinance.

A sketch is to be attached to the application for temporary portable business permits. This sketch will give information for proper locations for setting up portable businesses.

F. Fiala commented that the Portable Business Ordinance needs to be noticed and a public hearing is to take place. R. Lippert will publish this for the April meeting.

Motion by Strickland with support from Cunningham to move that the updated Portable Business Ordinance be scheduled for Public Hearing at the April Planning Commission meeting. All ayes. MOTION CARRIED.

Discussion of Farmer's Market:

Reflecting on the comments of the Board at the last Bd. of Trustees meeting, Fiala said that he got the impression that the Township Hall wouldn't be a good location for the market. He felt that the Township Park would be a good idea. R. Lippert added that the Board of Trustees is looking for a recommendation from the Planning Commission on the concept. C. Strickland added that J. Lippert asked that Bowens Mill be considered as a location.

Fiala commented that there was a need for someone to manage the market and also a need for restroom facilities. He did not detect a driving force that would put it together. He said he kind of felt it was something to wait and see on.

M. Cunningham asked, "Wasn't there a comment about publishing comments about the Planning Commission not wanting to run it (the market), but the PC thought it was a good idea?"

Richard Beukema, of Valley Dr., added that most areas, like Hastings and Middleville have their Farmer's Markets in public parks. That way restrooms are not an issue. C. Strickland added that the Farmer's Market could be required to be in the park, but it would need someone to supervise it for 20 weeks at a certain fee (possibly \$2000).

**GRAVEL MINING
ORDINANCE: cont'd**
Motion to submit Gravel Mining Ordinance to the Board for approval. Motion Carried.

OLD BUSINESS

Portable Businesses Discussion

Motion to have Public Hearing for Portable Business Ord. at April PC meeting. Motion Carried.

Farmer's Market Discussion

OLD BUSINESS: Farmer's Market Discussion- cont'd

Cunningham commented that it could be run as an advertisement that the park would be available if someone wanted to run it.

G. Milliken said he worries about it being a Planning Commission thing because it is discussed on a monthly basis. "It's more of an administrative thing, not a Commission thing. Administrative decisions can't wait to be made from month to month. You need someone who could meet more often."

R. Lippert added, "You can be proactive and have something in place or be reactive. You mentioned that it wasn't a burning issue."

C. Strickland commented that the PC could approve the concept and bounce it back to the board and (say) "Now it's your baby."

P. Jansens asked about a placement of an ad to see if there's interest from the community. G. Milliken said that it would be important to see what interest vendors would take in the Farmer's Market. Milliken said a two prong approach would be needed to see if there's a market for it and vendors would also be needed. F. Fiala added that maybe this information or inquiry could be put in the Township newsletter. Milliken said that it could be done, but vendors may be too far away to get the newsletter. Strickland commented, "Maybe F. Faverman could put something in the newspaper article that we discussed this." Milliken added that there are email lists and (vendor) associations that can be contacted. Fran Faverman asked, "Who in Yankee Springs is a farmer who grows something besides tomatoes or corn?" Strickland responded that she didn't think the vendors would be expected to come from just Yankee Springs. Faverman asked, "Where are you going to find the vendors?" Strickland replied that it was all exploratory at this point. Strickland also commented, "I don't think it's the business of the Planning Commission to run a business."

Fiala asked, "Is it the consensus to leave it (Farmer's Market) lie or give it back to the Board?" P. Jansens remarked, "See if there's some interest." Cunningham commented that all we can do right now is to determine where it would be if it would come to be. "Is Middleville to close?" asked Cunningham (referring to proximities of other local markets). G. Milliken added, "That's where getting the information is critical."

G. Purcell commented that it appears that the PC is at a point where it is waiting for a champion (for the cause of the Farmer's Market) to come forth.

Motion by G. Purcell with support from M. Cunningham to move to table the Farmer's Market concept at this time as the Planning Commission does not see sufficient requirement or interest of demand at this time. All ayes. MOTION CARRIED.

Motion to table Farmer's Market Concept. Motion Carried.

Living Fences Discussion:

Living Fences Discussion

C. Strickland stated that as a Planning Commissioner she wants nothing to do with legislating living fences.

F. Fiala said that his gut feel was that neighbors have to work together.

M. Cunningham asked about the definition of a fence. "If a resident came and said someone "planted" a fence or "grew" a fence, how do you work with this?" commented

OLD BUSINESS CONT'D: Living Fence Discussion

Cunningham. It was also noted that only one person has brought this issue up.

Motion by Purcell with support from Jansens to move to drop Living Fences as an objective with the recommendation that the issue is dealt with between neighbors. All ayes. MOTION CARRIED.

Boat Lift Discussion:

A. Schwennesen commented that pontoons with side curtains may cause a problem.

R. Lippert remarked that an issue came up with those who made hideous boat houses by stretching plastic over make-shift frames and those who have bought manufactured car storage units and put them in the water.

Fiala added that he was under the opinion that no new boathouses are to be constructed.

R. Lippert commented that right now there isn't anything in place to sink teeth into (for enforcement). Residents may build it as a temporary structure.

Fiala referred to R. Lippert and remarked that it looks like there's no definition on the books regarding boathouses.

M. Cunningham commented that he used to live within a townhouse association and a few people made decisions regarding issues such as this without any formal rules. He added that it would be nice if a committee could address these issues. Cunningham also remarked that the boathouses that the PC was talking about would be burdensome to move.

Fiala proposed coming up with a definition of a boathouse. G. Milliken inserted that the definition should exclude "shore station".

Fiala mention that curtains on some of the boat lifts in question obstruct the view. C. Strickland said the only view you are entitled to is straight out in front of you. Purcell commented that the curtains are temporary.

R. Lippert added that the definition of boathouse should exclude manufactured boat lifts.

Shane VandenBerg, resident, asked, "Are we going to adopt an ordinance when we only have one complaint? We got seven people getting paid (here) and no complaint. I know you guys want to keep your jobs but there's no written complaint. It is my understanding as a township to take this thing to the board. You are making work for yourselves."

G. Milliken commented, "The ordinance already prohibits boathouses. What we identified is a weakness- "boathouse" has not been defined. That's an issue that should

Motion to drop Living Fences as an objective of the PC. Motion Carried.

Boat Lift Discussion

be clarified as a benefit for the community.”

OLD BUSINESS CONT'D: Boat Lift/ Boathouse Discussion

Cunningham added to define boathouse as something built with no idea (or intent) to take out.

Purcell recollected that a complaint did come up for the PC to take a look at. It is ambiguous and we have an obligation to clarify.

G. Milliken added that “Full closure, semi-permanent, not planning to be moved” be added to the definition.

Fiala asked Milliken to craft a definition for “boathouse”.

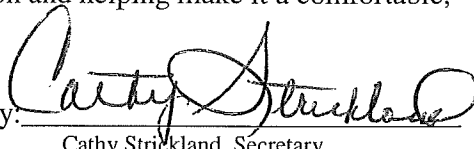
Shane VandenBerg added that he was fairly positive that the DEQ already had regulations in place for boathouses.

PUBLIC COMMENT:

Bill Baughman pointed to the map in the Twp. Hall. Baughman noted that the “green area” on the map was designated for gravel. He asked, “Does your ordinance cover that green area?” F. Fiala responded, “Since our ordinance doesn’t say that they can mine it (state land), then they can’t mine it.” Purcell added that it was his experience that the state can exert authority in these issues of essential services. “Mining gravel is not essential services.” Baughman commented, “If they do want it, put the processing location on the Governor’s door step.”

In closing, Fiala remarked that had an opportunity at the Road Commission to meet with the Govenor and Brian Calley this past week. It was mentioned that a bill is on the floor to disband all townships in Michigan as well as another bill to disband road commissioners. Fiala commented on the improved service he has seen and heard about at businesses such as Wal-Mart and that the Lieutenant Governor and Governor are looking for best of breed practices. Fiala feels that in our community we’re quite zealous to do the right thing. A concept at IBM and taught in communication is that you really need to have all the people that leave you feel pretty good about how they’ve been dealt with. Fiala would like those serving on the commission to put a little bit of thinking into and reflection on how they make residents feel in what they (PC) are doing, leaving residents with a good impression and helping make it a comfortable, better community.

ADJOURNMENT at 8:57 p.m. Approved by:



Cathy Strickland, Secretary

Respectfully submitted:

By: D. Mousseau

Substitute Recording Secretary 3-19-11

Date: 4-21-11

Page 8 OF 8
YST Planning Commission
3-17-11
**OLD BUSINESS CONT'D:
Boat Lift/ Boathouse
Discussion**

PUBLIC COMMENT

ADJOURNMENT