

Hayes Township Planning Commission
January 21st, 2025
Regular Meeting
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: Roy Griffiths (Chair), Carey Cuddeback, Matt Cunningham, Alexander Curley, and Mark Snyder.

Excused: Rex Greenslade and CT Martin

Also, present: April Hilton (Deputy Clerk/Recording Secretary)

Audience: Kyra Allen, Steve Hassell, LuAnne Kozma, Winnie Boal, Maureen Parker, CT Martin, Bill Conklin, Rex Greenslade, and Jack Turner.

REVIEW AGENDA:

Mr. Snyder made a motion, supported by Mr. Curley, to approve the agenda as presented.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES JANUARY 7TH, 2025 REGULAR MEETING

Mr. Cunningham made a motion, supported by Ms. Cuddeback to approve the January 7th, 2025, regular meeting minutes as corrected.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:07pm.

- Stated the draft ordinance submitted to the consultant was useless and irresponsible. Feels the Beckett and Raeder ordinance contract is not valid. Requested to know if the new supervisor has seen the new drafted ordinance. Stated they received the draft ordinance today and after glancing at it found it to have many errors and find the draft to be crap.

Mr. Griffiths clarified the Draft was submitted last year under the existing contract with Beckett and Raeder. The Planning Commission did not submit the draft, they sent their recommendations to the Township Staff to send to Beckett and Raeder.

Public comments closed at 7:10pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave an oral report of Board of Trustees activities. Next regular scheduled Board meeting is February 10th 2025.

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REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

N/A

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

SHORELAND LANDSCAPING REVIEW – 6670 PEACEFUL VALLEY LANE:

The property at 6670 Peaceful Valley Rd. is an existing home site with a landscaped yard to the water which includes lawn to the water's edge and a driveway that comes close to the water. The existing structure is some 60 feet from the OHWM. The project involves demolition of the existing legal non-conforming structure and building of a new house that meets the setback Requirements. It also involves removing the existing driveway and sidewalk.

The applicant's landscape contractor met with the us for a SPS plan review and site visit. The structures to be removed were identified and the existing trees and small bushes were also identified. Their plan identifies the existing plantings and those to be removed. and it has been shared with the Tip of the Mitt. The area was examined, pictures taken which were also were sent to Tip of the Mitt for review and areas for replanting were confirmed.

The existing yard is a manicured lawn that runs to a rip rap seawall that is constructed at the OHWM. The area beyond the seawall is mostly rock and reflects the shoreline of the surrounding properties. There is an existing patio less than 200 square foot area comprised of Soil with a rock border and fire pit and flagpole. This is surrounded by a large expanse of grass. There are pine, cedar, hemlock and maple trees with some minimal underbrush running across the yard in the SPS area as indicated on the tree location diagram.

The original proposed plan of work entails removing the existing house, removing the grass that goes to the water and the creation of a 50' SPS, utilizing the existing trees and shrubs and planted with eco seed mix. The seed mix has been formulated to create a ground cover with dense fibrous roots and is highly drought tolerant. After review of the plantings the plan was sent back for further development including recommendations from Tip of the Mitt. The latest version has included additional bushes, ferns, junipers and sedges which bring the plan to an acceptable level of shoreland protection. The following recommendations on plants from T.O.M. should be incorporated.

From Noah Jansen,

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1. I'm not sure how ivory sedge will do in full sun, as it is usually more of a shade to part-sun species. You can try it out, or you could consider something like June grass (*Koeleria macrantha*), prairie drop seed (*Sporobolus heterolepis*), or a mix of the two.

2. Swap out the Leather leaf wood fern (I am assuming this is *Rumohra adiantiformis*, which is not native in Michigan and may not be hardy here either) for something native. Alternatives include lady fern (*Athyrium filix-femina*), marginal wood-fern (*Dryopteris marginalis*), evergreen wood fern (*Dryopteris intermedia*), or New York fern (*Thelypteris noveboracensis*). Ivory sedge will grow well under the cedar clumps, too, but maybe not the pines or other conifers."

The owner and the contractor have developed a plan which established and restores the SPS in terms of area and density and have made a significant effort to comply with the intent of the ordinance, and the shoreland protection subcommittee commends the applicant and his contractor for their participation in the process.

Planning Commission received a letter from the landscape architect (Maureen Parker) stating they found a conflict within the Hayes Township Ordinance.

Maureen Wrote:

"There seems to be several conflicts in the Hayes Township ordinance in regards to the Shoreline Protection Strip. For the 66760 Peaceful Valley Rd. shoreline review, Josh is telling us to disturb an already established vegetated area that has been in existence for over 75 years. Your ordinance says it is a violation to do such. Subjectively you are telling us that the vegetation is non-native and to rip it out to replant the entire SPS. This not only will open up the ground to erosion, which is contrary to the intent of the ordinance, but will also be a significant financial burden to the property owner. The 50' area from OHWM has been historically planted with mainly with low grasses that has been mowed occasionally. This area has no irrigation and isn't fertilized. Our plan is to leave that established vegetation undisturbed. The only area we will be re planting is where we will be removing asphalt from an old driveway in the SPS. We were going to re-vegetate the area where the removed asphalt is with eco-mix (fescue mix) which are native."

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- Maureen Parker stated the owners of the parcel would like to leave the current Vegetation as is and remove the existing Asphalt drive within the 50 foot Shoreline Strip and re-vegetate it with an eco-mix. Anything that gets disturbed within the 50 foot strip would be re-vegetated with the eco-mix. The existing vegetation has been there for over 75 years and feels ripping up the existing vegetation will expose and disturb the soils in order to get the new vegetation planted. Also will need to fertilize in order for the new vegetation to grow. Stated they have a plan where all run off will be contained properly. The Owners of the Parcel would like to request the Planning Commission to consider the original Site Plan showing the removal of the existing asphalt drive and to keep the existing vegetation within the 50 foot Shoreline protection strip.

- Mr. Snyder stated the Planning Commission only has the updated site plan in front of them and cannot approve something they cannot see.

- Mr Griffiths stated the original plan has been modified to the plan presented at tonight's meeting. He understands some of Maureen's frustration as the Ordinance has been in the works for sometime now, and the current Ordinance has been stated by some as the perfect ordinance. However, it is full of contradictions and the Planning Commission has been working on correcting some of the confusing aspects of the Ordinance. It is the Planning Commissions intent to protect the lakes and the Shoreline through the Shoreline Protection Strip. The plants that are acceptable for the Shoreline Protection Strip are listed in the ordinance and the Planning Commission does not have the ability to grant any exception to the criteria of the Ordinance.

-Mr. Griffiths addressed the request to review the original site plan; the differences between the original Site Plan and the updated Site Plan are significant and the original does not meet the criteria of the ordinance.

- Applicant approved the Planning Commission proceed with the most recent site plan they have in front of them at this meeting.

Ms. Cuddeback made a motion, supported by Mr. Cunningham to approve the shoreline restoration plan for 6670 Peaceful Valley Lane as submitted.

Yeas: Roy Griffiths, Carey Cuddeback, Mark Snyder, Alex Curley and Matt Cunningham. Nays: none **Motion Carries**

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SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for February 18th, 2025 to review a Rezone request on Burnett Road and a Special Use Permit for a Kennel and Dog Day Care center.

SET/CONFIRM DATE OF NEXT PC MEETING –FEBRUARY 18th, 2025.

Next Planning Commission regular meeting will take place on February 18th, 2025, at 7:00 pm. Special Meeting is scheduled for January 28th 2025 at 7:00pm.

PUBLIC COMMENT:

Public Comment Opened at 7:47pm

- On January 9th 2025 they submitted a letter to the Planning Commission regarding working on the new ordinance draft. Correspondence attached.
- Stated they are a resident on lake Charlevoix with a very natural protection strip. Property owners should know about rules. They have asked for interpretation on the Hayes Township Ordinance before. The point of the Ordinance is to bring parcels into compliance. The Michigan Planning and Enabling act has been updated by the state.
- Mr. Griffiths clarified when a challenge is made against the Ordinance it is made specific to a specific property and only that piece of property; it does not set a precedent across the Township.

Public Comment Closed at 7:52pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. VanZee stated this application brought up some good questions for the Planning Commission to consider and discuss while working on the Draft Zoning Ordinance. Also, suggested the Planning Commission consider performance or security bonds for projects like this to guaranty the work will be done.

Mr. Greenslade stated he does not feel there is any lack of clarity in the Hayes Township ordinance regarding the parcel in discussion tonight. Glad to be back participating in the Planning Commission discussions, he has been undergoing some surgery and recovery the last couple months.

Mr. Martin stated the Shoreline Protection Strip section of the Ordinance as written maybe needs some revision, however finds it difficult in some of the cases that have been presented. Mr. Griffiths stated ordinance is clearly written and the Township does its best to accommodate the contractors project time line as much as possible.

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ADJOURNMENT: Mr. Snyder made a motion, supported by Mr. Curley, to adjourn the meeting at 7:57pm.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and Mark Snyder.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Subject: four feckless PC years attempting to amend the ZO

3 messages

Roy Griffiths <rwgriffitts3@gmail.com>
 To: kristin baranski <clerk@hayestownshipmi.gov>

Thu, Jan 9, 2025 at 11:25 AM

FYI

----- Forwarded message -----

From: **Ellis Boal** <ellisboal@voyager.net>

Date: Thu, Jan 9, 2025 at 11:21 AM

Subject: four feckless PC years attempting to amend the ZO

To: Roy Griffiths <rwgriffitts3@gmail.com>

Cc: <careycuddeback@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, <vanZeerj39@gmail.com>, LuAnne Kozma <luannekozma@gmail.com>, Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Roy,

I write to respond more fully to your challenge after my public comment at the PC meeting three days ago.

My comment was critical of the PC's failure, under your leadership, to come up with a proposal for an amended ZO after four years of trying. I asserted this sort of thing could and should have been completed in six months.

You responded to the effect that I have no experience in legislating, and challenged me to present facts in support. I did not, other than to cite the PC's firing in 2021 of Beckett & Raeder as a consultant in the amendment process, and the fact that the year-long Law basin/boathouse controversy had nothing to do with slowing the PC's work.

(The reason for firing Beckett was documented in my attached email of 5-10-22 to you and other Township officials (forwarded to Beckett's John Iacoangeli on 11-17-22) quoting Matt as telling the Board on 4-11-21:

"The way I remember it, was Beckett & Raeder gave a report, each Planning Commission member got it, we looked at it, we read it, and then it was decided that it did not fit Hayes Township, and so we closed it back up and said we can write our own better. And so then Roy and Ron both started writing it."

(That email also quoted a transcript of you telling us all, speaking of Beckett's work, at a meeting on 6-8-21:

"If you [Marilyn] give us those 2½ pages we'll send that back to Beckett & Raeder . . . and say this is what we want. We don't want the 5 pages of crap that John [Iacoangeli] gave us. . . . between he and Sarah this monstrosity came out.")

But other than possibly because of the CREO-inspired amendments (see the PS below), neither Board minutes nor PC minutes have stated a reason for paying Beckett \$20,000 in 2020 to propose a complete ZO overhaul. Otherwise stated, there is no problem which an overhaul is trying to solve.

Even at the time of the last overhaul, according to Board minutes of 2007-09 which we have now reviewed, working with a planner the PC knocked out and the Board enacted a master plan revision and ZO revision in two years. The process included several public hearings.

Even if there were reason for a top-to-bottom ZO revision, another fact undercutting the PC's delay comes to mind. It is documented in an email from Marilyn to LuAnne and me of 7-27-21, stating the PC was working at the time on amending the ZO and expected to have a public advertised township meeting about it in the fall of 2021:

"Currently we are redoing our entire zoning ordinance. There will be a public townhall meeting sometime this fall. It will be advertised in local newspapers and on the township hall door, and website. So watch for it".

Marilyn's email became a public document when LuAnne included it as an exhibit to her 9-27-21 ZBA Interpretation Request, at a time when you still sat on the ZBA. I attach it.

Reflecting today on our exchange of January 6, I admit now that six months is a too-optimistic appreciation of the task confronting a committee like the PC -- consisting of volunteers -- to formulate amendments on a technical document like the ZO.

Even so, Marilyn -- whose competence the PC acknowledged in this month's *Voice* -- did expect it to be wrapped up three years ago. With her as my witness, I adjust my timeframe now from 6 months up even to the two years which the PC took to do more work last time.

So four years is beyond the pale.

Finally, I would comment on the PC's refusal at the meeting, in response to LuAnne, to provide the name of the "planning consultants" to whom the PC "sent" a "draft" of "several changes" to the ZO, according to the *Voice*. No motion to approve sending a "draft" has been made by any PC member according to recent PC minutes. Nor has the PC approved such a motion. Nor has the PC published a copy of the "draft."

Indeed, in conversation with LuAnne and myself after adjournment of the meeting, Carey, a PC member, admitted she herself did not know the name of the consultant. The draft is thus a secret document, secret even from the PC. I am astonished.

Fortunately, walking out of the meeting Bill filled LuAnne in. After adjournment he had approached and asked you the same question, the name of the consultant. You gave him the answer though you had refused it publicly: It is Beckett.

I am even more astonished. You believe the PC can do the job "better" than Beckett, and consider Beckett's past work has been "crap" and a "monstrosity."

Ellis

PS: Reflecting on the substantive CREO-inspired discussion which the PC had at the meeting, I have no expertise on the subject and no opinion on whether the Township should or should not adopt the proposal under discussion. But to the extent that it is being proposed as a local response to climate change, the issue is quite serious. I appreciated the thoughtfulness of the discussion.

3 attachments



exhibit21.pdf
29K



Fwd_ Letter to Matt Cunningham.pdf
235K



25-01_Voice.pdf
4616K

Roy Griffiths <rwgriffitts3@gmail.com>

Tue, Jan 21, 2025 at 8:44 PM

To: April Hilton <deputyclerkhayes@gmail.com>, kristin baranski <clerk@hayestownshipmi.gov>

[Quoted text hidden]

3 attachments



exhibit21.pdf
29K



Fwd_ Letter to Matt Cunningham.pdf
235K



25-01_Voice.pdf
4616K

s Boal <ellisboal@voyager.net>

Wed, Jan 22, 2025 at 7:43 AM

Roy Griffiths <rwgriffitts3@gmail.com>, kristin baranski <clerk@hayestownshipmi.gov>, April Hilton <deputyclerkhayes@gmail.com>

All,

Below is the public comment which, at yesterday's PC meeting, I asked be attached to the PC minutes, being my two emails of January 9 to Roy et al.

Thank you.

Ellis

On 1/9/2025 1:41 PM, Ellis Boal wrote:

All,

Sorry, a couple of mistaken details in what I wrote below:

* It was on April 11, 2022, not 2021, that Matt made the quoted statement.

* After the meeting Roy's identification to Bill of Beckett as the PC's consultant was relayed by Bill to me not LuAnne.

Ellis

[Quoted text hidden]