

Approved Minutes
Grass Lake Charter Township Planning Commission Meeting
September 14, 2017 @ 7:00 PM

CALL TO ORDER: Chairperson Hinkle called the meeting to order at 7:00 pm.

ROLL CALL: Members present: Jere Hinkle, Ken Elliott, John Lesinski, Lacey O'Quinn, Jim Warbritton and Roger Memmer. Members absent: Todd Raehtz

ALSO PRESENT: Approximately 90 people attended the meeting including Township representatives, agents of various firms involved in the review of the proposed Special Land Use request and concerned citizens. Specific attendees included Jim Stormont, Township Supervisor; Doug Lammers, Township Zoning Administrator; Geoffrey Snyder, Jackson County Drain Commissioner; Sean McNally representing Pepper Hamilton LLP; John Enos representing Carlisle Wortman Associates, Inc.; Paul Rentschler, representing ASTI Environmental; Douglas McClure of Conlin, McKenney & Philbrick, P.C. representing Friends of Grass Lake Township; and Bill Lester representing L & L Development. Also, Ryan LePeak, representing Tenneco Corporation attended the meeting. A sign in sheet with names of those attending the meeting is attached to these minutes.

APPROVAL OF AGENDA:

Moved by Lesinski and supported by Memmer to approve the agenda. All ayes. One absent. Motion carried.

APPROVAL OF MINUTES:

Moved by O'Quinn and supported by Lesinski to approve the August 17, 2017 meeting minutes. All ayes. One absent. Motion carried.

SITE PLAN REVIEW for Tenneco Corporation Case #17-09-0009

Tenneco representative, Ryan LePeak, presented Tenneco's request to add a 20' x 80' lean-to cold storage addition to an existing building. It was noted that there will be no change in surface water runoff or utilities and the Township Fire Chief has reviewed the request and has no concerns. Moved by Elliott and supported by Lesinski to approve the Tenneco Corporation Site Plan. All ayes. One absent. Motion carried.

Chairperson Hinkle temporarily adjourned meeting and opened public hearing at 7:07 pm.

REOPEN PUBLIC HEARING- Special Land Use Application Case #17-04-0007 by L&L Development

Chairperson Hinkle indicated that the public hearing which was held at the May 18, 2017 Planning Commission meeting is being reopened to allow comments regarding the additional studies and information that has been submitted to the Township regarding the Special Land Use Request by L&L Development. The Special Land Use request is for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources from a portion of an 80 acre site in Section 9 on Norvell Road (Parcel 000-15-200-002-00). Upon completion of the removal of material from the site, it is proposed that the excavated area be restored to a 14.4 acre lake that ultimately would be surrounded with approximately 18 residential lots.

Chairperson Hinkle indicated that a representative for L&L Development, Sean McNally of Pepper Hamilton LLP, will present information regarding the proposed project and a representative, Paul Rentschler of ASTI Environmental, will present information from their Environmental Assessment of the proposed project. During the public hearing Geoffrey Snyder, representing L&L Development as their attorney, presented information on L&L Development's business plan; John Enos, representing Carlisle/Wortman Associates (a planning consultant that has been retained by the Township to assist in review of the application) summarized their review comments; and Douglas McClure of Conlin, McKenney & Philbrick, P.C. representing Friends of Grass Lake Township, a Michigan nonprofit corporation in connection with Special Land Use Application Case #17-04-0007 presented their position relative to the proposed project. Public wishing to comment were also invited to speak.

Presentations:

Sean McNally of Pepper Hamilton LLP, representing L&L Development, briefly reviewed their supplement to L&L Development's application as enumerated in their letter to the Planning Commission dated August 21 2017. The supplement specifically addresses the Permit Factors (Section 14.07HH of the Township Zoning Ordinance) and The Conditional Land Use Considerations (Section 14.06 of the Township Zoning Ordinance). A copy of the August 21, 2017 letter is attached to these minutes.

Paul Rentschler of ASTI Environmental, representing L&L Development, briefly reviewed the Environmental Assessment that they completed for the proposed project. The Environmental Assessment looked at the physical environment, biological environment, hazardous materials, socioeconomics, and the historic, archaeological, and cultural resources related to the project. Impacts of the proposed project were found to be limited to truck traffic, noise levels, loss of farmland and future addition of new homes. The anticipated impacts were found to "primarily affect neighboring residents and rural character, but negative impacts to natural resources are anticipated to be few and minor in effect." A copy of the Environmental Assessment dated August 10, 2017, is attached to these minutes.

Geoffrey Snyder, representing L&L Development as their attorney, reviewed L&L Development's business plan noting that they have completed many area projects and that their business has provided support to many local residents.

John Enos, representing Carlisle/Wortman Associates, indicated that their firm has been retained by the Township to assist in the review of the application. Mr. Enos indicated that the parcel is in a District zoned Single Family Residential, R-1. The use is considered a Special Use and is required to be reviewed under the requirements for the "Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources". This proposed use is regulated under Section 14.06 and Section 14.07.HH of the Township Zoning Ordinance.

Mr. Enos indicated that the supplemental information received subsequent to the May 18, 2017 Planning Commission meeting has provided pertinent information to many of the areas of concern that were lacking in the earlier submittal. Mr. Enos enumerated the following additional information that he recommends be provided to the satisfaction of the Planning Commission.

1. County Road Commission approval of truck route.
2. Third party review of the environmental assessment.
3. Installation of evergreen trees at the top of the earthen berm.
4. Gas pipeline easement location.
5. Clarify who decides "as needed" road cleaning
6. Provide performance guarantee.
7. Provide pipeline easement documentation.
8. Approval of outside agencies.
9. Clarify restroom facilities for employees and truck drivers.

A copy of Mr. Enos's comments dated August 29, 2017 is attached to these minutes.

Douglas McClure of Conlin, McKenney & Philbrick, P.C. representing Friends of Grass Lake Township, a Michigan nonprofit corporation in connection with Special Land Use Application Case #17-04-0007 by L&L Development, presented their position relative to the proposed project. Their position is that very serious consequences will result if the project proceeds, including:

1. The relationship of extraction and associated activities with existing land uses (out of character with existing land use).
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along haul routes.
4. The impact on pedestrian and traffic safety.

5. The impact on other identifiable health, safety and welfare interests.
6. The overall public interest in the extraction of the specific natural resources on the property.

Mr. McClure also indicated that a mining permit under Part 632 of the Natural Resources and Environmental Protection Act will be required from the Michigan Department of Environmental Quality.

A copy of the Conlin, McKenney & Philbrick, P.C. September 14, 2017 letter to the Planning Commission is attached to these minutes.

Public Comments:

Approximately 90 people attended the meeting. This included Township representatives, agents of various firms involved in the review of the proposed Special Land Use request and concerned citizens. Approximately 10 citizens, including members of the Friends of Grass Lake Township addressed the Commission continuing to urge that the project be denied or at least tabled based on their ongoing concerns. Specific citizen comments or concerns voiced included the following:

1. Proposed mining operation is out of character with the area.
2. Negative impact on quality of life.
3. Negative impact on property values in vicinity of site and over a much larger area.
4. Need for material mined from site not demonstrated.
5. Truck and traffic impact on road and safety.
6. Impact of trucks lining up on Norvell road waiting for site to open for business.
7. Impacts on groundwater, surface water and wetlands.
8. Noise from trucks and equipment operation.
9. Dust.
10. Impacts from contaminants from dust and equipment.
11. Need for detailed hydrogeological study.
12. Need for financial impact study.

Motor carrier officer, Kevin Yudt, presented information on Norvell Road weight limits, indicating that the current limit is 13,000 pounds per axle. Mr. Yudt also indicated that projected traffic impacts for this project have not been based on a traffic study specific to this project. He also noted that Lesters have had 30 trucks inspected in the past two years and that 38.9% of those inspected were placed out of service for various conditions.

Chairperson Hinkle closed the Public Hearing and reopened the planning commission meeting at 9:07pm.

NEW BUSINESS:

a. PUBLIC HEARING- Special Land Use Application Case #17-04-0007 by L&L Development

Planning Commission members noted that many questions have been addressed and the applicant has prepared an Environmental Assessment as requested by the Planning Commission. However, some newer issues were enlightened by the presentations and comments at the public hearing. Noted specific issues included truck traffic impact, property value impact, Consumers Energy easement impacts and lack of Township Attorney comments as well as needed information enumerated by the Township Planner, Carlisle Wortman Associates, in their August 29, 2017 memo to the Planning Commission.

Chairperson Hinkle noted that some of the issues, including the need for additional studies, will be addressed as part of the review process that will be forthcoming by State and County agencies when L&L makes application for required permits. As a minimum, it is expected that permits will be required for construction of the lake, groundwater discharge, soil erosion control and air quality. It was noted that many of the permitting agencies will not take action until and unless the Planning Commission advances the project through their action on the Special Land Use request.

In regard to property value impact, Chairperson, Hinkle, suggested that perhaps the impact on property values could be more specifically addressed by reviewing the property value impact of the ongoing mining operation at the Bohne Road site, which is also in the Township.

Motion by Hinkle and supported by Elliott to table the decision on Special Land Use Application Case #17-04-0007 by L&L Development pending the gathering of information and formulation of draft language for consideration of the Planning Commission to either conditionally approve or deny the application. All ayes. One absent. Motion carried.

CITIZENS WISHING TO ADDRESS THE COMMISSION: See Public Hearing comments above.

TOWNSHIP BOARD REPORT: None

OLD BUSINESS:

- a. Zoning Ordinance Text, R-1 District, Farming as a permitted use: Item was tabled.
- b. Zoning Ordinance, Section for LI/HC: Item was tabled.

GENERAL DISCUSSION: None

PROPOSED BUSINESS FOR NEXT MEETING:

The next regular meeting was established for October 12, 2017. Business at the meeting is to include continued consideration of Special Land Use request by L&L Development.

ADJOURNMENT:

Moved by Lesinski, supported by O'Quinn to adjourn meeting at 9:35pm. All ayes. One absent. Motion carried.

Respectively submitted,

Roger Memmer, Secretary
Grass Lake Charter Township Planning Commission

Attachments:

1. Attendee Sign In List
2. Pepper Hamilton LLP August 21, 2017 Supplement to L&L Application
3. ASTI Environmental Assessment Report dated August 10, 2017
4. Carlisle/Wortman Associates August 29, 2017 Review Memorandum
5. Conlin, McKenney & Philbrick, P.C. September 14, 2017 letter