

SAUGATUCK TOWNSHIP PLANNING COMMISSION

March 23, 2009

The Saugatuck Township Planning Commission met on March 23, 2009, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Edris, Hanson, Milauckas, Rausch and Rowe

Absent: Jarzembowski

Also present: Planner Sisson, Clare Disselkoen, P. G. Walter, Brent DeRose and members of the general public.

At 7:00 P. M. Chairman Hanson opened the meeting. Minutes of January 26, 2009, were approved with the following amendment: Page 2, in Hanson's report McClendon's development is "Singapore Dunes LLC" and the number of homes proposed is 52, rather than 54 (Milauckas/Rowe).

Hanson opened the public hearing on the preliminary review of the application by Clare Disselkoen for Hoerman's Lookout Site Condominium. Secretary Rausch read the notice published in the newspaper, and Hanson verified that notices had been mailed to neighbors. Commissioner Rowe recused himself from the review because of a business relationship with the applicant.

P. G. Walter, representing Disselkoen, explained that the proposal is for six single-family detached homes on six site condo units of approximately 40,000 s.f. each. He added that there are approximately 10 acres of wetland, lowland and floodplain which is accessed by a two-track, and his narrative suggests possible uses of this area.

Brent DeRose of Nederveld presented the plan dated March 23, 2009, which exhibits revisions resulting from the January informal discussion: Position of the private road now allows 40 feet of separation from the building on neighboring property; acreage has been added to the development to increase open space available; u-shaped drive will be removed and one 33-foot shared drive for units #1 and #2 will enter from Old Allegan Road in line with Gleason Road, while the drive to the existing house will be from the private road, resulting in only two accesses from Old Allegan; private road will have a turn-around for emergency vehicles and will be maintained by units #3, 4, 5 and 6.

Sisson said it appeared that all that was needed was the preparation of the condo documents with provisions for preservation of the open space. Questions came up about the "easement" for the emergency turn-around, and Hanson asked Walter to have their attorney inform Sisson as to the reason for calling it an "easement." Hanson asked if filling was taking place on this property now and was told that the filling was not taking place on the part of the property in question.

Hanson opened the meeting to public comment, and Dayle Harrison, 3108 62nd St., commented that the Township should tighten up wetland delineation for the purpose of

density calculation. He was concerned about cutting on the slopes where the homes may be situated and about what value the road through the lowland could have.

James Slaghuis, 3296 62nd St., whose letter of March 20 is attached, questioned the position of the primary drain field for lot #1 and about the fire inspector's request for level areas around the proposed home on lot #1, since they are on the slope. Sisson answered that the Health Department would determine where the drain fields should be. Slaghuis was also concerned about the fill that was being or had been applied. Walter maintained the proper authorities had given their approval.

Deb Matthai, 6936 Hickory Ln., asked if the roadside drainage swales proposed for the private road were still approved by the Road Commission, and DeRose assured her they were a good way to take water away, as in this case, where the soils are porous and there is no high ground water. He said the swales would direct the drainage toward Silver Creek. The Drain Commission has approved them.

Hanson read letters: (1) Greg Janik, March 2, Deputy Fire Chief, recommendations; (2) Al and Audrey Kercinik, March 13, e-mail asking for stronger drainage code enforcement on Old Allegan Road. Milauckas noted the sloping elevation and suggested directing drainage from the site away from Old Allegan Road.

There being no further public comment, Rausch made a motion, supported by Darpel, to close the public portion of the hearing, and the motion carried.

During the Commission's discussion of ways to preserve trees on home sites and its review of a possible request for restrictions on activities in the open space, Disselkoen asked if this meeting would keep him from doing any "logging." Hanson said that Sec. 40-943 prevents any changes in the property during the process of getting the site condo approval by the Planning Commission and all appropriate agencies. The meeting recessed briefly for Disselkoen to consult with his representatives.

At 8:30 the meeting reconvened and Sisson explained that after the project is approved, forestry management can take place. Tabling for four months didn't seem to be an option, and Milauckas said Disselkoen won't know if he has the option of creating a site condo until he has the approval of this application. Walters asked the Commission to continue with its determination.

After some discussion, Milauckas made a motion, supported by Edris, to grant preliminary approval for Hoerman's Lookout Site Condominium site plan dated March 23, 2009, pursuant to compliance with the Site Condominium Ordinance, with the following conditions:

1. That a legal mechanism be created for the private road emergency turn-around;
2. That drainage impact from the site onto Old Allegan Road be minimized;
3. That the Allegan County Health Department give its approval for septic systems and a soil erosion permit; and

4. That Master Deed and By-laws be submitted restricting activities in the open space pursuant to Sec. 40-190(f)2(f). Motion carried.

After a brief recess, Rowe rejoined the panel, and the Water Access and Dock Density Amendment, Sisson's March 17 version, was reviewed. Sisson went through the changes which were sent to the Township Attorney for his input. Sisson said there were two major changes: 1. Better differentiation between boat docks in Lake Michigan and the inland waterways and those in the Natural Rivers Overlay District, regulating slips, not boats and controlling shallow draft vessels in the Natural Rivers Overlay District, and 2. Setback from property lines of easements which give access to the water.

Harrison objected to the language in Section 6 dealing with docks in the Natural Rivers Overlay District because he didn't think a permit should be needed from the Zoning Administrator for beaching shallow draft vessels, and he thought the statement "The minimum lot width is 150 feet" indicated you had to have 150 feet of frontage to have a dock in that District. Sisson maintained he had not changed anything, but simply took what was in the part of the Zoning Ordinance dealing with the Natural Rivers Overlay District and put it in here. After some discussion, the P.C. decided to remove from Section 6 reference to boat slips for shallow draft vessels and the possibility of a permit from the Zoning Administrator for beaching such vessels in the Natural Rivers Overlay District, as well as the statement about how wide a lot must be in that District.

In the Subsection under Section 8 dealing with contiguity requirements for water access, Hanson pointed out that the language requiring the subdivision, condo or other development to be contiguous with itself (i.e. not disconnected or located in two or more distinct areas of the Township) had been removed, and it should be included in the amendment. Sisson then enumerated all the changes made at this meeting, to which everyone agreed.

Edris made a motion, supported by Rowe, to recommend to the Township Board the adoption of the March 17, 2009, version of the Water Access and Dock Density Regulations, with the changes enumerated at this meeting. A roll call vote was unanimously affirmative.

After some listing of upcoming issues, the meeting adjourned at 10:45 P.M. The next regular meeting is April 27 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Milauckas/Rowe to approve amended minutes of January 26.
2. Motion by Rausch/Darpel to close public portion of hearing on Clare Disselkoen's Hoerman's Lookout Site Condo.
3. Motion by Milauckas/Edris to give preliminary approval to Hoerman's Lookout Site Condo with certain conditions.
4. Motion by Edris/Rowe to recommend to the Township Board approval of the Water Access and Dock Density Regulations of March 17 with changes enumerated at this meeting.