

**Planning Commission  
Regular Meeting Minutes  
Monday, December 12, 2022 at 6:00 p.m.  
Meeting held in person & via Zoom**

**Call to Order:** Chair Ihle called the meeting to order at 5:59 PM.

**Roll Call:**

Present: Jackie Ground, Jon Helmrich, Dave Ihle, Denise Webster, Michael Wurth

Absent: Ken Butler (excused), Gordon Stannis (excused)

Also Present: Planning and Zoning Administrator Lynee Wells, Township Manager Daniel DeFranco, Recording Secretary Morgan Arens, Kurt DeKock, Nate Koella, Ross Veltema, & Rachel Hillman.

**Approval of Agenda**

Ihle proposed moving the “Approval of the Minutes” to after “Old Business”.

A **Motion** was made by Webster to approve the agenda as amended. Supported by Wurth. Motion carried unanimously by voice vote.

**Public Comments:**

Ihle opened the floor for public comment at 6:01 PM.

1. Rachel Hillman – lives next to the Top Grade, LLC site and is concerned about the projected timeline, the number of trucks, the hours of operation, the amount of dust, the soil that may be hauled in, and the tree line along the driveway. She asked for a minimally disruptive decision.

Ihle closed public comment at 6:07 PM.

**Old Business**

1. Special Approval Use amendment, RJ Prospects and Top Grade, LLC, 6135 133rd Avenue, between 60th and 62nd, to reduce the size of the approved pond. Parcel: 03-20-012-005-20. Hearing was held in November 2021.

Applicant Comment:

Ross Veltema, owner of Top Grade, LLC, gave a general overview of how they plan to reduce the size of the approved pond and proposed three options; one of which was not presented in their submission packet (the packet is on file). Veltema explained that the new third option would be a hybrid of the two submitted options; where trucks would bring in high quality clay and that taking clay from the property would be to supplement the remaining needed amount.

Commissioner Discussion:

Planning and Zoning Administrator Wells gave an overview of the 2018 Planning Commission meeting where the Special Approval Use was first granted and where they stand today. She summarized her memo and gave a list of recommended conditions to the Commissioners. Webster asked for proof of an agreement with Ravines Golf Club to use their water for the initial fill of the pond.

Ihle stated that having trucks bring clay would have to be coordinated with the Allegan County Road Commission due to the Road Commission planning on repaving Old Allegan Road and 60<sup>th</sup> Street.

Ground asked for clarification on the proposed third option and asked what the time frame would be for the project.

Helmrich asked if the Commission could make tree preservation a priority, and Wells clarified that trees are not protected by current ordinances but the Commission can make it a condition.

Ihle and Ground discussed the time sensitivity of the project.

A **Motion** was made by Webster to approve the Special Approval Use amendment, RJ Prospects and Top Grade, LLC, 6135 133rd Avenue, between 60th and 62nd, to reduce the size of the approved pond on parcel: 03-20-012-005-20 with the following conditions:

- a. The site restoration plan shall be amended as follows: The proposals have been designed by a professional engineer and reviewed by the Township Engineer. The applicant shall submit a final version to the Planning Department with a seal and signature from a professional engineer registered in the State of Michigan. Top soil shall be placed as per the Restoration Plan C.
- b. Seed mix shall be the type recommended by MDOT as a native blend, and that the Township Engineer shall be present or verify top soil depth prior to seeding. The Township Engineer shall inspect the topsoil prior to seeding, fertilization and mulching. Application rates for seed shall be per MDOT standards for site restoration. Top Grade shall fertilize, water and mulch following seeding.
- c. The applicant shall notify the Township Engineer at various phases to perform site inspection. Inspection shall occur at the time of clay lining installation to verify depth, topsoil placement, seeding, fertilizing and mulching to verify the quality of the topsoil meeting MDOT requirements, and the depth of the soil to be placed.
- d. Clay and topsoil shall be tested to ensure no hazardous materials are present.
- e. Seeding shall occur as often as necessary to result in a close stand of grass covering the disturbed areas.
- f. The pond hole water surface area shall not exceed 4.98 acres without an EGLE permit, with the initial water coming from Ravines Golf Club.
- g. The applicant shall receive a permit for the well prior to site work and submit a copy to the Township for its records.
- h. Hours of operation shall be Monday to Friday from 8:00 a.m. until 5:00 p.m.
- i. The applicant shall coordinate with the Township and the Allegan County Road Commission to ensure that repaving of Old Allegan occurs following site restoration.
- j. The long-term maintenance plan shall be reviewed and approved by the Township's attorney, and if determined, recorded as a deed restriction.
- k. Restoration shall be completed by June 1, 2023, unless an extension is provided due to weather, by the Zoning Administrator.
- l. Future excavation shall require review and approval by the Township, except as required to restore the site.
- m. Once site restoration is completed, and the Township has inspected and approved the restoration, the special approval use shall expire, and no further site work shall commence unless a new special approval use has been granted.
- n. Any future site condominium, plat or land division shall require Township review and approval and be consistent with the Township's zoning and general law ordinances.
- o. A performance bond shall be required in the amount necessary to restore the site per the restoration plan and shall remain until October of 2023.

- p. The applicant shall maintain the safety gate until the site is restored and while under the ownership of Top Grade. The applicant shall place "Caution-Deep Water" signs at an interval of 300' around the perimeter of the pond hole.
- q. No machinery shall operate within the required 50' setbacks.
- r. Existing haul routes from the 2018 approval shall remain in effect, in addition to allowing trucks on Old Allegan Road.
- s. All conditions as set forth by the Fire District shall remain.
- t. All conditions of the utility district, Allegan County Road Commission, and other applicable reviewing agencies, including the Township Engineer shall remain.
- u. All testimony, submittal materials, and written correspondence shall be made part of conditions.
- v. Applicant shall secure all required permits by EGLE, the County Drain Commissioner, Health Department and any other reviewing agencies.
- w. A copy of the clay testing records shall be submitted for the offsite clay.
- x. Applicant's compliance will be monitored by the Township engineer at the applicant's expense.

Supported by Ground.

**Roll Call Vote:**

Yes: Ground, Helmrich, Ihle, Webster, Wurth

No:

Discussion: None

Motion carried unanimously by roll call vote.

**2. Bylaws**

Commissioner Discussion:

Commissioners reviewed the new bylaws and all changes that were made.

A **Motion** was made by Helmrich to approve the new bylaws as amended. Supported by Webster.

**Voice Vote:**

Yes: 5

No: 0

Discussion: None

Motion carried unanimously by voice vote.

**Approval of Minutes**

Minutes from the November 28, 2022 meeting were discussed and adjustments were made.

A **Motion** was made by Webster to approve the minutes from the November 28, 2022 as amended.

Supported by Ground. Motion carried unanimously by voice vote.

**New Business:**

None

**Report**

- 1. Township Board Update: Helmrich stated that there is no report due to the Township Board meeting not being held yet.

**Adjourn:**

A **Motion** was made to adjourn at 7:46 PM by Webster. Supported by Helmrich. Motion carried unanimously by voice vote.

## Motions

1. A **Motion** was made by Webster to approve the Special Approval Use amendment, RJ Prospects and Top Grade, LLC, 6135 133rd Avenue, between 60th and 62nd, to reduce the size of the approved pond on parcel: 03-20-012-005-20 with the following conditions:
  - a. The site restoration plan shall be amended as follows: The proposals have been designed by a professional engineer and reviewed by the Township Engineer. The applicant shall submit a final version to the Planning Department with a seal and signature from a professional engineer registered in the State of Michigan. Top soil shall be placed as per the Restoration Plan C.
  - b. Seed mix shall be the type recommended by MDOT as a native blend, and that the Township Engineer shall be present or verify top soil depth prior to seeding. The Township Engineer shall inspect the topsoil prior to seeding, fertilization and mulching. Application rates for seed shall be per MDOT standards for site restoration. Top Grade shall fertilize, water and mulch following seeding.
  - c. The applicant shall notify the Township Engineer at various phases to perform site inspection. Inspection shall occur at the time of clay lining installation to verify depth, topsoil placement, seeding, fertilizing and mulching to verify the quality of the topsoil meeting MDOT requirements, and the depth of the soil to be placed.
  - d. Clay and topsoil shall be tested to ensure no hazardous materials are present.
  - e. Seeding shall occur as often as necessary to result in a close stand of grass covering the disturbed areas.
  - f. The pond hole water surface area shall not exceed 4.98 acres without an EGLE permit, with the initial water coming from Ravines Golf Club.
  - g. The applicant shall receive a permit for the well prior to site work and submit a copy to the Township for its records.
  - h. Hours of operation shall be Monday to Friday from 8:00 a.m. until 5:00 p.m.
  - i. The applicant shall coordinate with the Township and the Allegan County Road Commission to ensure that repaving of Old Allegan occurs following site restoration.
  - j. The long-term maintenance plan shall be reviewed and approved by the Township's attorney, and if determined, recorded as a deed restriction.
  - k. Restoration shall be completed by June 1, 2023, unless an extension is provided due to weather, by the Zoning Administrator.
  - l. Future excavation shall require review and approval by the Township, except as required to restore the site.
  - m. Once site restoration is completed, and the Township has inspected and approved the restoration, the special approval use shall expire, and no further site work shall commence unless a new special approval use has been granted.
  - n. Any future site condominium, plat or land division shall require Township review and approval and be consistent with the Township's zoning and general law ordinances.
  - o. A performance bond shall be required in the amount necessary to restore the site per the restoration plan and shall remain until October of 2023.
  - p. The applicant shall maintain the safety gate until the site is restored and while under the ownership of Top Grade. The applicant shall place "Caution-Deep Water" signs at an interval of 300' around the perimeter of the pond hole.
  - q. No machinery shall operate within the required 50' setbacks.

- r. Existing haul routes from the 2018 approval shall remain in effect, in addition to allowing trucks on Old Allegan Road.
- s. All conditions as set forth by the Fire District shall remain.
- t. All conditions of the utility district, Allegan County Road Commission, and other applicable reviewing agencies, including the Township Engineer shall remain.
- u. All testimony, submittal materials, and written correspondence shall be made part of conditions.
- v. Applicant shall secure all required permits by EGLE, the County Drain Commissioner, Health Department and any other reviewing agencies.
- w. A copy of the clay testing records shall be submitted for the offsite clay.
- x. Applicant's compliance will be monitored by the Township engineer at the applicant's expense.

Supported by Ground.

**Roll Call Vote:**

Yes: Ground, Helmrich, Ihle, Webster, Wurth

No:

Discussion: None

Motion carried unanimously by roll call vote.

2. A **Motion** was made by Helmrich to approve the new bylaws as amended. Supported by Webster.

**Voice Vote:**

Yes: 5

No: 0

Discussion: None

Motion carried unanimously by voice vote.

3. A **Motion** was made by Webster to approve the minutes from the November 28, 2022 as amended. Supported by Ground. Motion carried unanimously by voice vote.

Respectfully,

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Morgan Arens, Recording Secretary

I, Denise Webster, Planning Commission Secretary, certify that these minutes were approved on January 17, 2022 by the Saugatuck Township Planning Commission.

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Planning Commission Secretary

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Date