

Hayes Township Planning Commission
Regular Meeting
June 20, 2017

The regular meeting of the Hayes Township Planning Commission (PC) was called to order at 7:01 p.m. at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were Marilyn Morehead, Matt Cunningham, Bob Jess, Cliff Biddick, Pat Phillips and Ed Bajos. Steve Wilson was absent. Also present were Marlene Golovich secretary and Larry Sullivan Zoning Administrator (ZA). Audience members signed in were Jerry Seymour, Roy Griffith, Susan Pyke and Ben Cunningham.

Chair Jess asked to be joined in saying the pledge of allegiance.

Public comments were taken on proposed ordinance amendments including seawalls, DEQ requirements for seawalls, agencies that regulate seawalls, township boat launch permit, cost of ordinance enforcement, number ~~of~~ of boats and docks allowed per parcel, type of boats that will be counted, motor vs non-motorized boats, permanent motor vs removable motors, who will monitor this.

Chair Jess explained that the PC would be discussing the draft dated April 2017 of the proposed changes to Section 3.14 Waterfront Regulations, it will be discussion only and no decisions will be made.

Cliff Biddick explained that the Township monitors the lakes in Hayes Twp. and in the past the entire PC has made the monitor trips on board his tug. It was explained that funneling is a concern and that the current ordinance allows for 1 boat.

Public comments were taken on jet ~~skis~~ ~~ski~~ count as ½ boat, loss of rights for waterfront property owners, ownerships of boats docked.

PC members commented that it is the intention of the proposed amendment to be more lenient by allowing more than 1 boat. They also explained that 2 jet skis equal 1 boat for the purpose of counting boats allowed.

Chair Jess called the public comment closed.

The PC members reviewed the results of the survey regarding waterfront property (see attached) There were 329 respondents, 155 of them live on Lake Charlevoix, 66 on Susan Lake and 108 on Lake Michigan.

Public comment was taken on pruning vs removal, view corridor, tree roots left,

Chair Jess stated that the survey respondents want larger view corridors and indicated that views are the number one reason they live on the lake.

Marilyn stated that the intention is to keep people from clear cutting and to find a balance for the views and protection of the lake. She stated that clear cutting affects all the peoples view on the lake and that some neighbors may not want that clear of a view. Pruning can be done for views without clear cutting. Can the section be written differently to keep the shoreland protection strip but increase the views

Matt asked where the current number 20% clearing for views came from. It came from samples of other ordinances and may have come from Tip of the Mitt.

Chair Jess asked the zoning administrator if cutting tree tops count as part of the 20% allowed. Larry stated that it is hard to regulate the shoreland protection strip. Topping one tree could be within the 20% but topping all the trees could be a violation.

Marilyn stated that tree topping is unattractive.

Public comment was taken on ~~road~~ roads on the shoreline still being used, cedars cut to height of 6'.

Marilyn stated that a site plan review will allow the township to work with the landowner to protect the lakes. Properties will be brought into compliance only to protect the lake.

Public comment was taken on various ways to achieve protection, individual opinions, less attention on aesthetics.

Chair Jess suggested the use of the survey results to apply weight to the proposed changes to the ordinance. He stated that some of the comments and suggestions were good and some were over the top.

The PC reviewed the proposed Section 3.14 (see attached). Marilyn asked why the wording "of a lake or a stream" was being removed in #3. She also stated that 3c. should not read "within the shoreland protection strip" but should read "within the 100' setback".

Cliff suggested that the "of lake or a stream" might have been left off because there is no ordinary high water mark on a stream.

Chair Jess stated he was not sold on the 20% view corridor.

ZA Sullivan stated that the percentage is to keep property owners from reducing the shoreland protection strip each year until it is all gone.

Marilyn stated that the survey is a guide not a reason to change everything people are against. There are valid reasons for the ordinance. We need to do the best we can to protect the lake and work with property owners.

Matt asked how many people were not in compliance with the shoreland protection strip the last time a boat trip was taken around the lake. Marilyn stated she was surprised by how many were in compliance. Some of the violations may have existed before zoning.

Public comment was taken on the goals of the shoreland protection strip and view vs lake protection and what is important.

Pat stated that views are a personal preference and that maybe there is a way to allow for better views and still protect the lake.

Ed stated that some people just don't care about the lake.

Public comment was taken on soil stabilization & filtrations

Chair Jess stated that a site plan review could accomplish this. Ultimately the homeowner is responsible.

Chair Jess asked for opinions on the 20% view corridor.

Marilyn wants to hear from Claire first

Ed less regulation but still maintain the quality of the lake, not in favor of the 20%

Bob not in favor of the 20%, protection can be accomplished with a site plan review

Pat agrees with Marilyn

Cliff all in favor of doing it without a number but we need some regulations

Matt look for alternative and remove the term visual barrier, owners want to see the lake

3C states that decks be located no more than two feet above the natural grade, why? To keep them from getting too tall and keep them close to the ground. A suggestion was made to change the wording "within the shoreland protection strip" to "within the 100' setback"

Bob stated he would like to consider allowing bigger deck if the property owner has more frontage. Bob stated we need to be flexible. Ed stated some flexibility has been given by allowing decks. Matt stated he could see both sides.

3D Bob stated he agrees with Ben Cunningham regarding seawalls. Matt stated that seawalls protect the land from natural erosion. Pat stated that it is the job of the shoreland protection strip to protect the land from erosion. Marilyn stated that high water is a natural process and lakefront owners need to be prepared for that. It is part of buying waterfront property. Marilyn is opposed to seawalls. It changes how lakes react. She prefers revetments and natural shorelines. Pat stated that Petoskey used big rocks for shore erosion.

Public comment was taken on seawalls to protect homes and changes in the high water mark.

Marilyn suggested they change the wording "seawalls are prohibited" to "seawalls are discouraged". Reflective waves off the surface a concern. Cliff asked if bigger rock would solve the problem.

Cliff asked if they would consider changing the wording to “discouraged”. Bob stated no, they have a place and use.

3E Bob asked why walkways are 4’. Pat stated so they don’t turn into decks. Bob stated he likes 6’ ADA compliance should be met.

3F OK

3G OK

3H OK but add “No septic tanks.....”

3I OK

3J OK

3K OK

3L a.b.c.d. OK

4A OK

4B OK

4C OK

4D Bob stated he has a problem with the number of boats allowed. Pat stated it went from 1 allowed to 3. It is hard to police the current ordinance only allowing one boat. Bob asked if the purpose of limiting to 3 boats was to limit the number of boats on the lake. Pat stated it was to limit it for aesthetics. Matt stated he would like it to go to 3 boats per 100’ rather than 3 boats per parcel. Matt stated it may lead to people splitting their lots to get more boats. Ed disagrees about the lot splitting and also stated that the one boat rule was ridiculous. Matt stated that the lake is not overused. Marilyn stated she does not believe the PC can agree on this. Pat stated the lake belongs to everyone not just the waterfront property owners. The lake needs to be protected.

Public comment was taken on allowing 3 boats per 100’.

ZA Sullivan stated that the limit is in place so every dock does not turn into a marina.

Bob 4 boats be allowed per 200’ and 1 boat for every 100’ after that.

Pat & Marilyn 3 boat total per parcel

Matt, Cliff & Ed 3 boats allowed per 300’ and 1 boat for every 100’ after that.

4E Add “unless otherwise provided”

4F OK Do you want to allow flashing lights?

4G OK

4H OK

5 OK

6 How many boats make a marina?

7 Does the PC want to have approval over these projects? Talk to Claire

Public comment was taken **from the secretary** Camp Sea-Gull is grandfathered in.

Section 3.xxx Waterfront Site Plan Review – New Section

Public comment taken on how Ca will get done, the section is an overreach.

Marilyn would like to hear Claire's take on this section. She cannot defend this section as written.

The Planning Commission members reviewed the regular minutes from the May 4, 2017. Cliff Biddick made a motion, supported by Pat Phillips to approve the minutes as corrected. Motion carried.

Zoning Administrator, Larry Sullivan presented a written report with oral overview.

Matt reported on Township Board (BOT) activities. The Board had three meetings. June 5 was a boat launch presentation. Ron is the new FOIA coordinator. June 12 reviewed the road and general fund budgets, set meeting dates, arranged for data backup to the cloud, purchased gas cards for the park, set cleanup date at CSG for June 24, purchased a Kubota tractor, voted to let bids out for boat launch and fishing pier, discussed the septic tanks and sewage at CSG, tanks need to be pumped crushed and filled.

Pat asked what the health dept results were at CSG regarding the septic tanks. Mike Jones from the health dept stated the tanks have to be pumped but there was no evidence of raw sewage. Bob asked why Paul asked to have the boat launch bids added to the agenda. Matt said he did not know but he voted no. Matt did not think it was right to add it to the agenda. June 14 hired new assessor Alisa Abiney, web page proposal from Omar, discussed phones for board members, P&R updates and paid \$39,000.00 for the bike trail.

Next meeting of the Planning Commission is July 18, 2017 @ 7:00 p.m.

Planning Commission Comments – No

Public comment taken on contacting Lake Charlevoix Assoc regarding the number of boats allowed on docks.

Ed Bajos made a motion, supported by Marilyn Morehead to adjourn at 9:45 p.m. Motion carried.

Respectfully submitted

Marlene Golovich, recording secretary

Marilyn Morehead Planning Commission Secretary

Minutes approved as corrected July 18, 2017