

Springfield Township
Planning Commission Meeting
Minutes February 16, 2016

Call to Order: Chairperson Baker called the February 16, 2016 Business Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

Attendance:

Commissioners Present:

Dean Baker
Ruth Ann Hines
Dave Hopper
Jason Pliska
Linda Whiting

Commissioners Absent

George Mansour
Kevin Sclesky

Consultants Present

Doug Lewan, Planner, Carlisle Wortman, Associates

Staff Present

Laura Moreau, Clerk

Approval of Agenda:

Commissioner Hines moved to approve the agenda as presented. Supported by Commissioner Whiting. Voted yes: Baker, Hines, Hopper, Pliska, Whiting. Voted no: None. Absent: Mansour, Sclesky. Motion Carried.

Public Comment:

Richard Zannotti, Real Estate Development Engineer, Edw. C. Levy, Co., introduced himself to the Commission. He stated that he was there to comment on the Master Plan amendments. In June 2015, representatives from Edw. C. Levy, Co. began working with representatives of Springfield Township including Doug Lewan and Supervisor Walls on a way to modify the Master Plan so that the locations of sand and gravel materials could be investigated and identified. As part of that conversation, Levy offered their experience and information because they were the only company in the Township that was mining. They were surprised when some time went by and they weren't made aware of language changes being considered for the Master Plan so they decided that they would make these comments during the designated review period. The proposed changes in the Master Plan amendments states that the Township does not have comprehensive soil data that would identify where the materials existed and their natural location is not known to the Township making it impossible to map them for the Master Plan. It is their feeling that this simplistic approach to identifying these locations, just saying that they will find them later, does not fit well with the other parts of the Master Plan for example, the wetlands, transportation and hydrology section. They have employed many approaches to determine the location of these materials and they currently own areas where these

materials exist. They are willing to share this information with the Township in their effort to delineate those areas. The Township has employed studies, consultants and other agencies to determine natural features and other important parts of the Master Plan therefore they do not feel that the Township has looked up very much information regarding the minerals. There exists a great deal of information in soil surveys, studies through the County and their company has borings and information related to those materials. He continued that they would also like to add that they would like to request notices in the future for these meetings and amendments or Master Plan amendments and they would like to continue to add comments during this review period as well as the public hearing on April 19th. He stated that they would be glad to volunteer information, knowledge and resources in the review period to identify where they have information and where they know that these sand and gravel materials exist. In the spirit of cooperation, they would like to see a more intensive approach to locating these materials instead of just saying that we don't know where they exist and maybe later when people make application, we will know where they exist. The attempt was to try to do more intensive research into soils and sand and gravel minerals to have that incorporated into the Master Plan.

Consent Agenda:

1. Minutes of the January 19, 2016 Planning Commission Meeting

Commissioner Hopper moved to approve the minutes of the January 19, 2016 meeting as presented. Supported by Commissioner Pliska. Voted yes: Baker, Hines, Hopper, Pliska, Whiting. Voted no: None. Absent: Mansour, Sclesky. Motion Carried.

Public Hearing:

None

Old Business:

None

New Business:

1. Ordinance Amendments – Noise – Section 40-833
Vibration – Section 40-884

Doug Lewan confirmed that there was a memo dated February 5, 2016 from Supervisor Walls in the packet regarding this item. This memo outlined the proposed changes and Mr. Lewan summarized the changes. He stated that they made the proposed changes to eliminate the general nuisance standards and instead provide some more measurable and modern standards for enforcement. The Township hired a noise consultant in Waterford and Mr. Lewan and Supervisor Walls met with him last month to review the amendments and to make the ordinance a little more readable. The consultant provided a revised ordinance and a letter summarizing the changes which is included in the packets. Mr.

Lewan stated that he also provided a summary memo that was included in the packets. Mr. Lewan summarized his memo. He suggested that they locate all of the definitions in the same sections using definitions and sub-definitions so they are not scattered and difficult to find. He stated that he will work with the consultant and consolidate if that is what the Planning Commission wants to do. He also suggested re-naming a purpose section which would be more consistent with other parts of the zoning ordinance. He stated that some subjective language was removed from the existing ordinance including the word “objectionable” and some more specific language was added to make it easier to identify a violation. The proposed language also gives various noise levels for various times of day giving a daytime noise level, evening noise level and late evening noise level. This is a good feature and gives some flexibility for noise toleration. There is also a discussion on tone which is described well in the proposed language and gives an allowable level that is less because of a tone’s obtrusive nature. There is also a section which describes objectionable noise situations and for some reason truck loading was removed. The proposed language also gives modern examples of prohibited noise. He summarized the proposed changes to the vibration section of the noise ordinance. Most of the vibration section is very technical and has a lot to do with the levels, percentages and the equipment needed to measure this types of vibration. The provisions that are proposed will bring the sound and vibration section of the zoning ordinance into modern times and will allow for some ease of use for property owners and enforcement. He stated that in 30 years of experience, he has never seen a vibration ordinance violation. Noise violations are not very common either. Mr. Lewan stated that he will take the Planning Commission’s comments and those that he cannot answer, he will forward to the sound and vibration consultant so he can have an answer for the next meeting.

Commissioner Hines asked how these regulations would impact an event such as the 4H Fair. She would assume that anything heard beyond the property line would be a violation.

Mr. Lewan confirmed yes; anything that you would hear from the receiving property. This concept of receiving property is a new concept. The standards are not just for the adjacent properties; they are for receiving property. These provisions would seem to apply to festivals and those types of events. The Planning Commission could add exempt provisions if needed.

Commissioner Hopper asked why the unloading and loading provisions were eliminated.

Mr. Lewan answered that he doesn’t know but he and Supervisor Walls indicated that it should be added back in.

Commissioner Hopper concurred.

Commissioner Whiting asked how the definitions would be regrouped.

Mr. Lewan indicated that the definitions in the ordinance are alphabetical. He suggested putting them under the definition of sound in the definition section. They will be easy to find and organize that way.

Commissioner Whiting asked about the language saying that sound shall not be measured in an easement or a right of way.

Mr. Lewan stated that he believes that this is specifically talking about a road easement or right of way.

Commissioner Pliska asked about intermittent noises and is there a limit or threshold with intermittent noises at which point they become a violation.

Mr. Lewan stated that he would have to find the answer to that; he does not know.

Chairperson Baker asked if the intention was to put 400 feet limit from loading/unloading zones back into the language, rather than 200 feet.

Commissioner Hines asked why they needed that.

Chairperson Baker stated that it is specific to the noise generated by trucks loading and unloading. It doesn't have a defined value but does give the time prohibition between 11 pm and 6 am.

Commissioner Hines asked why this would not be in site plan review.

Mr. Lewan confirmed that it would be 200 feet that they talked to the consultants about and whether or not this should be in the loading section.

Chairperson Baker confirmed that the language doesn't say that they can't do it, only that they cannot do it during certain times, 11 pm to 6 am.

Commissioner Hines stated that this is something that they would review during a commercial site plan review; she asked why this section shouldn't be moved to that section of the ordinance.

Mr. Lewan confirmed that it should be put back in whether it was 200 feet or 400 feet; he stated that he thinks that it should go in the loading section of the ordinance.

Commissioner Hopper stated that it adds a potential hour of construction each day and adds all day Sunday.

Commissioner Hines stated that she wishes she could get an idea of what the different sound levels mean.

Mr. Lewan stated that the consultants will be prepared to show what 50 decibels sounds like and other examples so the Commissioners were aware.

Commissioner Whiting stated that in the current ordinance vibrations caused by temporary construction are exempt.

Commissioner Hopper stated that the proposed language gives 14 days.

Commissioner Hines asked about fireworks and special events.

Commissioner Pliska stated that it would be reasonable to put in an exemption for the 4H Fair.

Commissioner Whiting stated that she would recommend having an exemption for the Fairgrounds. She stated they also should look at the parks and park rentals.

Commissioner Pliska suggested they add Township or County owned facilities.

Mr. Lewan stated that he is sure they could figure something out that would be fair.

Chairperson Baker stated that there are a number of local events that may create issues with this document. They really don't have a sense of what these limits really mean, as to what a 60 decibel noise really sounds like. He asked about nighttime road construction projects and if they would be allowed to proceed since they would be restricted by the time frame offered in this proposed language.

Commissioner Pliska stated that this is currently happening in Livonia.

Chairperson Baker asked about the decibel value of a backup alarm on a truck. He asked if they could get the decibel level of such a sound so they would know what that level sounds like.

Commissioner Pliska stated that you can Google sound charts for representative sounds.

Commissioner Hines pointed out two spelling errors in the definition sections f and j.

Mr. Lewan concurred.

Commissioner Hines asked about what could cause vibration sounds.

Chairperson Baker answered driving sheet piling

Clerk Moreau stated that the boring associated with installing the pipeline has come up. Commissioner Hines asked if they could stop that from happening.

Chairperson Baker stated that you could not stop an emergency event but after that, they would have to work within a framework.

Mr. Lewan stated that it does exempt construction activities. He stated that he would consider industrial facilities, like a stamping vendor. This would be prohibited so they would have to put the stamping on a base that would mitigate the vibration.

Commissioner Hopper asked about the equipment referenced in the proposed language and if it was readily available.

Mr. Lewan answered yes.

Chairperson Baker confirmed with Mr. Lewan that he had enough direction and he would be able to make revisions based on comments received.

Mr. Lewan stated that he will get the information to the sound consultant and the Commission will be able to look at it again at the next meeting.

Old Business:

1. Ordinance Amendments – Home Occupations Section 40-649

Mr. Lewan stated that the changes attempted to address the comments heard at the last Planning Commission meeting. One employee was added back in the draft and the sanitary sewer and water usage was removed.

Commissioner Hopper stated that they eliminate d. which was review of sanitary sewer and water consumption usage and last meeting he asked for this to be removed. He asked if they should put it back in. It is written like that in the current ordinance. They don't typically go out and monitor private septic usage; that would be the Health Department.

Mr. Lewan stated that he doesn't know how they would measure that. He stated that there are enough other criteria to use for evaluation to determine if a home occupation has gotten to be more than it should be. He believes that it should remain deleted.

Commissioner Whiting asked if they were prohibited from building a shed.

Mr. Lewan answered no. A shed is a typical thing that anyone could have. If someone was storing Amway products in their shed, then that is fine. Anyone can have a certain size accessory structure on a residential lot.

Chairperson Baker stated that since they are talking about residential zoning, all of the residential zoning holds.

Mr. Lewan stated that they are talking about if a dentist wanted to convert 2 or 3 rooms in his home to a dental office with dental chairs and things that would not be in a typical home. If they have to alter the structure to make it work, they would not allow it.

Commissioner Hines asked if home occupations were licensed.

Mr. Lewan answered no.

Commissioner Hines asked about Sommers Well Drilling storing their well truck in the barn and that was okay even though this well truck is not something that you would typically see at a residential home.

Mr. Lewan stated if someone wanted to establish a well drilling operation in their home, it is likely that it would not be permitted. In the Sommers situation, they were there forever and probably predated any of the ordinance and were allowed to continue. He stated that if a new well person came in and met all of the ordinance language and was just parking the well truck in a pole building that would be fine as long as they only have one employee.

Commissioner Hines stated that if someone wanted to start a snow plow business and has the room to put up a pole barn and park his trucks in the pole barn, that would be allowed.

Mr. Lewan answered yes, as long as they have one employee and everything is stored indoors.

Commissioner Hines stated that it is not that the occupation is happening in the home, they are basing it at their home property.

Commissioner Pliska stated that the current ordinance prohibits use of any accessory structure.

Clerk Moreau stated that they are making a distinction in just parking a vehicle. If you have a snow plow business, your work isn't done at your property, it is done outside at the homes that you plow and you are simply parking your truck appropriately in a pole barn.

Mr. Lewan stated that if they were doing maintenance on the equipment in the pole barn with people showing up for blade sharpening, etc. then it probably would not be permitted.

Commissioner Hines stated that they would have gas cans in there.

Mr. Lewan stated that if it is just them, members of the family and one employee, they should be fine. If it starts to look like a business, like a contractor's yard, then it is no longer a home business. If they start storing stuff and noises start coming out of the

garage that don't normally occur, they Township will start getting complaints. The Township will send out the ordinance enforcement person and it would become a problem if there were people coming and going.

Commissioner Hopper stated that a person could park a Joe's Plumbing Truck in his driveway that he drives back and forth to work. He is not doing the work out of his house.

Commissioner Hines stated that in reading the minutes from the last meeting, she was not sure if they were prohibiting things that were happening outside of the home in accessory structures on the property. She was not clear on this, it seemed that they were talking about the whole premises.

Commissioner Pliska stated that he was thinking about this prohibition of anything in an accessory structure. He was wondering about a retired person that does woodworking to take to the craft shows to sell and is this more disruptive if he does it in his detached garage or his basement.

Mr. Lewan asked if this was his home occupation or a hobby.

Commissioner Pliska stated that you could consider it a hobby business if he was making \$15,000 a year selling furniture.

Chairperson Baker stated that if someone is doing something in an accessory structure it brings more interference of bringing business to the site. He stated that if someone has woodworking in an approved accessory structure and they want to take things to the craft show to sell them, this is no in violation of either proposed or current ordinance language. If a person has people bring items to the property so that it can be fixed because they are the wood lathe specialist, now this is something else.

Mr. Lewan stated that it says all activities must be carried on inside the dwelling so there would be a problem.

Chairperson Baker asked if they need to define family member.

Mr. Lewan answered that that the ordinance defines family.

Chairperson Baker stated that have not made any major changes so the next step would be to set it for Public Hearing.

Commissioner Hines stated that they need to strike f.

Commissioner Whiting stated that they have a conflict because they have said that if someone is working in their shed, it is okay.

Mr. Lewan asked if they are all in agreement with this.

Chairperson Baker confirmed that the general consensus of the discussion that they had was that if work was taking place inside of an accessory structure and it meets all of the other things, that the Commission did not find that objectionable.

Commissioner Hines stated that Mr. Lewan said they could store things in their shed, and this is not the dwelling unit.

Mr. Lewan asked if that was storage or was it an activity.

Commissioner Pliska asked what if they were storing their stored Amway product in the accessory structure.

Commissioner Whiting suggested adding or the accessory structure to f.

Mr. Lewan stated that he has worked in some communities that allow this but sometimes accessory structures can get large.

Clerk Moreau asked if the Commission was saying that if someone had a pole barn, the Commission would not be opposed to them setting up offices in the pole barn to run a home business, or is the Commission saying that there shouldn't be a problem using accessory buildings for storage or parking vehicles, or both?

Mr. Lewan pointed out a bakery run out of an accessory building that is he aware of in another community.

Chairperson Baker stated that he looks at a. and it says that a home occupation must be incidental to the primary use of the dwelling unit for dwelling purposes. He stated that a bakery is not incidental. He stated that he is not making it permissible to create traffic and commerce taking place.

Mr. Lewan stated that maybe they should add the word incidental to the use of accessory structures, incidental to the home occupation could be allowed.

Chairperson Baker stated that it sounds like this should not go to public hearing yet.

Commissioner Hines stated that a bakery only has a truck come and pick up the items and drive them away.

Commissioner Whiting stated that they are regulating the traffic and there is no parking on the street.

Commissioner Hopper stated that the definition says confined to the walls of the dwelling. If they allow it in accessory structure, they are expanding what they allow.

Commissioner Hines stated that this is why she mentioned well drilling and snow plowing, these are not things that you do incidental to the home.

Commissioner Whiting stated that at the last meeting they confirmed that parking a snow plow truck was okay.

Clerk Moreau stated that the business activity could be happening inside the home; a vehicle is simply parked at night.

Mr. Lewan stated that if they can only have one employee, they should only have one truck.

Commissioner Hines stated that if they have the dad, three teenage sons and a nephew, that is five snow plows.

Commissioners and Mr. Lewan confirmed that this is fine.

Commissioner Whiting stated that they can all cite people that are in violation but it is having standards so if issues do come up.

Commissioner Hopper stated c. started this, getting rid of the word nuisance so it applies to all.

Commissioner Hines stated that three or four snow plow trucks starting up at 2:30 or 3:00 am to go start snow plowing would be a nuisance.

Mr. Lewan stated that this is not something that is typically carried on in a single family home so it would be not allowed.

Commissioner Hines stated that she just brought up that example and they said it was fine.

Mr. Lewan answered that starting up the diesel engines would not be something that would be typical so it would not be permitted.

Commissioner Hopper stated that if it was one person going to plow, that would be acceptable.

Commissioner Hines stated that they may want to think about the use of the accessory structure.

Mr. Lewan suggested adding, "uses incidental to the home occupation may occur within an accessory building."

Commissioner Hopper agreed with that.

Commissioner Hines asked about the wood working guy.

Mr. Lewan stated that it comes down to would they expect someone to be doing these types of activities normally. If the answer is yes, it is fine. If the answer is no, then it is not fine.

Commissioners agreed that Mr. Lewan will work with Clerk Moreau to make changes and it will come back to the Commission next month.

Commissioner Pliska suggested visiting the percentage concept, like the accessory building usage cannot exceed a certain percentage of use.

Other Business:

1. Priority Task List

Commissioners reviewed and made updates and revisions to the current Priority Task.

Public Comment:

Commissioner Whiting stated Mr. Zannotti alluded to the fact that he was not brought into the process and was not informed. She has been sitting on this Commission for a while and her recollection is that there were several attempts made to communicate. She questioned the gap that exists; there were months that this was being deferred because the Township had not heard back from the Levy Company.

Mr. Zannotti stated that the comment related to the fact that they were working in June and July and then for some reason the company was not informed. Mr. Birchler was the company representative and perhaps Mr. Zannotti was not informed as to why things stopped and they did not hear anything about things moving. He stated that a couple of weeks ago, they went back through the minutes and noticed that there was a Master Plan update which started in November, then December and January. They were not sent notices about it coming in and inviting them to come in and discuss it or offer the comments. He stated that they would like to be informed specifically because they are the only gravel company in the Township and they would like to participate in the process.

Commissioner Whiting asked when the communication stopped was it a point where an agreement could not be made.

Mr. Zannotti stated that he does not think so; the discussion stopped and never moved forward. Supervisor Walls met with the attorney and produced something that was presented to the Board as an amendment. Somewhere in the process the communication broke down and they just want to be part of the process. If they are going to amend the Master Plan, more information was needed. There was just a paragraph on extractive resources and the paragraph said there was not enough information, therefore we are just going to put this paragraph in and we will deal with it as it comes up. This doesn't really relate to what they proposed before which was modify the Master Plan but do some

research on where the extractive resources are just like you would with wetlands, hydrology and roads.

Chairperson Baker asked who would pay for this.

Mr. Zannotti stated that the Township is putting together the Master Plan just as they had gotten consultants to do the work.

Chairperson Baker stated that the information on the location of wetlands, roads and forests are all visible through aerial means which means that you can utilize things like Google Earth and others which can be used for a very small sum. The information that Mr. Zannotti is suggesting is at our fingertips, actually is not.

Mr. Zannotti stated that there are soil studies, borings done for well logs and indications of where gravel does exist so it isn't that far away. They are not talking about doing 36 square miles, they are talking about a general soil maps.

Chairperson Baker answered that this is what they are using, general soils maps provided by the County.

Mr. Zannotti reiterated that in the extractive section, it is said that there isn't enough information therefore we are not showing a map.

Chairperson Baker stated that the Township started talking to Edward Levy Co. in 2013 and he was in a meeting with others at that time and we were attempting very hard to partner with Edward Levy Co. Edward Levy Co. offered to do several things for the Township to educate us on the workings of extractive processes and to give us all this education to help us and from his vantage point, Edward Levy Co. did not follow through on any of their suggestions. They did not meet with the Township again, did not schedule a meeting with the Township again and did not meet with the consultants.

Mr. Zannotti stated that he was in on those meetings and they did meet with consultants. The argument at that time was that there was an elimination of various things at that time, the extractive areas and the zoning and the conflict between the zoning ordinance and the mining ordinance. There were issues there that were not resolved although they are starting to now. He stated that they can participate and show the Township what needs to be done. The operations that are operating now are under Consent Agreement. They are certainly happy to discuss how the noise ordinance relates to a lot of things that happen in different townships. They can help with setbacks, operating hours and conditions that are necessary to have their business operate. There was a breakdown in how this was dealt with. Mr. Lewan and Mr. Birchler made a lot of headway toward resolution. He is not here to be in opposition to the Master Plan amendment, they just want to be part of the process. They missed it, maybe it was them or maybe the Township didn't send it to the obvious guy in the room who has a sand and gravel operation. He reiterated that they wanted the location of materials shown on the map.

Chairperson Baker stated that the Township will receive any information that they want to provide.

Mr. Zannotti concurred.

Clerk Moreau stated that we are happy to work with Edward Levy Co. She commented that the intent when identifying the natural resources is to protect the natural environment and water quality and to preserve natural assets that define the community's character; this is a big part of the Master Plan. It is not done to facilitate or encourage development; it is also not to discourage it. It is to define where those resources are so they can better work with developers and plan for the future. Is it the Township's intent to identify where minerals are located at throughout the Township? This would give her the impression that the Township is looking to facilitate or encourage mineral mining. The Township is not trying to discourage or work against it and her understanding is the Master Plan amendment came from the attorney that represents Levy. They noticed that the use wasn't provided for in the Master Plan and the Township followed through on that recognition. There is not enough soils information throughout the Township to tell where it might be attractive to have a mining operation and this was recognized. That is why it is allowed anywhere as a Special Land Use instead of in a specific district. This language might not be very specific but she does not think it is the Township's responsibility or obligation to include detail of where those resources are available. Edward Levy Co. or other companies would be interested to know where to find mining resources but it is not the Township's responsibility to map them. She respects that the representatives that are here tonight are concerned for their interests. The Township is required to notify utilities, transportation agencies, surrounding communities and others and that was done. The Township does not notify every commercial and industrial operation that may or may not be interested in a specific Master Plan amendment. There was a specific request from Levy and she was happy to provide the information but that accommodation is not extended to every business.

Mr. Zannotti stated that they are in the 42 day period for comment and they will provide comments and this is the way that the process works. They want to continue to work well with the Supervisor and the Clerk in getting the information.

Mr. Lewan stated that they have been working with Edward Levy Co. on and off for the last couple of years and every single instance in which they have raised concerns, the Township has tried to address those concerns. The Township has been very responsive and there will be an official Master Plan Public Hearing and that is the time that you would expect comment. What they have done to date is standard and normal and this is a result of trying to address a concern that the attorney for Edward Levy Co. raised.

Chairperson Baker concurred.

Adjournment:

Commissioner Hines moved to adjourn the meeting at 9:04 p.m. Supported by Commissioner Hopper. Voted yes: Baker, Hines, Hopper, Pliska, Whiting. Voted no: None. Absent: Mansour, Sclesky. Motion Carried.

Erin A. Mattice, Recording Secretary