

**Springfield Township
Planning Commission -- Business Meeting
Minutes of December 15, 2008**

Call to Order: Chair John Steckling called the December 15, 2008 Business Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350

Attendance:

Commissioners Present

Frank Aiello
Dean Baker
Ruth Ann Hines
Roger Lamont
Bill Leddy
John Steckling
Neil Willson

Commissioners Absent

Staff Present

Mike Trout, Supervisor
Laura Moreau, Clerk

Consultants Present

Sally Elmiger
Randall Ford

Approval of Agenda

Chairman Steckling recommended moving SBA Tower: No. 1 New Business to No. 1 Old Business and add Nomination of Officers for Election of Officers in January as per the by-laws; then move the Dixie Corridor Update to the January agenda and the Downtown Davisburg Plan to the February agenda under Old Business.

Commissioner Lamont suggested moving all of New Business in front of Old Business.

Commissioner Aiello appreciated intent of that, but the agenda is published and sometimes people attend based on that publication so I worry about residents coming for an early agenda item and then it gets moved to the end, and if we are going to continue this practice then we should publish the agenda in that manner.

Commission Hines concurred with Commissioner Aiello.

Chairman Steckling moved to approve the Agenda as amended by placing Dixie Corridor Study and the Downtown Davisburg plan on the priority list and adding the Nomination of Officers. Support by Commissioner Lamont. Vote on the motion: Yes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. No: none. Absent: Motion carried.

Public Comment:

None.

Consent Agenda:

Commissioner Aiello moved to approve both sets of minutes as presented. Support by Commissioner Lamont. Commissioner Leddy stated on the November 17th, minutes do not reflect Nancy Strole was in attendance and under the Divine Mercy motion I had abstained on the vote and that needs to be reflected. Commissioner Baker then stated the October 20th, minutes under Consent Agenda, reflects minutes of October 20th, for approval instead of September 15th, 2008.

Commissioner Aiello moved to adopt the minutes as amended. Supported by Commissioner Lamont. Vote on the motion: Yes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. No: none. Absent: Motion carried.

Public Hearing:

None.

Old Business:

1. Master Plan Update Phase II Final Review

Chairman Steckling stated in light of a fairly long agenda again tonight he would expedite things so:

Chairman Steckling moved: that the residential parcel owned by Betty Moen and the Bordine parcel as depicted on the attached exhibit A, and the referred to as the O'Neil parcel as depicted on the attached exhibit B be designated Planned Mix Use as define in the proposed 2008 Master Plan for Springfield Township, as to that portion of the above parcels that lies generally south of the water that about the respective parcels, as is depicted on the above exhibits A and C by green shading.

The basis for including the entire parcel up to the wet areas on the property is as follows:

- **It is consistent with the master plan uses on the adjoining parcels, and the proposed future use of the land.**
- **Planned Mixed Use allows the maximum flexibility for the community to consider any type of development proposal, and combination of uses for these unique parcels.**
- **To carve off acreage on the parcels which are small and become landlocked, and placing them in the Recreation/Conservation category under the guise of protection of the wetlands ignores existing language in our ordinance which addresses this issue as well as the fact that it potentially deprives the landowner of the full use and benefit of their land.**
- **The future development of any of these parcels will require at least in some instances a rezoning, coupled with a minimum site plan, or proceedings under a special land use, a PUD, compliance with requirements of the Dixie Highway Overlay District, the Resource Protection Overlay District, among other ordinance requirements. There is ample opportunity under these proceedings to address and provide for any and all environmental concerns. Supported by Commissioner Hines.**

Discussion: Commissioner Baker requested to review maps as referenced. Maps were put on the projector for all to view as well as maps were handed out for the Commissioners use. Chairman Steckling clarified his intent showing the entire Moen parcel, the Bordine parcel

north of the commercial area up to the water and on the O'Neil parcel is everything south of the actual stream.

Commissioner Hines concurs with Chairman Steckling there are plenty of provisions in place to provide regulations for development of these parcels. Commissioner Leddy also concurred.

Commissioner Baker stated that the intent of the Master Plan was to protect sensitive areas, i.e., marshlands, slopes, etc., and the language in our Master Plan is intended to be our guidance as we look at these future land uses. To depict the future land use for the O'Neil property for the section south of the water course to be depicted as Mixed Use is to inappropriately portray that property as suitable and able to sustain an effort that would comply with our future use as defined by mixed use. He believes there is a portion of that parcel that has potential for that use, the upland area is very rolling, depending on the use, it would need to be very carefully constructed, possibly like Hummingbird Ridge. But to envision something more significant, the land balancing that it would take would require an awful lot of care to design for the uplands. I do not believe that the slopes that are feeding that waterway that becomes the birthplace of the Clinton River system is appropriate and should fall within that future mixed-use category. The Bordine property has a different set of standards based on its current vegetation, based on current topography, and I agree with modifying the existing boundary on that parcel to match today's configuration of that site. But I would not be in favor of changing the delineation along the ridgeline. The slopes are valuable to us as reasons cited and I would not be in favor of the wholesale change to Mixed Use up to the water course.

Commissioner Aiello echoed Commissioner Baker's thoughts and stated we need to remember there is a difference between a Master Plan and a Zoning Map and that this is our vision of what we hope for our community.

Commissioner Lamont had a number of questions for various people starting with Commissioner Baker. He asked Commissioner Baker if he had to draw the line on the O'Neil property, where would he draw it. Commissioner Baker replied that looking at the contour map, the area sloping toward the Saturn parcel and the part that levels off on the top, if any portion is suitable for use other than Resource/Conservation, as a future use, this would be it. Then there is a significant drop off as the property moves toward the lowlands in that area. I would have to defer to someone with more experience in delineating that, but I could walk the property and show you where we shouldn't be considering a mixed use, even though it is flat it is approaching the wetlands, and I don't believe we want the slopes to be a part of that because of their inherent connection to that watercourse.

Commissioner Lamont asked Sally Elmiger who delineated the wetland boundary. Sally replied that map has not been wetland field delineated, but this was information supplied by Oakland County as a generalized wetland boundary. The map indicates the 20' required buffer from the wetland boundary and the existing MNFI boundary. Commissioner Lamont then asked Sally about the opposite side of the Headwaters of the Clinton River, there is some Bridge Valley parcels that extend into the wetland boundary, as depicted on the O'Neil parcel map, how do they differ other than it occurred 8 years ago. Sally responded that on the 20' buffer, the engineering and design standards were not in place at the time Bridge Valley was constructed.

Commissioner Lamont clarified with Chairman Steckling if his intent was to include the 20' boundary in the motion. Chairman Steckling replied his intent was to exclude the 20' boundary, as we are unsure of the exact location of the boundary and could be covered with a development proposal. Commissioner Lamont asked Chairman Steckling if he was then comfortable with the boundary as depicted in the Future Land Use map for the Master Plan as it wouldn't allow a potential development to infringe on sensitive areas. Chairman Steckling said no. He stated that there are other parcels on the future plan designated for commercial use that have water. Chairman Steckling noted as an example the parcel with a lake in the center, listed as local commercial. He stated just because it is in a certain category doesn't mean we are going to ignore the environmental concerns on each individual parcel.

Commissioner Lamont stated he felt comfortable the areas as outlined in Chairman Steckling's motion. He would like to see a boundary put in there and to possibly have a study completed in order to protect the Clinton Headwaters.

Commissioner Willson's general impression is that there is land there that needs to be protected and was not comfortable with the detail on the map to ensure the protection of the land. He then echoed Commissioners Baker and Lamont's concerns and being new to the Commission he is not yet comfortable with what he sees.

Commissioner Leddy stated all site plans are reviewed to protect sensitive areas and should not have to delineate it at this point and agrees with Chairman Steckling that this is the easiest way to go.

Clerk Moreau requested to show the maps prepared by Carlisle Wortman and to explain why they were prepared. Clerk Moreau said this proposal gets to the heart of why we have a Future Land Use map. We have stated that it is different than zoning and if we look at the boundary that was delineated by Nowak & Fraus, hired by the Bordines, it shows the buffer that will be required. Clerk Moreau read the Future Land Use Plan description from the Master Plan: "The Future Land Use plan serves as a general guide for the Township's desire of future land use patterns as well as a graphic representation of the Township's goals and policies." Clerk Moreau stated that we are supposed to graphically represent the intended use of the property. So does it follow to show a Planned Mixed Use designation into our wetlands when we know that we are going to require a minimum of a 20' buffer outside of that wetland boundary? Page 45 of the Proposed Master Plan indicates that the future land use plan not only reflects the goals and policies of the Master Plan but also assumes that the land will be developed and redeveloped using the other regulatory tools that Township has at its disposal, i.e. Zoning Ordinance and Designs and Construction Standards. The D & C Standards, Chapter 10 states that in order to protect the natural resources of wetlands, streams, lakes, ponds, etc. a 20' wide natural vegetation buffer strip should be left undisturbed and protected. We also have the Resource Protection Overlay District, Section 17.12 of the Zoning Ordinance No. 26, that also requires certain protections. The Overlay District, which applies here because of its MNFI designation, requires a minimum 25' buffer. I am summarizing this to remind everyone that we are saying in our Zoning Ordinance, to the maximum extent feasible no construction activity including without limitation tree or brush removal, grading, excavation, stockpiling of fill materials shall be permitted within priority protection areas. Our Ordinance does not even allow disturbing the area in that wetland and within 25' from it. So I ask, as you consider the motion on the table, does it follow the purpose of our Future Land Use map if it is to graphically represent how we intend to use the property and to show our

goals and policies in the form of a map? The motion on the table is in direct contradiction to our goals and policies if we identify this area within a wetland boundary as Planned Mixed Use. I would propose instead of Chairman Steckling's motion to bring the designation of Planned Mixed Use up to the 20' buffer, then you would be bringing it as close to the wetlands as is feasible. That would then be an accurate representation for a developer to know the true intent of the land, not to the waters edge within the wetland. I thought it would be helpful to remind everyone that the purpose of this map is to graphically represent how we intend to use the property. If we are considering amending our Future Land Use Map, lets do it based on what that Future Land Use Map truly represents and what it is intended to do.

Commissioner Lamont questioned where the white line (20'buffer line) came from. Clerk Moreau stated that Bordines hired Nowak & Fraus to field survey their property and this information was provided from the Bordines for our use. Mr. Bordine clarified that environmental specialists, Nyswanger and Associates, completed the actual survey and Nowak & Fraus then surveyed the information provided by the environmental specialist.

Commissioner Leddy stated the 20' boundary line drawn on the O'Neil parcel appears to follow the ridge contours and I don't think we could judge where it goes since one has been delineated and one hasn't so how can we say that is the line. Clerk Moreau said there isn't the same precision on the O'Neil property but this again is the Future Land Use Map and what is going to be more important is the field survey that happens later and as far as the Future Land Use Map in concerned a very close depiction on the map indicating the wetlands and the buffer zone requirement is appropriate.

Commissioner Leddy stated he had no objection to the map that was done, but we need to be careful in defining a line on a parcel that has not been surveyed and delineated. Commissioner Baker said we should base our decision on the best information we have now and if they are able to substantiate an acceptable line that is different then we could address it at that time. Chairman Steckling disagreed stating you can't because as soon as a plan is proposed we'll look at the Master Plan and we won't be able to consider that acre or two above the line because it's not Planned Mixed Use. And if you are looking at something other than residential, it wouldn't be allowed unless we go for the extra acreage without causing them to go through the Special Land Use process so that was why we should include it all. Chairman Steckling totally agreed with Clerk Moreau that all the protections are in the ordinance, giving the barriers and borders that we need. He stated if you look further down Bridge Lake, further up stream, all the parcels from Bridge Lake Auto to Bordine parcel is all down to the waterfront, there is no border, and it is all Planned Mix Use allowing the flexibility for a really unique plan to be address if it came to us. Why tie our developers or the Commissioners' hands by mixing uses on the parcel? We are arbitrarily basing a restriction on a line that hasn't, in one case, even been verified. It would in fact be verified if a plan was brought to us. Clerk Moreau said that Chairman Stackling is not correct to call this arbitrary. Chairman Steckling said it is potentially arbitrary from the standpoint that you are going to take 20' out of the potential density, and I agree with you that it will never get used. Sally Elmiger said that this map doesn't change the density. Chairman Steckling replied you are taking it out of the equation. Clerk Moreau respond not on the Future Land Use map. Chairman Steckling said you would when it came to a rezoning and/or use of that land.

Commissioner Aiello asked the Commission to consider if Chairman Steckling's plan and boundary shows a more aggressive development potential than what we ultimately decide in a

future PUD review of the site plan. Then a developer can say okay, we are going to challenge that legally and say that your PUD Site Plan Review isn't rationally based because it doesn't fit in with your Master Plan as your Master Plan contemplated more development on that parcel than what you are actually giving us in the PUD. So where we want to be most conservative is in this document and to allow ourselves flexibility to be more permissive in the future and as Clerk Moreau stated what we are doing here is providing a vision of where we want our community to go. If we say we want our community to be developed in this way then we are locking ourselves into the most permissive development possible, perhaps up to the water line. Someone could say your Master Plan is inconsistent with your regulations and your Master Plan is the vision of where your community to go. And Planning Commission, you should be following your Master Plan and your laws should follow your Master Plan as opposed to the PUD Site Plan that you approved. We could possibly be decreasing our flexibility as opposed to maximizing it and I believe we should be as conservative as possible now as we can be.

Chairman Steckling stated then we should eliminate the entire Planned Mixed Use category using that logic. Chairman Steckling then asked for audience comments.

Carrie Gorz, 7687 Brook Lane, Dr. O'Neil's daughter whose property borders a portion of the wetlands feels that Dr. O'Neil's parcel should be all Planned Mixed Use as it has not been delineated and she feels it's wrong to draw an arbitrary line across a portion of the parcel and that the Commissioners would be gypping the taxpayers of Springfield Township by changing a good portion of the parcel to Recreational/Conservation. Ms. Gorz asserted that the taxes will drop significantly and Planned Mixed Use is consistent with the rest of the properties along that area and requested that the Commission make the entire parcel Planned Mixed Use. She stated that what the Commission decides tonight is going to guide the future on an arbitrary line limiting a piece of property and that is not in the best interest of the Township.

Dr. O'Neil, Holcomb Rd., stated that whatever you want to do that is reasonable we would go along with. It isn't just laws you are dealing with it is people, and the Bordines and I have a good track record on being good environmentalists. It was the Commission's hard work and the people before and Independence Township that made Bridge Valley possible and we did everything possible to set aside land for the wetlands and we would do that in the future so I would ask that you do both Bordines and my property together as Planned Mixed Use.

Cory Bordine, 8600 Dixie Highway; Calvin and I just spoke and any way the Commission decides to go we are really happy that you took a hard look at our property and all the effort that has gone into this decision. Either way you go, it will work for us as the protections are in place and we have no intention of developing into the wetlands. If a line is defined it would help us with future discussions with developers, but from a consistency perspective I think the Chairman is correct. Looking at the entire plan going down Dixie Highway, the philosophy that he has put forth is very clear that the same approach that has been used in the past makes sense and we would like to see the process move forward from here.

Supervisor Trout said the discussion has been good on both points. The point that Cory Bordine made is what I have thought all along that the consistency and the flexibility is key. I think as you consider this you might actually want to look at the portion of the plan indicated by the red triangle in the residential district between two Planned Mixed Use parcels. Is it realistic to have those different from what's on either side of them if we think 20 or 30 years

from now? If we want to give ourselves the maximum flexibility on Dixie Highway would it make more sense to make all of it Planned Mix Use and not have a commercial in a residential designation. There is a residential parcel in there, yes, but is it realistic that it would remain that way if the plan came along, obviously within this designation it could exist, it could be enhanced and other things could happen. But as far as from a consistency standpoint I would ask that you consider that residential parcel as well. Chairman Steckling replied good point and that was one of the major reasons we took the parcels to the north on the water and put them into the Planned Mixed Use.

Commissioner Hines called the question. Chairman Steckling stated question has been called and said there is a motion to designate the Planned Mixed Use on three (3) parcels on the table.

Vote on the Motion: Ayes: Hines, Lamont, Leddy, Steckling. Nays: Aiello, Baker, Willson. Motion Carried.

Chairman Steckling asked if the Commissioners would like to consider Supervisor Trout's request at this time. Commissioner Leddy said he thought that property was already included as discussed at the last meeting. Commissioner Lamont said that he thought they had made that decision also, even though business was not conclude at that time, and that the red triangle as referenced and designate it all as Planned Mixed Use, but possibly we need a motion to designate that area. Sally asked if Saturn, the gas station and Lavon are all going to Planned Mixed Use.

Motion by Commissioner Lamont that the area designated as General Cluster Commercial on the Future Land Use Plan map, dated 11-14-08, as included in the Planning Commission packet for December 15, 2008 that is currently designated as General Cluster Commercial, that area bordered by Dixie Highway to the south, Bordine property on the north and the O'Neil property on the west that is currently designated as General Cluster Commercial be re designated as future land use for Planned Mixed Use. Supported by Commissioner Hines.

Chairman Steckling questioned two other areas, which included Lavon. Commissioner Lamont amended his motion to include the residential parcels on Lavon and the back portion, which is now known as Saturn and additional parking. Commissioner Hines supported the amended motion.

Commissioner Baker asked to see the designations on the projector. Commissioner Lamont showed those properties to the audience showing the Planned Mixed Use. This then aligns the map with the words that we have in the Future Land Use.

Commissioner Aiello asked to clarify that any residential use in the future will only be as part of a Planned Mixed Use development, if at all. Commissioner Lamont responded yes, that was how he had envisioned it.

Commissioner Willson asked for clarification that the area currently designated residential, are they occupied homes. Commissioner Lamont stated yes. This would have no effect on them. This is a future land use map for a master plan not a rezoning in any way, unless someone comes to us, purchases that property and requests to redevelop it.

Commissioner Leddy said as was done previously along Dixie Highway making residential areas all Planned Mixed Use knowing that the future is not for residential along that corridor and someday the whole area will want to be developed in a planned mixed use way.

Commissioner Baker stated the rationale used tonight has been to assess future land use south of the waterway. There are pieces of the property that go north of the waterway, as depicted at this moment on the contour map, there is a large rectangular piece immediately to the north of the Lavon residential parcels that extends past that watercourse as does the extreme southeastern portion of the triangular part. Would you consider in that consistency framework discussed, using that watercourse as the line and the Planned Mixed Use would be relevant to that property south of the watercourse and we would make no changes on the other portion and leave as a Resource/Conservation. Chairman Steckling said that was his thought. Commissioner Baker said if that were the case he would not be opposed to that. Commissioner Lamont clarified it was the small tip in the back of Lavon. No said Commissioner Baker there is a long rectangular parcel that is rear lot line of all of those Lavon properties that is on the opposite side of the road from Saturn, and behind the BP Gas Station and would he consider the watercourse as the delineation of the area to the south being Planned Mixed Use and the area to the north being Resource/Conservation.

Cory Bordine, 8600 Dixie Highway, we are in support of this. By going all Planned Mixed Use doesn't limit development and agreed with Supervisor Trout and Commissioner Baker on their points and agree that the waterline delineation is logical.

Commissioner Lamont asked for further discussion from the Commissioners and clarified that Commissioner Bakers request is to keep the property to the south of the waterway Planned Mixed Use and all the property to the north of the waterway to be Recreation/Conservation. Commissioner Leddy said yes. Commissioner Aiello concurs with the change. Commissioner Hines also agreed. Commissioner Willson concurred.

Commissioner Lamont amended his motion to change the boundary as Commissioner Baker depicted on the map (attached) following the waterway. Supported by Commissioner Hines. Discussion on the motion: Commissioner Baker wondered if we need say that the residual piece of that would be future land used as commercial.

Commissioner Lamont amended his motion to redesignate the line as depicted on the map, submitted by Commissioner Baker, and the portion including the waterway to the north of the waterway would remain Resource Conservation and the portion to the south formally known as General Commercial Cluster would be Planned Mixed Use. Supported by Commissioner Hines. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Nays. None. Motion Carried.

2. Wind Energy Conservation Systems

Chairman Steckling stated this was the third version and he appreciates Carlisle Wortman tracking the changes in color for their benefit.

Commissioner Aiello stated his feedback regarding the grid had been addressed. There is a typo on page 1, portion starts "For purposes of this ordinance...the change was to add; not to exceed, but

there is a “to” there already and one needs to be removed. I don’t understand the dangers in climbing wind turbines and the requirement for fencing. Chairman Steckling agreed. Commissioner Aiello asked if people were accessing the equipment and causing damage. Commissioner Baker replied that he understand it to be like putting a fence up around a pool that it is an uncontrolled structure and typically the grid work that creates the superstructure are by inherent design are easily climbed and are an attempt to minimize the access of children.

Commissioner Hines asked about the section dealing with private WECS that is accessory to a principal dwelling or use located on the same lot. If you have a farm, for example; Dave Fields that has acres, this means he would have to locate the structure where his house is instead of in the middle of a hay field, if they are not located on the same parcel. He has two homes located on opposite sides of the road and could have separate parcels. Sally Elmiger said from a practical standpoint that a private WECS has to be relatively close to the home, or structure you are providing power to and is not like a utility system that goes into a field and you hook to the grid. Sally stated that the language could be amended to read: private WECS shall mean any WECS that is accessory to a principle dwelling and is designed and built to serve the needs of the principal use. Then the principal use for the Fields for example; would be farm, then for any single-family residential lot would then be the home. Commissioner Aiello stated the ordinance defines lot; as a zoning lot and a zoning lot is a track or parcel of land, which is designated by its owner or developer as a track to be used to develop or built as a unit under single ownership and control. This could then incorporate multiple sidwell numbers. Commissioner Leddy said he likes it the way it is. Commissioner Baker said on page 2, b.) Controls and Brakes, it references Interference. He asked if anyone is knowledgeable about what type of interference might be expected with cell phones or cordless phones. What is the radius of the interference? What if the EMFs somehow disturb the wireless communications within a certain range that interferes with public use of wireless.

Ellen Tencer with SBA stated she was not associated with windmills but is associated with cellular phones. I do know that EMF’s do not interfere with cell phones; it is the frequency that would interfere and since this does not give off a frequency and only gives off EMFs, it should not interfere with cell phones. It also applies to wireless access, as long as they stay within licensed frequency, it will not interfere.

Commissioner Baker said on page 3, Section 4, it indicates the following additional standards shall apply and on c.) Warnings: a visible sign of High Voltage may be required, and if we have “shall apply” then have “may be required” the language is inconsistent with our intent. Commissioner Hines stated she votes “that the Township may require an avian study” and is under the “shall be required” section and is also inconsistent.

Commissioner Lamont suggested moving the wording to a section of its own such as No. 5. Commissioner Leddy agreed that language did not belong in that section and should be listed as No. 5 and removed from the standards.

Chairman Steckling said on page 2, he would delete a.); b.) I would state, “the equipment must meet current codes applicable to this type of equipment”; d.) Agreed with Commissioner Aiello that the owner has as much to lose if someone was to get hurt, and believes it is already designed into the systems and for us to specify something that might be incompatible with normal standards doesn’t make sense. Commissioner Leddy responded those standards are designed for all systems not just commercial systems and I would like to have private systems certified. Chairman Steckling disagreed and felt the homeowner should be able to take care of his own design since no one else is going to do

it. We can only protect people so far. Chairman Steckling said on f.) Noise Levels; I don't believe our noise criteria deals with noise from windmills and the information supplied by Carlisle Wortman appears to have a different standard and would like consideration that page 10 of the guidelines and would it incorporated. G.) Liability Insurance; Chairman Steckling felt that requiring a bond is a nuisance and expensive and is not necessarily a benefit and at the same applies to section h.) Security. Then under Section 5., e.); Migratory Birds, my house and cats kill more birds than the windmills as the study shows and to require a study is a waste of money not necessary. F.); Removal; I would recommend removing the entire section since there are existing ordinances to cover removal such as; The Dangerous Building Ordinance that covers this area. I would suggest that we put this out for Public Hearing, get comments, and make changes if the Commission would like later.

Commissioner Aiello moved to set the WESC for Public Hearing and, to include all changes as listed in discussion up to Chairman Steckling's changes; including typing errors and minor wording changes and set for Public Hearing at the Clerk's earliest convenience. Supported by Commissioner Leddy. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Nays: None. Motion Carried.

3.) Amendments to Zoning Ordinance No. 26. – Landscape Provisions

Chairman Steckling stated this area of the ordinance is back for modification of the existing language of native landscaping and updating of the prohibited species.

Commissioner Hines moved to recommend to the Township Board the adoption of the amendment to the Zoning Ordinance No. 26, landscape provisions as submitted. Supported by Commissioner Baker.

Commission Discussion: Commissioner Aiello stated that the overall intent of the language is good but is still a little uncomfortable with the soft language but would still support it. Commissioner Leddy agreed with Commissioner Aiello.

Commissioner Baker stated the majority of this language is already in our ordinance, and there are modest modifications to the buffers, there is guidance offered to the property owner with more detail and updates the prohibited plant species list. I believe it is augmenting a part of our ordinances that already exists and creates a little more clarity for the homeowner using this and for the homeowner who is the neighbor of someone using these provisions.

Commissioner Lamont agrees with Commissioner Baker. Commissioner Willson had no further comments that weren't already addressed.

Chairman Steckling doesn't care for the first section, and would recommend getting rid of pages 1 & 2, and would have No. 11, start on page 3, and replace No. 4, and have the information be suggestions in a pamphlet form, in the Clerk's Office, suggesting a way do landscaping. He was not adverse to the Prohibited Species; he would put in there that if cultivars can be shown not to be invasive or harmful that they should be permitted.

Public Comments: Bob Schutski, Associate Professor, MSU. Stated he has been a Board Member since 2001 on the Michigan Invasive Plant Council and is the Senior Author on the Michigan Invasive Plant Assessment Program that is currently in place. Dr. Schutski indicated that he is in attendance I to address the list of prohibited species. He explained the Council monitors what happens in the State in terms of invasive species and completes many

studies on these species regarding reproduction, how it spreads and how different species are placed on the list of invasive plants. I have put some comments on your list for Clerk Moreau and I feel that the current list could be shortened.

Commissioner Aiello asked if there was a resource available such as an annual publication or has Dr. Schutski seen ordinances structured that would allow the list to be more dynamic without having to codify species every year, or to be update on the best data or what sub cultivar's are invasive. Dr. Schutski stated there are 39 species in their system have that history and would offer his services to put together a reasonable list for your use.

Clerk Moreau suggested tabling this until January, as the MSU Council will have a more complete list of their findings available.

Commissioner Lamont moved to table the Amendments to Ordinance No. 26, Landscape Provisions to the January meeting, to allow the Township to gain more information using all resources available through the Clerk's Office and perhaps MSU and their representative tonight, as well as any other dynamic list that would be appropriate for Springfield Township, MI. Supported by Commissioner Leddy. Commissioner Baker stated as a point of order, there is already a motion on the table approved. Chairman Steckling agreed.

Vote on the 1st Motion to set for Public Hearing: Ayes: None, Nays: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Motion failed.

Vote on the 2nd Motion to table until January: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Motion Carried.

New Business:

1. SBA Tower, Concept Plan Review

Chairman Steckling stated that Section 16.09 Wireless Communication Facilities and within that section there is a Concept Plan requirement and because of the proposed location a Special Land Use is required. During the Concept Plan review we will be making comments, there will be no official vote, with comments going to the applicant following the meeting and to determine the standards of Section 18.08 1 a. – f. have been met, in order to send to the Township Board for consideration of Special Land Use.

Ellen Tencer, 5030 Cooley Lake Rd, Waterford, 48327, stated that she had received the consultant's reviews and there were no comments or recommendations that she did not agree to. She stated the narrative included in the packets address those concerns in writing. Along with that the Saber Tower letter, which is now sealed by a Michigan Engineer and now reflects the correct height of 150', the drainage is being removed as suggested. Ellen has the Phase I soiling borings for the Commission, and if a swale is requested then they will put one in. Regarding the frequency emission standards, the FCC sets them and each carrier on the tower will be required to follow those regulations. Addressing the MDOT safety issue, I have a preliminary approval from MDOT and won't grant final approval until after the Township gives approval and that can be provided at that time. MDOT requested the grass paving which hides the area better and if you wish to have the drive 18' wide, we have no problem with that if that is the request of the Fire Chief. The number of carriers that it could support varies

based on number of antennas used by each carrier and it is all about structural needs and we won't know until the 4 or 5th carriers are being added and a structural test is completed to determine how much more it can handle. Each carrier has to come to the Township for Co-Location, which is done administratively. Ellen stated that on Thursday SBA should be in front of the ZBA for a Variance, which she is fairly confident will be granted and supplied a copy of Michigan Aeronautics as requested. No lighting will be provide on the tower, as it is less than 200' and not required by the FAA. The only thing that is missing is the soil boring which typically aren't done until we design the tower and we will be obtaining our building permit through the State and not through the Township and they require the soil borings as well. Ellen stated that she was fine with the landscaping but still need to obtain permission from MDOT for the type of trees and mulch, and otherwise is fine with the recommendations and will have the changes made to the drawings and just needs to clarify the width of the drive to be either 12 or 18'.

Randy Ford indicated he has no real significant issues and that Ms. Tencer addressed the registered engineer's certification for the failure mode of the structure, and she clarified the height of the model pole of 150', along with site grading and drainages issues which were minor. The purpose of the swale was that the property drains, to the adjacent parcel to the east, and what little additional run-off is generated could be controlled with a swale along the fence line toward the basin.

Chairman Steckling asked if the stakes on site where for the location of the driveway. Ms. Tencer was unsure but the initial plan that went to the State for review was revised for safety reasons to ensure that there was no confusion of its use or to the location of the restrooms and parking areas. Sally stated that an 18' width is required for the drive and for the landscape plan additional screening is required.

Commissioner Leddy felt that a gate should be placed at the service entrance rather than the back. Ms. Tencer said there is nothing to attach a gate to in that location and people could just drive around it and there are just posts that could be driven between. Currently there is a lot of trees already screening the expressway and they would be unable to access the site anyhow, and that a gate would not provide any benefit.

Commissioner Baker asked if there was any intent to have any back up generators on site, if the electrical fails. Ms. Tencer stated it is not intended at this time as T-Mobile, as the first carrier on the tower, typically do not keep back up generators on site, and would only do so if power is out for two or three days, as the Federal Government requires battery backup for three days and generators would not used on a daily basis.

Commissioner Aiello asked how much more the green pavers cost versus regular pavers. Ms. Tencer said the State has requested the grass pavers for aesthetic purposes.

Commissioner Lamont stated that the Township and HRC should have a good look at the swale to ensure there is no run-off to adjoining properties, and agreed that the road width should be 18', and the landscaping, although set forth by MDOT, for the Township to have last review of the landscaping to make sure it meets our provisions as well as the State provisions, and this all depends on the ZBA meeting on Thursday night.

Commissioner Hines had no additional comments that weren't already addressed.

Commissioner Willson asked for clarification on the additional lease areas, and does that indicate that three more towers could go on the property eventually. Ms. Tencer said no, that three more carriers pads for their equipment could go there and there will never be more than one tower. Commissioner Willson asked to clarify that the reason for the tower was to fill in a gap of coverage, as indicated on the map supplied and is for T-Mobile, and that it appears that it fills a need more for future residential use rather than current car traffic on I-75. Ms. Tencer said that it was a combination of both residential and for I-75 corridor but is intended currently for reception on the freeway but also covers the existing residential areas. The Department of Management and Budget has issued a contract with SBA, 7 years ago to manage all state property for telecommunications, and these contracts cover prisons, DNR property, highway property, any State property to help improve the communication system throughout the State and bring in revenue. Commissioner Willson felt that the towers were obtrusive during the day and if it could be shorter he would like to see it so. Ms. Tencer replied the shorter the tower the more towers that would be needed. Commissioner Willson asked if the tower ever had to be removed and SBA is no longer around how is that handled. Ellen responded that the State would be responsible for removal and also the Township Ordinance requires it to be removed if vacant for 180 days, and then we would be required to remove it, but I don't foresee that and I supplied you with a sample removal bond for your review.

Commissioner Aiello stated he used to be on the ZBA and wanted to clarify that sometimes when you are on the ZBA, when the Planning Commission had approved a site plan that required a variance, there was an inference that maybe the Planning Commission was in support of the variance and I am not saying that we're not but I am also saying we aren't either and that we are neutral on the variance and that is left up to the ZBA and their discretion and they shouldn't take our approval of preliminary site plan in anyway as an endorsement of the variance.

Chairman Steckling agreed with everything said and. Chairman Steckling asked the consultants if the ordinance is over-protective and wondered how many times do these towers fall down, as we give them permission to do them not withstanding proximity or length. Sally stated that towers today are built so they fail in sections and crumbles onto itself rather than falling over.

Chairman Steckling moved the Special Land Use be recommended to the Springfield Township Board for the project titled SBA Tower, Site No. MI 11576-S, Davisburg Rest Stop, according to the plans and documentation submitted for review date stamped by the Township 11-12-08. This recommendation is based upon review of the foregoing submission, the presentation of the applicant, as well as the written reviews of the Township Planner and Engineer, and a determination that the applicant has complied with Section 18.08.1, sections a – f, and all other applicable provisions of the Springfield Township ordinance. Supported by Commissioner Hines. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling, and Willson. Nays: None. Motion carried.

2. **2009 Meeting Schedule**

Commissioner Lamont stated we could publish as stated and perhaps in December the Commission felt it was too close to Christmas, and there was not a site plan to be addressed, we could move December's meeting to December 3rd, using the Workshop date and canceling the Business date. Clerk Moreau stated she not sure the Tentative dates were being published, as then we would have to remember to cancel the Workshop meetings if they were not scheduled. I would recommend publishing the Business Meeting schedule and post for a Special Meeting, if needed.

Commissioner Lamont moved that the Planning Commission adopt the Business Meeting schedule as submitted under New Business No. 2 on tonight's agenda and the supporting Planning Commission document created on 11-12-08 at 3:05 p.m., by Onalee. Supported by Commissioner Hines. Discussion: Clerk Moreau stated that for clarification there will be a January 19th, meeting as the Civic Center is closed and needs to make sure the building will be open. **Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling, and Willson. Nays: None. Motion Carried.**

3. **Planning Commission appointment Representative to ZBA.**

Chairman Steckling stated that currently Dean Baker was the Planning Commission representative to the ZBA. Commissioner Lamont asked Commissioner Baker if he would like to continue as representative. Commissioner Baker stated he had no problem continuing to serve.

Commissioner Lamont moved that Dean Baker be reappointed as the Planning Commission representative to the ZBA. Supported by Commission Aiello. Discussion: None. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling, and Willson. Nays: None. Motion Carried.

3. **Capitol Improvement Plan**

Chairman Steckling asked Supervisor Trout for an update and Supervisor Trout stated it was still in process.

Commissioner Lamont moved to reassign the Capitol Improvement Plan to the Priority List to be set for a future date. Supported by Commissioner Willson. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling, and Willson. Nays: None. Motion Carried.

4. **Nomination of Officers**

Commission Baker moved to nominate John Steckling as Chairman. Supported by Commissioner Lamont. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Nays: None. Motion Carried.

Commissioner Aiello moved to nominate Dean Baker as Vice-Chair. Supported by Commissioner Lamont. Vote on the Motion. Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Nays: none. Motion Carried.

Commission Lamont moved to nominate Ruth Ann Hines as Secretary. Supported by Commission by Commissioner Baker. Vote on the Motion: Ayes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Nays: none. Motion Carried.

Other Business

1. Priority List

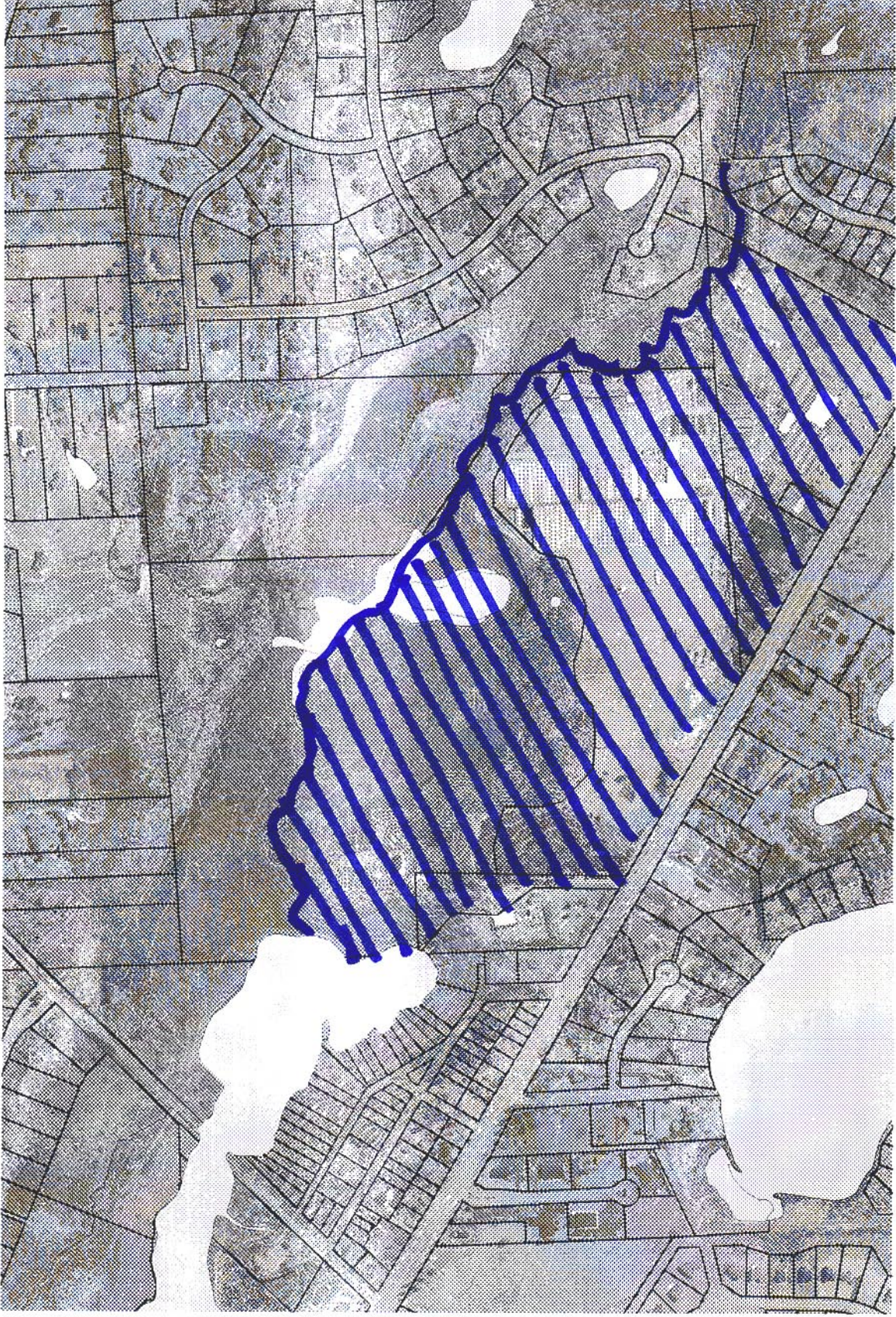
Chairman Steckling reviewed the list and went over items listed, and then requested an electronic version of the by-laws for his use for revisions. Commissioner Aiello suggested that since Chairman Steckling was working on the by-laws that maybe he could look at the agenda flow as well, possibly doing site plans 1st, and possibly make it a procedure. Chairman Steckling stated that once a draft is ready he would submit to the Commissioners for review, revisions and comments. Chairman Steckling stated he would like to have a workshop meeting after the 1st of the year to address paperwork and ability to communicate with the new clerk and ways of obtaining information in a more usable form. The Commissioner's agreed that was a great idea.

Public Comment:

Adjournment:

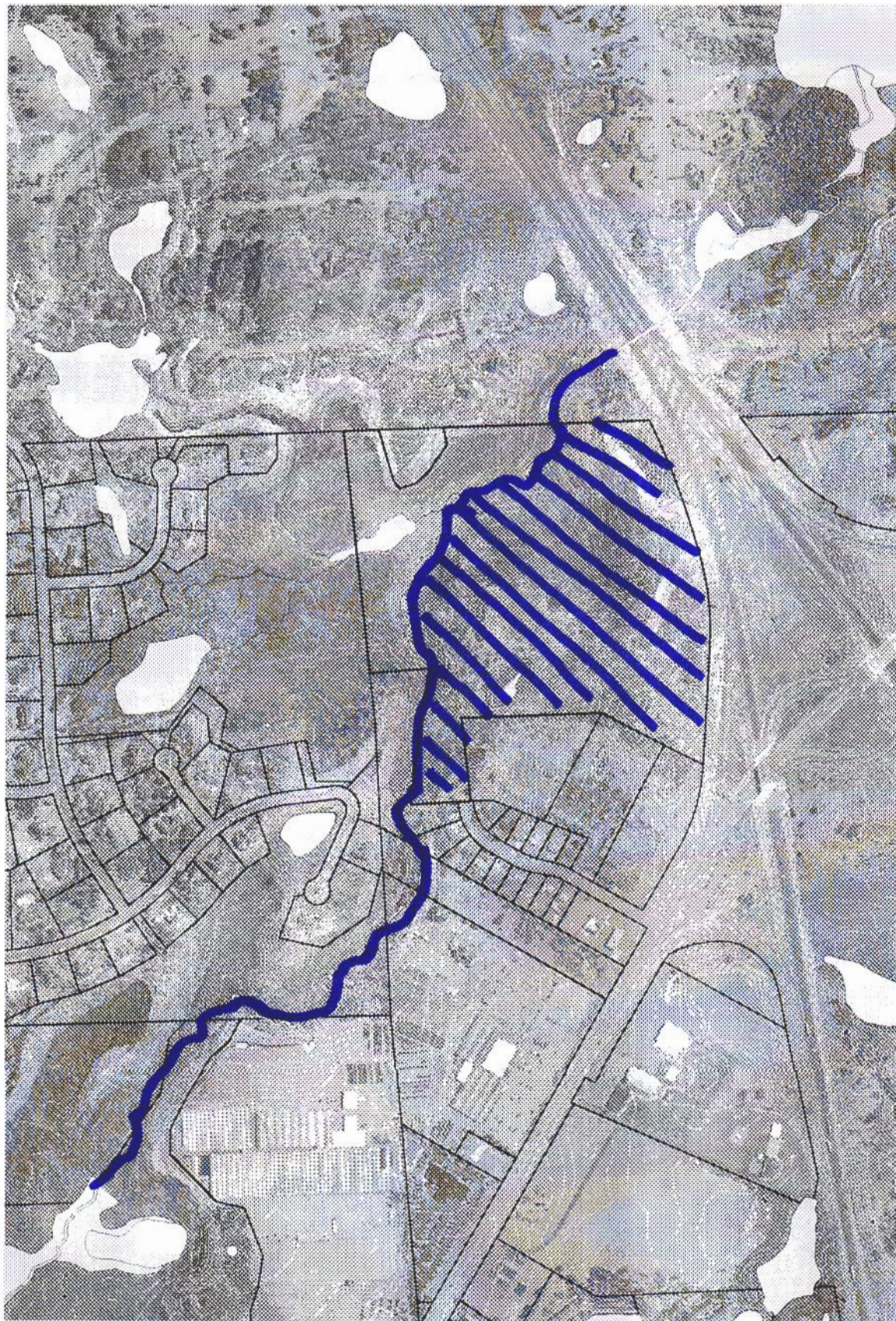
- **Chairman Steckling moved to adjourn the meeting at 10:13 p.m. Support by Commissioner Lamont. Vote on the motion: Yes: Aiello, Baker, Hines, Lamont, Leddy, Steckling and Willson. Nays: None Motion Carried.**

Onalee M. Carnes, Recording Secretary



BORDINE PROPERTY

Springfield Township
Oakland County, Michigan



O'NEILL PROPERTY
Springfield Township
Oakland County, Michigan