

**Springfield Township  
Planning Commission – Business Meeting  
Minutes of February 21, 2005**

**Call to Order:** Chairperson Roger Lamont called the February 21, 2005 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**

Roger Lamont  
John Steckling  
Paul Rabaut  
Dean Baker  
Chris Moore  
Ruth Ann Hines  
Bill Leddy

**Commissioner(s) Absent**

**Staff Present**

Leon Genre  
Mary Blundy

**Consultants Present**

Dick Carlisle  
Randy Ford

**Approval of Minutes:** January 17, 2005 Business Meeting Minutes

- **Commissioner Hines moved to approve the Minutes of January 17, 2005 as presented. Commissioner Rabaut supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Moore, Hines and Leddy; No: none. The motion carried by a 7 to 0 vote.**

**Approval of Agenda:**

There was unanimous consent to approve the agenda for February 21, 2005 as submitted.

**Public Comment:**

Mr. John Mansour, owner of the property that Home Depot was considering building on, commented that Home Depot withdrew their proposal due to a number of reasons, one of which were comments that Home Depot felt were overwhelming in terms of trying to get anything approved at the Township level. Mr. Mansour said it seems to be that the Township felt that the building was too big for the site. He said he is perplexed as to that reason given the fact that the overall lot coverage is only 16%. It was clearly understood in the first phase of this parcel, that the overall site would be looked at in its entirety, which is the reason why they did all the utility work, storm sewer, sanitary sewer, wastewater treatment plant and phase II water system to accommodate the entire site. Thereby not having that in the proposed second phase. Mr. Mansour said as he looked at the review comments, there are some issues that he felt could have been overcome. The biggest issue was the parking.

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Mr. Carlisle told Mr. Mansour that he feels it is unfair to ask the Planning Commissioners to comment on a plan that they have never seen. Home Depot withdrew their plans before it ever came to the Planning Commission. Mr. Mansour said Home Depot would still like to be here but was frustrated with the whole process. Chairperson Lamont said he believes the applicants were given adequate study of the ordinance to follow and have had every chance to interact with the Township and its representatives to develop a plan that could work with review. However, Home Depot withdrew before the Planning Commission viewed the site plans.

**Public Hearing:**                      None

### **Unfinished Business:**

#### **1.        Corner Creek – 07-13-251-015 – Final Site Plan**

Mr. Carlisle said the last review that Carlisle/Wortman did was in August. At that point they thought it was going on to the Township Board but much has transpired since then. Mr. Carlisle said there was a concern with showing the building envelopes and to try to provide as much stream setback as is reasonable. The actual building envelopes do not appear to have changed. What is not clear to him is if the Commission agreed with that issue, because he has a note that states, no change to the building envelopes. Soil erosion permits are required to be provided and have not as of yet been obtained. There was a request for an easement for a pedestrian walkway. The Planning Commission would support an easement if a safety path would not be able to be located within the right-of-way. There was a concern about creating a more substantial vegetative buffer along the creek. There is a notation on the plan showing where the creek access is and where there is difficulty with that. The conservation easement is shown 25 feet from center line except for two areas where there is access mowed down to the edge of the creek. That has actually been reduced from 40 feet to 30 feet. The applicant has added notations on restriction of the use of herbicides and pesticides within 100 feet and will be included in the Master Deed and By Laws. Regarding the landscape plan, there were some minor items that needed to be done. A variance for the existing accessory building has been granted.

Mr. Randy Ford of HRC explained that they were not asked to review the final site plan since there were no engineering issues. Regarding the Exhibit B documents and the Master Deed, everything checked out okay. The only issue was a couple of inconsistencies between the Exhibit B and the Master Deed. One being that the 25 foot conservation buffer is referenced in the Master Deed as a general common element and the Exhibit B drawings do not designate it as a general common element. Although it is not required, there should be consistency between the documents. The Master Deed was lacking the legal description for the property which is a simple matter to address.

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Chairperson Lamont explained that at the August 16<sup>th</sup> meeting, a motion was made to send this to the Township Board and did make a motion to recommend a conditional, administrative approval for a three-lot site condominium subject to the satisfaction of the engineer, planner, planning director and anyone else in the Township involved and that the necessary permits are obtained and some provision has been made for an easement for a pedestrian walkway.

Mr. Donato said many items would be handled administratively and the Master Deed and By Laws would be at the Township by Friday. They have been working on all of the aforementioned items and mainly everything has been taken care of.

Commissioner Steckling asked about the easement for the walkway? Mr. Donato said he felt at the last meeting that it was not in a good location. He felt there is enough room in the right-of-way for a public pathway. Commissioner Steckling asked Mr. Carlisle and Mr. Ford if this plan is to their liking? Mr. Carlisle said, “yes.” Mr. Ford said, “yes.” Commissioner Steckling said it appears that the only logical place for a building envelope on Lot 3 is in the larger corner. The only thing that could be done in the upper end, provided the deed restrictions allow it, would be to build an accessory structure. Mr. Carlisle said that would be a front yard from Holcomb Rd. and an accessory structure would not be permitted.

Commissioner Steckling said he is still in support of this plan and is agreeable to the remaining items being handled administratively.

Commissioner Moore asked about the driveway off Brook Lane and if there was consideration for putting that on Holcomb? Mr. Donato said they did discuss that, but he feels Brook Lane will have the least amount of traffic.

Commissioner Baker said he appreciates the work done on the buffer zone around the creek and the minimizing of the creek access. He asked the applicant if there is a plan on how to maintain the 30 foot access point? Mr. Donato said there would be signage for the buffer.

Commissioner Leddy said this plan appears to be a good proposal. Commissioner Rabaut agreed.

Chairperson Lamont concurred that many enhancements to the plan have been made and it appears the applicant has responded to most issues raised. The details could be cleaned up administratively. Chairperson Lamont said he is still concerned with the pathway and asked if the pathway falls within the road right-of-way easement? Mr. Carlisle said, typically, you would want it within one foot of the road right-of-way inside the right-of-way. Chairperson Lamont said if he supports a pathway plan, we should obtain an easement to allow the legal construction of the pathways rather than to piece meal it. He believes many people would use the pathways if they were there.

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Mr. Genre asked the applicant if he has rights to the 33 feet that is the road right-of-way? Mr. Donato said, “no.”

- **Commissioner Steckling moved to approve the application for final site plan approval for Corner Creek Site Condominium by Tony Donato according to the plans, and documentation submitted for review, date-stamped by the Township December 3, 2004. This approval is based upon review of the foregoing submissions, as well as the written reviews of the Township planner and engineer and a determination that the applicant has complied with Section 18.07.2, and all other applicable provisions of the Springfield Township Zoning Ordinance, the Design and Construction Standards and all other applicable ordinances, policies and standards. The following additional findings of fact are relevant to this application: 1) A variance has been sought and granted for the existing out building on unit 2. The following conditions are attached to this approval: 1) Any remaining conditions spelled out in the review letters from HRC and Carlisle/Wortman; 2) The granting of an easement in the public right-of-way of sufficient size to allow the construction of a safety path in the future. Compliance with the foregoing conditions shall be undertaken on an administrative basis, with the applicant working in conjunction with any of the following Township representatives: the Township planner, engineer, planning director, supervisor, attorney, and any other Township official, or staff member, or any outside professional whose expertise may be required to review this site plan. Commissioner Hines supported the motion.**

Chairperson Lamont asked Commissioner Steckling if it is his intent that the final approval would be handled administratively by the planner, attorney and supervisor? Commissioner Steckling said, “yes, at a minimum.”

- **Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Moore, Hines and Leddy; No: none. The motion carried by a 7 to 0 vote.**

### **2. Huron Creek – 07-28-377-001 – Final Site Plan**

Mr. Carlisle said most items raised previously have been addressed by the applicant. The building envelopes have been addressed including lot 7. He does not see much else that could be done with lot 7. Mr. Carlisle said there was a lot of discussion regarding the vegetation belt, but for the most part that has been addressed. In some areas it will be unavoidable, because of the fact that that is where the septic systems must be located on the basis of how the soils tests came out. To partially mitigate that, the applicant has added additional trees in those areas but outside of there, the areas will remain undisturbed. The plans do not designate a vegetation belt on all lots around the perimeter. He believes lots 17, 18, 19, 21 and 22 are not included, but the Exhibit B does identify the vegetation belt on those lots. There will be some existing wetlands used for storm water purposes. Our ordinance does allow that provided certain measures are taken

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and he would like the applicant to comment as to what measures will be taken to mitigate impacts on water quality or the wetlands. There was a recommendation to use a private road within a 45-foot right-of-way or easement. What is being shown is 50 feet and he asked where private utilities would be located?

Mr. Ford commented that the applicant did provide copies of required permits including MDEQ for wetland impacts, drain commission office for soil erosion, road commission for the approach off Shaffer Rd. Everything seems to be in order in regard to the required agency reviews. Mr. Ford said the applicant is trying to get an updated letter of approval from the Drain Commission office for the access at the Big Lake outlet control dam. The pedestrian pathway is crossing over about half-way between Shaffer Rd. and the dam. With regard to storm water management and trying to preserve water quality, he felt the real priority should be in protecting the canal. The way the applicant has the drainage set up, there is no direct discharge to the canal for storm water. Everything is directed via the enclosed storm sewer system. There is curb and gutter, catch basins and it's conveyed through the enclosed storm sewer system to the two wetland pockets that were mentioned by Carlisle/Wortman. By the time it gets to the wetland, what water does get there, there has been an opportunity for the nutrients to settle out. If you hit a major 100 year rainfall, the only thing that would happen is that there is a potential for the water to back up through the storm sewer system and then through units 5 and 6. It could conceivably discharge to the canal. However, that is a remote chance that would happen, and he believes the applicant has addressed this. Mr. Ford said he would support this final site plan.

Commissioner Baker asked if the dock access is a community access point? Mr. Ward said, "no, it is for units 7 and 8."

Commissioner Steckling asked Mr. Carlisle, as a practical matter, do we really have sanctions against people encroaching into the common open space, and has he seen language in other municipalities whereby this could be controlled? Mr. Carlisle said he shares these concerns, however, we really have to go by the honor system and hope that the homeowners would abide by the Master Deed and By Laws.

Mr. Ford said, from his experience, he has seen some developments where they have tight architectural control, and they are on top of this, and it works when the developer remains in the mix. Mr. Carlisle said he believes this is an issue we need to present to the Township attorney. Mr. Ward said when he submits their Master Deed and By Laws, he would forward them onto Greg Need and get input and suggestions regarding this issue.

Chairperson Lamont said it looks like this plan has moved a long way forward since the last review. He does recall it was the intention to get all the utilities within 50 feet where possible. The applicant has done a good job trying to limit the amount of mass grading to reduce cut and fill. Chairperson Lamont agrees that the building envelope size for lot 7 has been massaged to the point where it can be. He would like to see something in the Master Deed and By Laws regarding the harvesting of lumber in the vegetation belt. Regarding the bridge over the walkway, we have a letter of approval date-stamped

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received January 31, 2005. Chairperson Lamont said it looks like the applicant has complied with the ordinance in utilizing all of the wetlands and even employed an outside consultant. He said he could support recommending approval to the Township Board.

Commissioner Rabaut asked Mr. Ward what “convertible areas of common element” means? Mr. Ward explained that there is a portion to the west of the cul-de-sac that the owners, at some point in time, want to incorporate into more units.

Commissioner Rabaut commented regarding the impact of this development on the environment. He thinks the applicant has done a lot of good work to meet the environmental concerns and has gone a long way to mitigate some of the problems we could have. He does think some fine-tuning may be needed to ensure that the site plan fully preserves the natural resources as outlined in Section 18.07. Commissioner Rabaut said, in his view, the principal issue is the impact on the wetland canal and pond especially by the units that front the property. The canal and pond are designated as wetlands so they should be treated differently than if it were a lakefront. He has four concerns. First, the landscaping; second, the buffer zone; third, boats and fourth, the park. The landscape plan calls for use of fertilizer and it does not look to him like environmentally friendly fertilizer. It has 6% nitrogen, 10% phosphorous and 4% pot ash. His problem with this is that it will wash into the water and stimulate the growth of vegetation including noxious weeds. It is recognized that fertilizer is the greatest risk to water quality, fish habitat and recreational use by the homeowner. This could lead to demands by the homeowners for chemical treatment of the wetland to control the weeds. Regarding the 20-foot buffer zone, he believes this is a vital concept and is glad to see it on the plan. However, it is not clear to him that it is designed to filter the runoff from the property into the wetlands, and it must be maintained. This could lead to major damage from random access by the homeowners across the zone; in addition there could be boat docks, beaches and other elements which could further adversely impact the wetlands. In regard to power boats, the boats would cause major damage to the wetlands. The bottom sediment could be stirred up by engine props that could damage the vegetation and destroy fish habitat. Weeds from the lake could get caught in the props and dragged into the wetland where they could take root and cause further deterioration of the wetland. The boat wakes could cause erosion of the banks and while there would be no-wake signs, those signs are not always observed. There is a risk of engine fuel spills and exhaust that we create further risk to the wetlands. Beaching these boats along the shore would adversely impact the buffer zone which is designed to protect the wetlands. Regarding the park, use of the park by the homeowners could have a significant impact on the wetlands, for example: a swimming beach, boat launch and boat storage. Commissioner Rabaut said he believes these four concerns have been adequately addressed in the material he has been presented with. He would propose the following: restrict the use of fertilizer, pesticides and herbicides on waterfront lawns from the house to the wetland. Develop a vegetation plan for the buffer zone that assures adequate filtrates runoff and provides maintenance. Establish restricted access points in the buffer zone for wetland access by each homeowner fronting on the wetland. The applicant should be requested by the township to prohibit the operation of gas and diesel engines in the canal and the pond wetlands, and docking and beaching the boats powered by

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gasoline or diesel engines should be prohibited in the canal and pond wetland except for lots 7 and 8. He believes the building of docks in the pond and canal should be restricted except for lots 7 and 8. Any change to the private park as it is currently shown, should be approved by the township. Commissioner Rabaut said if we do these things, we can avoid damage to the wetlands and if we do not do these things, we are risking degrading the quality of the water and the wetlands which would result from excessive boating, use of fertilizers and failure to maintain the buffer zone. Boats could result in overcrowding in the area which would cause congestion and nuisance conditions especially if this project adds more units in the future.

Commissioner Baker asked the applicant if each owner will have the right to construct their own dock? Mr. Ward said the riparian owners to the units fronting on the lake would have the same rights as any other riparian owner in the United States. They have the right to put a dock in. A permanent dock was put in on units 7 and 8 because they want to limit the access to cross the wetland area. However, he does not intend to have future lot owners to have any less rights than any other lakefront owner. Mr. Ward said he does not think it is fair to restrict the next guy on the lake. This is a very environmentally responsible plan.

Mr. Ward said in regard to the vegetation belt, he thinks the most effective place to outline restrictions is in the Exhibit B drawings and the Master Deed and By Laws. Graphically, he shows these areas on a sheet with the Exhibit B drawings. In regard to the wetland impact, Mr. Ward explained that DEQ messed up. They failed to send things out like they were supposed to, and therefore had no choice but to deny the permit. DEQ did not want hardly any water going into the wetlands whatsoever. Mr. Ward said the geologist he hired doesn't seem to think that much of the water will get from one catch basin to the next one before it's lost. There will be some water going across the site which is a natural drainage direction into the wetland areas. There is a safety net to alleviate any possible flooding of lots 14 and 15. Mr. Ward said the concerns regarding sedimentation by Commissioner Rabaut are alleviated. If any sediment got into this, it would get into two wetlands and then be extremely clean water going back out to the canal. There is a grass swale between lots 6 and 7 and he is not concerned at all about sedimentation. There is some riprap at the end where it outlets into the canal. There are level spreaders going into lot 15. In regard to utilities, he offset the right-of-way. The fertilized areas refer strictly to the areas of landscape, which would be the cul-de-sacs and the entrances. He does not know exactly what the buffer zone is for sure, but his understanding is that it is just an undisturbed wide strip. If it's brush, it's brush, if it's grass, it's grass. He said he could put sod in if desired. Commissioner Rabaut said it does not envision sod, it envisions plants with long root systems that can hold the soil in place and absorb the water. Mr. Ward said fertilizer, herbicides and pesticides would be controlled as far as what type is used. Commissioner Rabaut said if they are just going to limit the type, at a minimum, phosphorous should be eliminated altogether.

Commissioner Rabaut commented that this parcel is not a lakefront parcel, they are designated wetlands and need additional care than what is provided to lakefronts and sod is not recommended as a vegetative buffer.

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- **Commissioner Steckling moved to recommend approval to the Township Board, the application for final site plan approval for Huron Creek Site Condominium proposed by Albert Weine & Sons, LLC, according to the plans and documentation submitted for review, date-stamped by the Township February 7, 2005. This recommendation is based upon review of the foregoing submissions, as well as the written reviews of the Township planner and engineer and a determination that the applicant has complied with Section 18.07.2 and all other applicable provisions of the Springfield Township Zoning Ordinance, the Design and Construction Standards, and all the following additional findings of fact are relevant to this application: 1) No direct water drainage is discharged into Big Lake; 2) Road size has been reduced to a minimum to minimize disruption to existing vegetation; 3) Lake access as shown complies with existing Township ordinances. The following conditions and recommendations are attached to this recommendation to the Board: 1) Satisfaction of additional requirements set forth in all review letters prepared by HRC and Carlisle/Wortman; 2) Development of effective Deed and By Law restrictions to ensure the MNFI concerns and site plan restrictions are honored; 3) Subject to resolution of the four items raised by Commissioner Rabaut: 1) Judicious use of fertilizer, pesticides and herbicides so as to not be harmful or detrimental to the site and water; 2) Buffer composition to commensurate with what is needed to adequately protect the lake and the wetlands and designating an access point through the buffer; 3) Prohibition or restriction against power boat usage to minimize the problems caused by power boats, such as wakes, weed importation, fuel spills and the impact on buffer through the beaching of the boats; 4) The park insert impact on wetlands – any change from what is proposed and currently shown on the plans should require Township approval. Commissioner Rabaut supported the motion.**

Commissioner Hines asked if we support this motion, we would be recommending approval of the prohibition of motorized boats? Commissioner Steckling said his intent is to recommend that the Township Board discuss and consider the issue of boats being potential problems. Commissioner Leddy said he is for protecting environment, but feels we should protect resident's property rights too. If a resident has had the right to use a boat there, they should not now be prohibited. Commissioner Hines said she supports sending this onto the Township Board, but she concurs with Commissioner Leddy's statement and has a problem with that portion of the motion.

Commissioner Baker said he appreciates the views expressed but has not previously felt that we needed to send too many items to the Township Board that move beyond the scope of the use of the property, drainage, lighting, etc. He does not want the motion to be misinterpreted by the Board that we may be saying this recommendation is a package deal. He likes the idea of sending it to the Township Board and would trust their review of the minutes and the discussion.



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Chairperson Lamont said he does not believe we have control over restricting things such as boat usage. However, we might look at something in the Master Deed and By Laws to restrict overnight boat docking. Regarding the access points, the motion did not mention how wide of an access point should be allowed to each riparian owner. Commissioner Steckling said he meant to leave that open to the Township Board.

Commissioner Rabaut said the only people using the canal and pond now are people who don't live there and the boat traffic will increase with people living there which will impact the wetland. He agrees that we cannot prohibit where boats could go, but feels the engines should not be allowed to be operated. Commissioner Steckling said this would not be a Township based ordinance, it would be strictly a deed restriction.

- **Vote on the motion. Yes: Steckling, Moore, Rabaut and Leddy; No: Lamont, Baker and Hines. The motion carried by a 4 to 3 vote.**

**New Business:                      None**

### **Other Business:**

#### **1.        Priority List**

Review Screening, Fences and Walls (Section 16.13) is set for the 3-21-05 meeting. Temporary Outdoor/Transient Sales is set for the 3-21-05 meeting. Review P.L. District and Review of R.C. District is set for the 3-3-05 Workshop Meeting. Hamlet of Davisburg is Work in Progress and set on the 3-3-05 Workshop Agenda. Build Out/Traffic Study is TBD. Innovative Storm Water Management is TBD. Proposal to rezone properties at Andersonville & Farley Roads from R-2 to PL is pending review of the PL District. ZBA/PC Workshop with Greg Need is TBD. Review Waste Water Treatment Ordinance is set for the 4-7-05 Workshop Meeting. Review Height and Area Coverage to Article 25 is set for the 4-7-05 Workshop Meeting. Prospectors Industrial Public Hearing is set for the 3-3-05 Workshop Meeting. Master Deed and By Law Enforcement was added to the Priority List and is TBD.

Commissioner Steckling commented that perhaps we could consider a uniform, standard format for motions. He feels it would make the motions clearer to all involved. Commissioner Rabaut said he agreed with that idea. The Planning Commissioners unanimously agreed to look into this concept. Commissioner Steckling said he would speak with Supervisor Walls and get some input and feedback.

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**Adjournment:**

Hearing no other business, Chairperson Lamont adjourned the meeting at 9:53 p.m.

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Susan Weaver, Recording Secretary