

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION

August 19, 2025 7:00 pm

Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

ZOOM

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Public Comment
6. Review and Approval of Draft Minutes- July 15, 2025
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business – Master plan - discussion of future land use and zoning districts report and goals
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- September 16, 2025
14. Public Comment
15. Planning Commission and Staff Comment
16. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying question, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. For the first Public Comment period, there is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to two (2) minute each.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

Hayes Township Planning Commission
July 15th, 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: CT Martin, Roy Griffiths (Chair), Rex Greenslade, Alexander Curley, Mark Snyder, Matt Cunningham, and Carey Cuddeback.
Also, present: Ron VanZee (Zoning Administrator), Todd Millar (Township Attorney).
Audience: Jim McMahon, Tim Boyko, Diane Conklin, Kevin Willis, Kim Fary, Bill Conklin, Betty Henne, Darcy Phelps, Catherine Phelps, David Kemme, Steve Hassell, Carol Umlor, and LuAnne Kozma.

REVIEW AGENDA:

Mr. Snyder made a motion, supported by Mr. Greenslade, to approve the agenda as presented.
Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.
Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

PUBLIC HEARING – CORRECTING ERRORS IN THE DEWITT MARINE SPECIAL USE PERMIT:

Mr. Griffiths asked Todd Millar if Dewitt's absence from the meeting would affect the Planning Commission's ability to hold this rehearing.
Mr. Millar stated that Dewitt's not being present does not change anything.
Mr. Griffiths asked Todd Millar if the Planning Commission should run through the process as if they were reviewing a new application.
Mr. Millar recommended hearing it as a new case.

Chair opened public hearing at 7:03 pm

The purpose of the public hearing is to discuss and hear public comment regarding the errors in the Dewitt Marine Special Use Permit granted on May 6th 2024.

Public Comment opened at 7:04 pm.

Comments included:

- Read from the correspondence attached.
- Supports correspondence attached. Appreciates the Planning Commission re-hearing this Special Use Permit.

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

- Stated they are concerned about the mistakes made in the original hearing, requested clarification whether it was the MDOT permission or the setback determination that was the source of confusion at the original hearing.

Public Comments closed at 7:13 pm

Public Hearing Closed at 7:14 pm

Mr. Griffiths stated at the original hearing that road right of way was thought to be 33 feet from the center of the road per the state law passed in the early 1900s. This spring, a conflict arose in Traverse City when the DNR proposed campground improvements that clashed with East Bay Township's Planning Commission. The township attorney asserted, "The township rules prevail." After finding this out, Hayes Township staff contacted Todd Millar, Hayes Township Attorney, for his opinion on whether or not the Township's Zoning Ordinance supersedes MDOT's control of the property in the road right of way. Todd explained that the Planning Commission did make an error, which triggered the rehearing process and tonight's meeting. Mr. Greenslade stated that when it comes to setbacks along US 31, the Zoning Ordinance is confusing when you include an easement in the calculation.

Mr. Snyder said the easement was intended to assist with curb cuts along US 31 and preserve residents' preferred views. With that, he feels the land owner is getting punished now for an easement road that was created with the intent to do what the public desired.

Mr. Griffiths stated that recognizing where the setback measurements start, they will need to request a new site plan for consideration, particularly for the requested phases 2 and 3, which include the buildings. The temporary building in phase one is placed well within the setbacks. The Planning Commission requests Todd Millar's opinion on whether or not the Planning Commission could suspend phases 2 and 3.

Mr. Millar stated that, with it being a complete rehearing of the special use application, the Planning Commission has the power to revoke any decision made at the original hearing. The Planning Commission came to a decision to suspend phases two and three of the Special Use Permit for DeWitt Marine.

Mr. Griffiths cited Article VI, special use permit, and planned unit development, starting with section 6.01 Purpose. Article VI: Special Use Permit and P.U.D.

Adopted: October 12, 2009

Hayes Township Zoning Ordinance

Effective: October 31, 2009

SECTION 6.01 PURPOSE

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Mr. Griffiths reviewed 6.02. 4 Standards for granting Special Use Permit, for phase one only.

Section 6.02. 4 Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **Zoning District Commercial**

YES

B. Compatibility with Adjacent Land Uses

1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

YES

2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

YES

3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

106 **NO**

107
108 C. Public Services

109 1) The proposed special land use will not place demands on fire, police, or other public
110 resources in excess of current capacity.

111 **YES**

112
113 2) The proposed special land uses will be adequately served by public or private streets, water
114 and sewer facilities, and refuse collection and disposal services.

115 **YES**

116
117 D. Economic Well-Being of the Community

118 The proposed special land use shall not be detrimental to the economic well-being of the
119 surrounding residents, businesses, landowners, and the community as a whole.

120 **YES**

121 E. Compatibility with Natural Environment

122 The proposed special land use will not involve uses, activities, processes, materials, or
123 equipment that will create a substantially negative impact on the natural resources of the
124 Township or the natural environment as a whole.

125 **YES**

126
127 F. Compliance with Specific Standards

128 The proposed special land use complies with all applicable specific standards required under
129 this Ordinance.

130 **NO**

131
132 G. Conditional Approvals

133 The Planning Commission may impose reasonable conditions with the approval of a special use
134 permit, pursuant to Section 9.03 of this Ordinance.

135 **YES (FOLLOW THE SIGNAGE SECTION OF THE ORDINANCE AND ALL OTHER**
136 **RESTRICTION OF THE ORDINANCE)**

137
138 H. Performance Guarantee Required

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to Section 9.06 of this Ordinance.

NO

The Planning Commission reviewed the standards for granting site plan approval for phase one of the Special Use Permit Application.

A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

1.) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in the Ordinance. **NO**

2.) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **NO**

3.) Special attention shall be given to proper site drainage so that storm waters will not adversely affect neighboring properties. **NO**

4.) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

appropriate, for the protections and enhancement of property and for the privacy of its occupants. **NO**

5.) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **MUST OBTAIN APPROVAL FROM FIRE MARSHALL THAT PLAN IS ACCEPTABLE.**

6.) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **YES**

7.) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **YES.**

8.) Exterior lighting shall be arranged as follows:

a.) It is deflected away from properties. **YES**

b.) It does not impede the vision of traffic along adjacent streets. **YES**

c.) It does not unnecessarily illuminate night skies. **YES**

9.) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrians or bicycle pathways in area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right of way. **YES**

10.) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications.

NO ROADS BEING DEVELOPED.

11.) Site plans shall conform to all applicable requirements of state and federal status and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **NO**

B.) The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health department and the Michigan

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

Department of Natural Resources, where applicable.

YES. (CONFIRM FIRE CHIEF'S RECOMMENDATIONS)

Mr. Greenslade made a motion, supported by Mr. Martin that the Hayes Township Zoning Ordinance setback conditions apply, allowing phase one of the Special Use Permit to proceed under the following conditions:

1. Rescinded phases 2 and 3 of the DeWitt Marine Special Use Permit
2. DeWitt to remove boats located in the setback (ROW) immediately
3. DeWitt to remove the boat pads in setback (ROW) within 30 days
4. DeWitt to restore within 30 days, the landscape in the setback (ROW) area to the condition prior to installation of the boat pads. All new plantings to be approved by the Zoning Administrator
5. Allow DeWitt Marine to provide the Planning Commission with a new application with all supporting documentation to reconsider phases two and three within 60 days.
6. If all conditions are not met, the complete Special Use Permit of all phases will be rescinded.

A roll call was taken.
Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Matt Cunningham, Carey Cuddeback and Mark Snyder.
Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 8:40pm.

Comments included:

- Stated with using Google Maps you can see the previous plantings on the lot. Important to throw out applications in the future that are not complete, in order to avoid errors.
- Would like to know what professional sources the planning commission is using for scientific research for permitted projects within the Township. Concerned for the welfare of the Bay shore area. Feel the township is accommodating wealthy non-residents over existing residents.
- Stated the chair does not have the right to determine what a resident says during a public hearings public comment period. Feel the chairs of all the board within Hayes Township do not know how to properly run a meeting.
- Supports the decision that was made during the Public Hearing in regards to DeWitt Marine. Resident feels the Township does not give enough attention to the Bay Shore area.

Public comments closed at 8:51pm

APPROVAL OF MINUTES JUNE 17TH, 2025 REGULAR MEETING

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

Mr. Greenslade made a motion, supported by Ms. Cuddeback, to approve the June 17th, 2025, regular meeting minutes as presented.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Mark Snyder, Carey Cuddeback, and Matt Cunningham.

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report on Board of Trustees activities. Next regular scheduled Board meeting is August 11th 2025.

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

The ZBA next scheduled meeting is July 23rd 2025 at 7pm to review a variance request.

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

MASTER PLAN – DISCUSSION OF FUTURE LAND USE AND ZONING DISTRICTS:

The Planning Commission reviewed and discussed the advisory committees suggestions for the future land use section of the master plan.

Mr. Greenslade made a motion, supported by Mr. Snyder to table the discussion of the future land use and zoning districts section until the next regularly scheduled Planning Commission meeting.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder and Matt Cunningham.

Nays: none **Motion Carries**

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

NONE

SET/CONFIRM DATE OF NEXT PC MEETING –AUGUST 19th, 2025.

Next Planning Commission regular meeting will take place on August 19th, 2025, at 7:00 pm.

Hayes Township Planning Commission
July 15th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

PUBLIC COMMENT:

Public Comment Opened at 9:27pm

Comments included:

- Stated they were on the Advisory Committee and feels the heading "Mining Impaired" was very important because it shows the rating of the land in poor and damaged.
- Stated the township spent a large sum of money with the advisory committee and BRI to create the suggestions presented to the Planning Commission tonight. Feel the Planning Commission did not consider their suggestions enough. Suggested the planning commission reference the Planning Enabling Act.
- Requested clarification on what the Planning Commission discussed changing under "Mining Impaired" section.
- Stated the public is very concerned about the "Mining Impaired" section.

Public Comment Closed at 9:35pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Martin stated the advisory committee was not designed to only focus on a specific area of the township, however, the township as a whole. Also, he and other members of the Planning Commission have the master plan on their desk and study it all the time.

Mr. Griffiths stated at one point Beckett and Raeder suggested the Planning Commission draw big color orbs on the map. It is not site specific, and there is no requirement that it needs to be. When individual properties request to rezone they have to fit within the general context of the future land use. Also it seems the Bay shore Community believes the Township to have the ability to control personal property owned by others. However, in the US as he knows it, people are treated as innocent until they're proven guilty. This understanding was confirmed by an attorney in attendance. The issue in Bay shore regarding the storage barn is a ZBA issue and the Planning Commission is not involved.

Mr. Curly stated that as a Bay Shore Resident, he feels it is not about the control over what other people do on their property, however the residents of Bay shore feel they do not have the same voice as others in the township due to them not having much money.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Ms. Cuddeback, to adjourn the meeting at 9:40pm.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:



Zoning Administrator Report

August 2025

Zoning Administrator work in progress report for the month of July includes the following:

- Variance application for 6995 Birdland Drive approved at ZBA meeting on July 23rd 2025 at 7:00 pm. Waiting for applicant to submit Site Plan for the Shoreland Protection strip from the Stream and Lake Charlevoix.
- Communicating with landowner regarding violation for a non permitted patio on Oyster Bay Drive. Sent Zoning permit application and section 3.14 of the Hayes Township Zoning Ordinance to landowner.
- Nuisance Ordinance Violation at 9985 Maple Grove Road has been resolved and is in compliance.
- Application for two new decks on an existing single family dwelling on Mulberry Lane. Waiting for additional information from landowner.
- Zoning permit application for a Demo and rebuild of existing home on Quarterline road. Shoreline Review Committee conducted inspection and advised applicant to work with Tip of the Mitt to create shoreland restoration plan.
- Continuing to see progress from landowner for non-compliance nuisance complaint with landowner on Hyek Road. Seeking to purchase property in Boyne City.
- Inspected and trying to contact landowner, last communication with landowner stated he was not well on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Spoke with landowner with storage units US 31, to relocate their signs.
- Working with equilization to complete the Zoning Map updates.
- Sent and informational letter to Rick Lobenherz and DeWitt Marine after Planning Commission moved to change to provisions of their special use permit. Requested 45 days to re-submit.
- Received a Zoning permit application for a new single family dwelling in replacement of an existing razed single family dwelling.



- Application for a new single family dwelling unit on Murray Road. Waiting for additional information from landowner.
- Spoke with Holtec Representative, sign permitted to Holtec on 4/23/2025 was placed incorrectly, they will be correcting the placement.
- Sent first notice letter to landowner on Stonebridge drive for a non-compliance compliant.
- Communicating with landowner on Shrigley Road for a violation of the Hayes Township Zoning Ordinance.
- Met with Landowner regarding complaint of a Shoreline violation on Peaceful Valley Road, they will be submitting a Shoreline Restoration plan.
- Continuing to see progress from landowner on Maple Grove Road for a Nuisance Ordinance compliant, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards.

S-07-01	07/07/25 125-001-10	6738 N Horton Creek rd.	Joseph McHugh	24'X56' New Accessory Building
S-07-02	07/07/25 110-008-40	8115 Major Douglas Sloan Rd.	Benjamin Speigl	New 3300 square Foot Single Family Dwelling Unit with 32'X48' detached Accessory Building as show on site plan
S-07-03	07/14/25 121-008-00	8144 Shingley Rd	Dennis & Mona O'Neil	New 16'X46' Single Family Dwelling
S-07-04	07/23/25 007-115-003-10	8250 Upper Bay Shore	Penny L. Cremer	Rebuilding existing 21'X13' deck with a small additional platform and stairs attached to the back of the principle structure.
S-08-01	08/04/25 007-119-007-20	11950 US 31N	Charlevoix Meadows Assisted Living	New 29,000 sq ft Assisted Living and Memory Care Facility as approved by the Planning Commission on March 18 th 2025.



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Planning Commission: Future Land Use of "Previously Mined" Areas

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Fri, Aug 1, 2025 at 11:51 AM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <acurley.pc@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>

Cc: Bill Conklin <supervisor@hayestownshipmi.gov>, Julie Collard <treasurer@hayestownshipmi.gov>, Doug Kuebler <hayestrustee5@gmail.com>, Ron VanZee <zoning@hayestownshipmi.gov>

Dear Planning Commission members,

I am unable to attend the August 19, 2025, Planning Commission meeting. **Both surface and sub-terrain land** adjacent to Bay Shore and Michigan Shores have been significantly changed due to many years of mining. **The sub-terrain land has been changed forever!!!** Because of these facts, this land is highly sensitive to contamination.

The groundwater in both of these general areas is contained in unconfined aquifers. There is nothing, such as thick layers of clay or solid rock, to protect this groundwater from contamination.

Limestone is porous and is subject to easy cracking. This groundwater is the only water supply for homes in the Bay Shore and Michigan Shores communities.

There may also be latent contamination held within the soil. For example, for a couple years after Rieth-Riley purchased the H&D business in 2004, the main facility adjacent to Michigan Shores operated an asphalt operation on this property. Black particles were seen on vehicles in Michigan Shores during this time. Could that operation have damaged the surrounding environment and contaminated the soil?

Attached to this email are three letters along with detailed, water well drilling data referenced in the geologist's letter to Hayes Township's planning consultant, Mr. John Iacoangeli. The letters were written by Mr. Mike Wilczynski, a certified professional geologist, to Hayes Township in 2022 and 2023. I encourage you to please reread the letters and especially review the **actual water well drilling data** in the 2nd attachment. There are an actual eight (8) specific well drilling samples at the end of the 2nd attachment.

Here are some excerpts from the geologist's 01-10-2023 letter to Hayes Township's consultant, Mr. John Iacoangeli:

". . . Based upon the residential water well records, the groundwater is shallow and occurs in much of the area as an unconfined aquifer . . ."

". . . the Bay Shore and Michigan Shores areas were mined which removed much of this material making the area even more sensitive to contamination . . ."

". . . This is not an area suited for industrial operations . . ."

". . . Commercial uses that use large quantities of hazardous material should be allowed only after careful consideration. Our past reports present other issues, such as the dangers of silica dust, the location of a salt storage facility or other industrial operation, the sensitivity of the Bay Shore area to ground vibrations, and environmental justice concerns . . ."

Here are some excerpts from the geologist's two 10-17-2022 letters to Hayes Township's Planning Commission:

". . . The geological and hydrogeological conditions, and other environmental and human health concerns, have apparently been ignored in the change in zoning to allow industrial operations in the Bayshore (and Michigan Shores) Communities . . ."

". . . The proposed industrial areas have very shallow groundwater in an unconfined aquifer. Unconfined aquifers are the most susceptible to contamination from the surface because they lack an overlay confining layer, as in a confined aquifer . . ."

". . . The proposed Industrial areas are upgradient of many residential water wells, putting the only water supply for these homes at risk . . ."

". . . The parcels proposed zoning to Industrial land use are in close proximity to the headwater area of Horton Creek and its associated regulated wetlands . . ."

Michigan Shores Greenbelt: ". . . We recommend maintaining a green belt between the Michigan Shores Community and the Rieth-Reilly aggregate operation. This would include parcel 15-007-102-001-00. Creating a conservation easement as a protective measure should be considered . . ." Or, using the Farm/Forest zoning designation would be a first step in preserving this greenbelt land.

". . . In summary, the proposed changes to industrial land use are poorly thought out and ignore science and basic land use principles. It also ignores Environmental Justice concerns in the nearby Bayshore Community."

Here is an excerpt from the Advisory Group's May, 2023, report to Hayes Township's Planning Commission:

". . . Redevelopment of these lands will be dependent on the scope and extent of reclamation activities, (building) foundation limitations influenced by depth of groundwater, and on-site waste disposal options. . . ."

Any large housing developments, such as condominiums or mixed-use housing, would require a substantial sewage disposal system and certified drinking water system so as to not negatively impact the Bay Shore and Michigan Shores communities that rely solely on groundwater for their homes.

Below are the attachments arranged in the order of reference above:

1. Preliminary Hydrogeological Assessment
2. Figures, descriptions, and detailed residential well drilling data referenced: #1 above
3. Bay Shore report
4. Michigan Shores report

Thank you for your review of the geologist's reports and detailed data. Whether the mined properties are zoned "Previously Mined" or some other descriptive term, Bay Shore and Michigan Shores people are counting on you to take extreme care with the zoning of adjacent lands to our communities. Thank you.

Jim McMahon phone: 231-347-9829

4 attachments

 **hydrgeoassessmenthayes.pdf**
96K

 **figures for hydroreport.pdf**
10957K

 **hayes masterplan final (1).pdf**
98K

 **michiganshoresfinal (1).pdf**
94K

Goals, Strategies & Action Plan 8

- In developing community goals, strategies, and actions, it is important to analyze existing community characteristics, such as: social and economic features, environmental resources, available services and facilities, and existing land use.
- In addition to examining existing characteristics, another important tool in the development of community goals and strategies is to identify community assets, problems and other issues to be addressed.
- In preparation for writing the previous Master Plan in 2019 Hayes Township Planning Commission actively
- sought input from the Township residents through a community input questionnaire, community workshops and master plan work sessions. As part of this 2024 update, another survey was distributed to Township residents and property owners.
- Goals and strategies serve as the foundation for an action plan that can be used in an ongoing process of influencing growth and development over the short and long-term. This direction-setting approach consists of three elements:
- Goals
- A goal is a statement that describes a desired vision of the township's future. In this case, goals identify the desired results of an on-going land use planning program in general terms.
- Strategies
- Strategies are a more specific subset of details and methods related to achieving a goal.
- Actions
- Actions are the specific steps that must be taken to implement the strategies and accomplish the goals.
-

LAND USE & PRESERVATION

Goal: Foster responsible development that meets the evolving needs of the community while preserving the scenic rural character that is the Township's identity.

Strategies:

- » Create an inventory of culturally significant historic and scenic features desired for preservation.
- » Adopt zoning regulations to allow residential development using rural clustering standards within permitted densities that minimizes the fragmentation of open space while preserving sensitive natural features such as wetlands, surface and ground water, woodland habitats, agricultural lands, and steep slopes.
- » Maintain scenic viewsheds along Township corridors, including US-31 and Boyne City Rd.
- » Provide practical and functional locations and regulations for commercial and industrial development that minimize their impact on adjacent land uses, maintain high levels of aesthetic character, and blend with the existing development pattern and landscape.

WATER QUALITY

Goal: Protect and improve the quality of the Township's ground and surface water resources.

Strategies:

- » Establish effective vegetative buffers and setbacks, based on scientific rigor, to minimize the impact of runoff from waterfront developments.
- » Monitor and cooperate with regulatory agencies as they develop programs and standards to ensure properly functioning septic systems. Explore developing a septic system testing requirement upon sale of housing.

HOUSING & COMMUNITY

Goal: Create a community attractive and accessible to all people.

Strategies:

- » Establish residential zoning districts that allow a mix of flexible housing options by right in locations appropriately served by infrastructure and services.
- » Permit the construction of accessory dwelling units (ADU's) in single-family neighborhoods
- » Reduce or eliminate minimum square footage requirements for residential development
- » Encourage participation with Michigan State Housing Development Authority (MSHDA) programs along with other local efforts to rehabilitate substandard housing and to provide needed moderately priced housing in the Township.
- » Provide amenities that contribute to the desirability of living in the Township by implementing the goals, objectives and actions of the 5-year Parks & Recreation Plan.
- » Ensure that future improvements are ADA compliant and universally accessible.
- » Review regulations for nonconforming residential structures to allow expansion while ensuring all applicable zoning standards are met.

AGRICULTURE

Goal: Protect agricultural lands by supporting the continued operation of existing farms.

Strategies:

- » Work with farmers and agricultural organizations to identify prime land for agricultural and forest

management practices.

- » Encourage farmland protection by adopting ordinances that allow the transfer of development rights, purchase of development rights, conservation easements, and the clustering of non-agricultural development.
- » Support the economic viability of existing farms by allowing agritourism commercial uses related to existing agricultural activity.
- » Protect existing farms from nuisance issues by requiring adequate buffers be established for non-agricultural developments on adjacent properties, and encouraging the voluntary implementation of the state's Generally Accepted Agricultural and Management Practices (GAAMPS).

Adopt a Farmstead designation ordinance that enables multiple residences on agricultural lots with active farming or growing, to maintain and encourage multi-generation farming in the township.

Plan for the potential turnover of current working farms and the future uses those properties may be considering.

Review existing ordinances which place additional economic burdens on farms which may no longer meet current practices.

Support and encourage the development of Hobby Farms throughout the township

TRANSPORTATION

Goal: Manage a circulation network that is well maintained, efficient, and provides alternative modes of transportation.

Strategies:

- » Develop an access management plan that allows sufficient access to properties without diminishing the efficiency of the road network.
- » Support the expansion of non-motorized trails within the Township that connect to destinations within the Township and to neighboring communities
- » Work cooperatively with the Charlevoix County Road Commission to help maintain all roads in safe condition.
- » Partner with Charlevoix County Transit to improve access to public transportation in the Township.
- » Ensure safe and expedient emergency response is available throughout the Township.
- » Develop, adopt and begin implementation of a Complete Streets policy to improve transportation equity while encouraging health through physical activity and active transportation.

FIVE-YEAR ACTION PLAN

Although the Master Plan provides a policy framework for the development of the community for the next ten to twenty years, the Township is limited in its capacity and resources to implement the goals and objectives all at once. Table 9 below presents realistic actions the Township intends to perform over the next five years. The Five-Year Action Plan is not intended to be a limiting proposal. As opportunities are presented outside the actions listed below, the Township will be able to pursue those in their effort to implement the overall goals and strategies of the Master Plan.

GRANTS AND CAPITAL IMPROVEMENT PLAN

As stated earlier, the Master Plan and Recreation Plan can also be used as a guide for future public investment and service decisions, such as the local budget, grant applications and administration of utilities and services. Many communities find it beneficial to prioritize and budget for capital improvement projects, such as infrastructure improvements, park improvements, etc. A Capital Improvements Program (CIP) is one tool which is often used to establish a prioritized schedule for all anticipated capital improvement projects in the community. A CIP includes cost estimates and sources for financing for each project, therefore can serve as both a budgetary and policy document to aid in the implementation of a community's goals defined in the Master Plan.

TABLE 2: HAYES TOWNSHIP ACTION PLAN

Goal	Action	Agency
Land Use & Preservation	Amend the zoning ordinance to provide for the establishment of residential developments using rural clustering standards within permitted densities.	Planning Commission
	The zoning ordinance will be amended to assure that new development occurs in a manner that protects the natural and aesthetic character of environmentally sensitive areas through the use of site planning techniques that preserve or enhance natural and aesthetic features.	Planning Commission
	Existing commercial and industrial areas will be accommodated by zoning regulations and practices that support the retention and/or redevelopment of existing business uses and the establishment of new business uses as designated by this plan.	Planning Commission
	Require a buffer between Residential uses and other more intensive uses.	Planning Commission
Water Quality	Collaborate with expert agencies to develop best practices regarding vegetative buffer strips, groundwater protection, and septic tank maintenance.	Planning Commission, Township Board
	Review the community sewer policy periodically, updating it to be sure it meets the continuing needs of the Township.	Planning Commission
Housing & Community	Remove barriers that prevent more housing diversity by amending the zoning ordinance where appropriate to reduce the minimum square footage and lot size requirements and to allow more housing types by right in specific districts.	Planning Commission
	Adopt a Payment In Lieu Of Taxes (PILOT) ordinance to facilitate more affordable housing opportunities.	Township Board
	Collaborate with Housing North on a Target Market Analysis to determine the Township's housing needs.	Planning Commission
	Provide for the development of public, non-motorized recreational trails for hiking, bicycling, cross-country skiing and horseback riding.	Planning Commission, Township Board
Goal	Action	Agency
	Adopt zoning regulations that require land uses adjoining existing farming operations to establish adequate buffers to protect the viability of farming operations. Non-prime farm and forest lands within areas of prime farm and forest soils should be considered as appropriate for new development	Planning Commission

Agriculture	provided that natural resources are protected to the greatest extent feasible. Adopt flexible open space zoning regulations to accommodate development in such non-prime areas.	
	Work with township farmers and farm groups to identify those farm areas (parcels at least 40 acres in size exhibiting prime farmland or forestland soils) most likely to remain economically viable for renewable resources management and those areas most likely to convert to other use.	Planning Commission
	Allow for and encourage farmland protection, such as through the transfer of development rights (when available), purchase of development rights, conservation easements and the clustering of non-farm development.	Planning Commission, Township Board
Transportation	Incorporate driveway standards into the Zoning Ordinance to facilitate improved access management.	Planning Commission
	Collaborate with the Top of Michigan Trails Council to explore opportunities to expand non-motorized trails in the Township.	Planning Commission, Township Board

HAYES TOWNSHIP PLANNING COMMISSION MEETING

Meeting Date: August 19th, 2025

Location:

Hayes Township Hall

[illegible]