

Hayes Township Planning Commission
Regular Meeting
July 18, 2017

The regular meeting of the Hayes Township Planning Commission (PC) was called to order at 7:03 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 Marlene Golovich secretary. ~~and Larry Sullivan Zoning Administrator (ZA).~~ Audience members signed in were Claire Karner, Roy Griffitts and Susan Pyke.

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

Public comments – no comments.

Claire Karner from Beckett & Raeder reviewed the comments made by the PC at the June meeting regarding Section 3.14. Claire stated she would prepare an update and review for next month including the clarifications made at this meeting.

Claire stated that the 20% clearing of the view corridor in the shoreland protection strip language currently in the ordinance came from best management practices prescribed by organizations such as Tip of the Mitt. She stated if the concern is about providing views some townships allow for limited tree trimming and not removing the roots. She will develop sample language for next month.

Bob Jess asked if this was the PC consensus.

Marilyn stated that this approach is possible. She would like to leave the view corridor at 20% but trimming of the view allowed as long as it does not endanger the life of the tree.

Ed stated that the 20% was not to limit the view it has been taken out of context. He would like to see Claire adjust it with new language.

Cliff asked how it would be regulated.

Claire stated by education of homeowners via the zoning administrator.

Pat agrees.

Public comment taken on the last line of 3. C. being unclear and allowing decks within the 100' setback not just the shoreland protection strip. Claire clarified that the last sentence in the paragraph was in relation to decks.

Bob asked where the 200 sq. ft. deck came from. ~~It~~ **He** stated it is an arbitrary number and the size of deck should depend on the amount of frontage owned. Claire explained that the number came from examples from other townships and is a reasonable number.

Marilyn stated that this has been discussed multiple times and the 200 sq. ft. is a compromise especially in the shoreland protection strip. The impact ~~is~~ on the lake is what should be considered opposed to the amount of frontage on a lot.

Ed stated that lots of thought went into it and it is actual usable space.

Bob stated that land owners with more lake frontage are protecting more of the lake. He stated the size is arbitrary and penalizes the property owner with more lake frontage. Pat agrees with Marilyn.

Marilyn Morehead made a motion, supported by Pat Phillips to restrict the size of decks allowed within the 100' waterfront setback to 200 sq.ft.

Yays: Cliff Biddick, Pat Phillips, Ed Bajos, Marilyn Morehead
Nays: Bob Jess, Matt Cunningham
Motion carried.

Claire stated that after reviewing the walkways width in the current ordinance she proposes the width of walkways in 3E be changed to six feet. PC consensus this change should be made.

Matt Cunningham asked about 3D and the language regarding seawalls. Claire recommended keeping the language as proposed. Bob stated that seawalls should be allowed.

Public comment was taken on who decides which are better seawalls or revetments,

Bob stated the DEQ decides. Claire stated the decisions made by the DEQ depends on the politics. Claire also stated the DEQ does not necessarily follow the best management practices.

Public comments was taken on adopting the DEQ standards or why include it in the ordinance at all if it is regulated by the DEQ

Marilyn stated that natural abatements are better for the lake. Waterfront property owners risk losing property with the rising water levels but they also gain property when the water levels are lower.

Public comment was taken on the old ordinance setting township up for having to go to court.

Matt stated that if someone wants to pay for a seawall they should be allowed to have it. It is already government regulated and the township should stay out of it.

Public comment – the word prohibited is looking for trouble

Cliff stated remove “prohibited” and use the ~~work~~ word “discourage” because it is better for the lake.

Bob suggested using just the last line of D. With what the township is proposing at Camp Sea-Gull if they can do it anyone can.

Bob made a motion supported Matt Cunningham to use only the last line of D. “All shoreline protection structures require appropriate agency approvals.”

Yays: Matt Cunningham, Cliff Biddick, Bob Jess, Ed Bajos

Nays: Pat Phillips, Marilyn Morehead

Motion carried.

Pat Phillips asked Claire what other townships are doing. Claire stated they have conditions of none at all and rely on the DEQ. Pat stated that she felt that Matt may have a conflict of interest because it is his business installing seawalls.

Matt stated he feels he is the leading expert in the room.

Ed asked how filtering is done with seawalls. Matt stated they use a filter cloth. Ed asked if that allows for the natural filtration of the water to the lake.

Claire stated it changes the topography of the lake and can affect the neighbor's shoreline.

Marilyn stated she is in favor of using "discouraged" over "prohibited".

Public comment taken the DEQ should have standards and the shoreline protection strip should run right up to the seawall not grass.

Matt stated you want water to filter through.

Ed stated the lake belongs to everyone

Claire asked if the PC wants her to play with the language of 3D. She stated it could be put in the proposed site plan review section meaning that a seawall would put you in line for a site plan review.

Ed stated he is not opposed to a seawall he just wants protection for the lake.

Public comment was taken on objecting to the proposed site plan review

The PC discussed 4D boat parking spaces. Matt stated he was asked to report to the PC that Paul Hoadley stated that he does not want the ordinance changed regarding boat parking spaces. He wants to use the existing language. He is concerned about funnel development and marinas. Ron stated the PC should discuss what can be reasonably enforced.

Matt stated that boats are only for a short time period and only in the summer and the number of boats allowed should be more lenient.

Claire talked to John Iacoangeli and he suggested that the township might want to consider this as a police power ordinance and have the sheriff enforce it. The number of boats parked at a dock is not really a land issue.

Bob stated he would like to move forward.

Public comment taken from the secretary why do you care how many boats people have it is never enforced anyway. Just make sure you have language preventing anti funneling and

marinas. Bob stated he is concerned about the secretary speaking all the time but allowed her to speak.

Marilyn stated that all boats must be registered to the property owner.

Public comment taken on confusion about funnel development.

Claire stated she will clean up 5.

4F Flashing lights are not an issue if the Coast Guard regulates this.

6. Claire will add language about written agreement with another facility and ~~clarify~~ **clarify** commercial use or marina.

Waterfront site plan review.

This section is being developed to trigger site plan review so that the replanting of the shoreland protection strip can be initiated. The language proposed was modeled after language used by Evangeline Township. Claire stated this is a trigger action and will help to implement non existing protection strips.

Marilyn stated she is not sure this will work.

Public comment taken on would this only apply to nonconforming

Claire stated that she spoke with Supervisor VanZee and he was in favor of site plan review.

Public comment taken the need for site plan review for conforming.

Marilyn suggested adjusting the triggers ~~the~~ that require a site plan review

Bob suggested skipping or tabling the discussion on the site plan review. Marilyn and Ed would like to table the topic to have time to speak to Ron and Claire. Pat likes the site plan review idea. Cliff and Matt would like to get more suggestions.

The PC consensus was to have a conference call with Ron VanZee, Claire, Bob, Marilyn and Larry Sullivan and report back at the next PC meeting.

The Planning Commission members reviewed the regular minutes from the June 20, 2017. Cliff Biddick made a motion, supported by Pat Phillips to approve the minutes as corrected. Motion carried.

Zoning Administrator, Larry Sullivan prepared a written report.

Matt reported on Township Board (BOT) activities. The Camp Sea-Gull (CSG) annual party is August 19, the board gave their reasons for their votes on the boat launch, the fence at CSG will

be given away, the board discussed an addition to the fire barn, no money will be given for the Eastern Ave. Beach clean-up proposed by the Pine Point Association, the hot water heater will be replaced in the township hall, the Land & Water Conservation Fund grant passed.

Marilyn asked if the bids are out yet on the boat launch at CSG. Matt answered not yet but they have been authorized to go out.

Old Business – Budget discussion. Is there enough money left on the contract with Beckett & Raeder to complete the ordinance updates. Bob stated he had no idea how much more money would be needed. Bob stated he thought we were ~~about halfway in the homeward stretch in~~ the process and the original contract was \$7060.00.

Cliff Biddick made a motion, supported by Ed Bajos to have Board Representative Matt Cunningham to ask the Board for an additional \$2000.00. Motion carried.

Next meeting of the Planning Commission is August 15, 2017 @ 7:00 p.m.

Planning Commission Comments – Ed asked about Steve Wilson and his health. Bob stated he is holding faith that Steve will return to the PC. He is a veteran and should be given all the time in the world to recover and return to the PC. Pat agreed that he should be given more time.

Public comment taken on the public being allowed to talk at the PC meetings. The removal of PC members is up to the supervisor.

Ed Bajos made a motion, supported by Pat Phillips to adjourn at 8:47 p.m. Motion carried.

Respectfully submitted

Marlene Golovich, recording secretary

Marilyn Morehead Planning Commission Secretary

Minutes approved as corrected August 15, 2017