

Hayes Township Planning Commission
June 4th, 2024
Public Hearing
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.
Members present: Rex Greenslade, Carey Cuddeback, CT Martin, Mark Snyder, Matt Cunningham, Roy Griffiths (Chair), and Marilyn Morehead.
Also, present: April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Zoning Administrator)
Audience: Deb Narten, Danelle Hutchenson, Kevin Willis, Laura Ford, Steve Hassell, Luanne Kozma, Tim Boyko, Betty Henne, and Bill Conklin.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

Add residential/commercial discussion after the waterfront section if time permitted.
Ms. Morehead made a motion, supported by Mr. Greenslade to change the second public comment period to two minutes.
Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, Rex Greenslade, Carey Cuddeback and Marilyn Morehead.

Mr. Greenslade made a motion, supported by Mr. Snyder, to approve the agenda as amended.
Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, Rex Greenslade, Carey Cuddeback and Marilyn Morehead.

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS:

Public comments opened at 7:04 pm.

Comments included:

- Stated they are here to observe the work of the Planning Commission and stated they are running for Township Clerk. They are concerned Hayes Township is altering the Zoning Ordinance to negatively impact the shoreline. Stated the zoning ordinance should be used as a tool.

Public comments closed at 7:07 pm

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New Business:

**CONTINUE REVIEW ZONING ORDINANCE DRAFT SECTION ON THE WATERFRONT, AS A
CATEGORY OF SPECIAL USE PERMIT AND WATERFRONT SPECIFIC SITE PLAN REVIEW CRITERIA
WITH WATERFRONT SUPPLEMENTAL SITE DEVELOPMENT STANDARDS:**

- Discussed the allotted 20% removal of trees within the Shoreland Protection Strip.
- Individual properties need to be addressed individually.
- Questioned the science behind the 50-foot Shoreland Protection Strip.
- Be considerate of the landowners having to spend their money for any landscaping to comply with the Zoning Ordinance.
- Discussed how the slope grade percentage is determined, and who determines it?
- Rex Greenslade will conduct some research on the process and resources available for determining the percentage of the slope grade.
- Stated risk management should be a focus point for the waterfront.
- Stated the shoreland protection strip ordinance requirements need to be affordable for the landowner.
- Encourage landowners to leave trees.
- Discussed the repetition of item K. came to a consensus to delete item K.
- Discussed deleting item L. because it is repetitive. Came to a consensus to delete L.
- Add language from Item L. regarding invasive species to item I.
- Consensus to move item 1,2,3, and 4 under item M to item I. delete the rest of item M.
- Discussed the issue of beach sand and it being regulated by Army Corp of Engineers.
- Came to a consensus beach sand should be regulated by the Army Corp of Engineers or EGLE.
- Discussed the Waterfront Development Review process become a supplemental site plan review process and apply as a SUP.
- Stated every property on the waterfront with an application for construction will fall under a SUP.
- Will amend item B. to reflect the draft of the Special Use Permit Shoreland Landscaping Plan requirements.
- The Shoreland Protection Subcommittee needs to stay in place even with the SUP process modification.
- Discussed non-conforming lots not currently being in the 4.4 C. IV. Table.
- Will discuss deleting the language of "conforming" from the 4.4 C. IV table with legal counsel.

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- Determined the addition of language for Marinas in the township is necessary.
- Editorial corrections made through out the draft.
- Discussed dock lighting in the ordinance, should it be the landowner's discretion?
- Came to a consensus to remove item E.
- Came to a consensus to remove item 7 "Marine sewage Pump-out Facility."
- Discussed Public Access Sites section of the ordinance, should it be encouraged to put standards on public access sites.
- Came to a consensus for the Township attorney to review the language in item 8. Public Access Sites.
- Reviewed the proposed draft for Special Use Permit Shoreland Landscaping plan for SPS.
- Reviewed the proposed draft for Supplemental Site Plan Criteria for the Shoreline Protection Strip. Shoreland Landscaping Plans.
- Discussed the proposed draft of the Shoreline Protection Strip Application.

SET/CONFIRM PUBLIC HEARING DATES:

NA

SET/CONFIRM DATE OF NEXT PC MEETING –JUNE 18th, 2024.

Next Planning Commission regular meeting will take place on June 18th, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 9:00

Comments Included:

- Asked if septic fields are allowed in the lake front lawn. Roy Griffiths responded that is a health department regulation.
 - Appreciates the follow up comment opportunity. Has been reassured after this meeting the commission is not out to gut the ordinance. They were miss informed before the meeting and apologizes for their previous comment.
 - Stated it is gracious of the commission increasing this portion of the public comment to 2 minutes. would like the commission to research and undergo more training to help with their discussions on the waterfront section. Feel the SUP option is the wrong road.
 - Believe the commission needs to have an attorney to review the draft and language and seek recommendations from Tip of the Mitt regarding the science questions brought up during tonight's discussions. Believes sanding negatively impacts the lake.
- Public Comment Closed at 9:07

PLANNING COMMISSION COMMENT:

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ADJOURNMENT: Ms. Morehead made a motion, supported by Mr. Snyder, to adjourn the meeting at 9:07 pm.

Yeas: Mark Snyder, Rex Greenslade, Carey Cuddeback, CT Martin, Roy Griffitts, Marilyn Morehead, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



Kozma comments to PC June 4, 2024

Tue, Jun 4, 2024 at 12:27 AM

LuAnne Kozma <luannekozma@gmail.com>
To: Roy Griffiths <rwgriffitts3@gmail.com>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, kristin baranski <clerk@hayestownshipmi.gov>, ctmagnetics@aol.com, snyderhtp@outlook.com
Cc: Bill Henne <wm.henne@gmail.com>, Betty Henne <betty.henne@gmail.com>, Jim Rudolph <jmr09799@gmail.com>, Ellis Boal <ellisboal@voyager.net>, Danelle Hutcheon <dhutch3547@gmail.com>, Deborah Narten <dlnarten@gmail.com>, JoEllen <jobee949@gmail.com>, Jerry Simpson <jerrysimpson580@gmail.com>, "McMahon, Jim and Diane" <jim_mcmahon_iii@yahoo.com>, Kevin Willis <kwillisc@yahoo.com>, Shelly VanWart <taxladybayshore@gmail.com>, Janet Simon <simonjanet6969@gmail.com>, Winnie Boal <wlboal@gmail.com>

To: Hayes Township Planning Commissioners
From: LuAnne Kozma
Re: Your special meeting agenda on June 4

Please see my comments from the last meeting, as they were not addressed.

The first thing the PC should do is drop the rewrite of the Zoning Ordinance until after you begin and finish your review of the Master Plan in 2024. You're putting the cart before the horse.

Secondly, the PC made comments at the last meeting about Tip of the Mitt Watershed Council's recommendations that were inaccurate. I attach the organization's comments on the Waterfront Regulations that were given to the Commission back in November 2021. Clicking on the small rectangles on the PDF document opens up a dialog box with the comment or edits. For example, the one below:

Watershed Council11/16/2021

We appreciate the efforts of the Township to acknowledge the different characteristics of properties around the lakeshores, by setting standards for shoreland protection strips based on slope. However, simply taking slope into consideration is not sufficient for the determination of a shoreland protection strip. Such methodology fails to take into account impervious surfaces on site, infiltration rates, stormwater flow, and existing vegetation, among other factors. As a result, you could have a property owner with a large mansion with a lawn on a grade less than 10%, and therefore require only a 25-foot greenbelt. Such a greenbelt would not be adequate to handle large quantities of runoff from extreme impervious surfaces and low infiltration rates. This homeowner would still be contributing negatively to the health of the lake. Unless the Township intends to assess each property individually for all the various factors that impact a shoreland protection strip, it is best to have one

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preliminary draft article vi 11102021_Watershed Council Comments

Watershed Council 11/16/2021

Comment: With a large number of properties on a grade less than 10%, and therefore require only a 25-foot greenbelt. Such a greenbelt would not be adequate to handle large quantities of runoff from extreme impervious surfaces and low infiltration rates. This homeowner would still be contributing negatively to the health of the lake. Unless the Township intends to assess each property individually for all the various factors that impact a shoreland protection strip, it is best to have one standard for all properties. Otherwise Hayes Township will need to hire a licensed landscape engineer or professional to assess each property and all the various factors such as water flow, infiltration rates, impervious surfaces, and grade. To this end, we recommend the 50-foot requirement remain in place, as it will allow for sufficient protection across variable site conditions, and will serve to increase climate resiliency in the years to come.

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I do disagree with the Tip of the Mitt suggestion that waterfront owners obtain state and federal permits prior to township approval.

Good township ordinances regarding shoreland protection and lake protection are stricter than state or federal, and are looking out for the shore, as well as the lake. For example, there are natural feature setbacks and requirements on the uplands in a Township ordinance, that the state and federal governments cannot and do not regulate. Why would you require waterfront owners to spend hundreds of dollars on a Joint Permit to EGLE and USACE, when the Township zoning permit would not allow the project, before first applying to the Township?

I think Tip of the Mitt and the PC are being short-sighted on that. The whole point of shoreland protection zoning provisions is to "fill the gaps" and protect the lake and the shoreland better than the requirements of EGLE and USACE. The federal and state jurisdiction is below the OHWM (unless there are contiguous wetlands...) The Township's jurisdiction is both above the OHWM, and below the OHWM for inland lakes and streams (not below the OHWM for Lake Michigan).

Thank you.

LuAnne Kozma