

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
January 24, 2018**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Bob Toland
CITIZENS IN ATTENDANCE: 6

The special meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:05 pm.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes to the agenda.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

The meeting was opened to public comment at 7:06 pm. No one spoke. Public comment was closed at 7:06 pm.

PUBLIC HEARINGS:

None.

OLD BUSINESS

Tip Top Gravel – Special Land Use

Mr. Simmonds received the letter of January 4, 2018, revised January 24, 2018, from Design and Construction Services LLP, prepared by Todd J. Olin, Managing Member, acting on behalf of Tip Top Gravel. He also received the latest Tip Top Gravel List of Issues from Township Planner Toland.

Mr. Olin reviewed his letter for the Planning Commission. He noted three test holes which had been drilled on the subject property and the details of the material found, and his estimates of the total sand and gravel to be removed.

Mr. Clements asked about trucks which would be used on the property. Mr. Olin indicated that no trucks would be on the property, and that the trucks used were not owned by Tip Top Gravel. It was also indicated that no off-site materials were expected to be brought on-site.

Necessary Site Plan changes have been made.

Canterberry Creek, to the East of the proposed mining site, was also discussed. Mr. Olin indicated that the creek was not designated a trout stream, but also that operations on-site would

be monitored under Part 41 of the Soil Erosion and Sediment Act permit from the Michigan Department of Environmental Quality.

Mr. Toland reviewed some of his comments next. He reviewed access plans to the property, setback distances and a fence to be constructed on the South side of the property. With respect to fence location, Mr. Olin asked that the fence be allowed to be up to five feet from the South property line to allow some flexibility in its route, to avoid trees.

Next discussed was the need for 150 foot setbacks under the ordinance, and the desire of Applicant to use 'blending' or 'daylighting' of the existing grade, which would allow sloping of land in the 150 foot setback at a 4:1 ratio towards the excavation. Mr. Edwards pointed out that the Ordinance forbid even 'cuts' within the setback. The discussion then turned to a recently allowed driveway of another existing mine and the slopes allowed. Chairperson Simmonds noted that that work had been done under a different ordinance, and Supervisor Hale indicated that sloping in that case had begun only after the required 100 foot setback had been met. After further discussion, it was agreed that land within the 150 foot setback would not be disturbed.

It was noted that the processing equipment for gravel would be more than 500 feet from the nearest house.

Al Matthews, on behalf of Tip Top Gravel, asked for a correction to the Minutes from the prior meeting, which referred to OSHA as the responsible agency for the size and location of water features, when in fact it was the Federal Bureau of Mines. The requested correction will be addressed when the Minutes are offered for approval at the next Regular Meeting of the Planning Commission.

It was noted that the Site Plan had not yet been sealed by the Engineer. Mr. Olin stated that this would be done before the final Site Plan was submitted to the Township.

Mr. Toland continued his review of Issues, also noting that Applicant had worked well with the Township in providing additional materials requested. Points covered were setback distances and phases on the Site Plan, grading on Page C3 of the Site Plan, which was last amended January 17, 2018, and clarification that the berm for the South side of the parcel would migrate North to South as mining proceeded.

Chairperson Simmonds reiterated the need to clearly mark the 150 foot setback distance with stakes, preferring stakes 3 feet tall, and that adjoining stakes should be visible to one another, making it easy to determine the setback line. Mr. Toland would like to see those stake locations reflected on the Site Plan.

With regard to the permanent fence on the South side of the land, that will be constructed at the beginning of operations, once the exact property line had been determined.

It was again confirmed by Mr. Olin that monitoring of runoff to the East towards Canterbury Creek, which is designated a protected water by the State of Michigan, will be part of the permit

for mining. Mr. Batchelor noted that runoff from the parcel cannot become greater, due to mining activity, than it already is.

Mr. Clements pointed out that due to the wording of the Ordinance and the time of the granting of the mining Special Land Use, a five year approval would actually be up for renewal in 2022. Applicant is aware of this.

Chairperson Simmonds then summarized his list of possible conditions on the granting of the Special Use Permit, and some changes and additions were suggested by other Planning Commission members.

Mr. Edwards clarified the grading resolution on the Site Plan, and asked that dust control plans be included. He also asked for an estimate of how long the mining operations would be pursued and was advised that fifteen years was likely.

Chairperson Simmonds polled members of the Planning Commission as to how they wished to proceed. Mr. Edwards would prefer changes to the Site Plan be completed before approval was granted. Mr. Olin cited his efforts to meet the requirements for the Site Plan. Chairperson Simmonds suggested that final revisions to the Site Plan could be made a condition of any approval, and Mr. Blough agreed. He further stated that he thought the Planning Commission could move forward given the administrative nature of the remaining issues to be resolved, which had been addressed during the meeting. Mr. Batchelor agreed to move forward as well, although he would have preferred allowance of sloping in the 150 foot setbacks. Mr. Clements supported moving forward.

Chairperson Simmonds then reviewed the General Standards for approval of a Special Use Permit, Section 20.03 of the Ordinance.

With respect to paragraph a), requiring there be no substantial adverse effect on adjoining lands, it was noted that mining was already occurring in this area. This requirement is met.

With respect to paragraph b), requiring there be no substantial adverse effect on water or sewer services, storm water drainage, road capacity, volume of traffic, traffic safety and circulation, and pedestrian safety, nor lighting contrary to the purposes of the lighting regulations, none were determined to present a substantial adverse effect. This requirement is met.

With respect to paragraph c) requiring there be no substantial adverse effect on police, fire or other public safety and emergency services, it was determined that no substantial adverse effect would be created. This requirement is met.

With respect to paragraph d), requiring there be no substantial adverse effect on need or demand for other public services, it was determined that no substantial adverse effect would be created. This requirement is met.

With respect to paragraph e), requiring that there be no substantial adverse effect on the natural environment of the site and nearby properties, it was determined that permit requirements would prevent any substantial adverse effect. This requirement is met.

With respect to paragraph f), requiring the Special Land Use be consistent with the intent and purposes of the ordinance and the Lowell Charter Township Master Plan, such consistency was found. This requirement is met.

There being no other comments or questions from members of the Planning Commission, Chairperson Simmonds moved that the Lowell Township Planning Commission grant the request of Tip Top Gravel for a Special Land Use under Section 6.03 a) 7) m) of the Lowell Charter Township Ordinance, which allows earth removal, quarrying, mining & similar extractive uses, per Section 22.02, and the Lowell Charter Township Mineral Mining Licensing Ordinance, No. 05-2011, on property located at 9805 E Fulton St SE (parcel no. 41-20-06-300-005), for mining purposes, subject to the following conditions:

1. The South and East property lines must be fenced within 5 feet of the property lines and indicated on the Site Plan.
2. The South and East sides must have a berm in place 150 feet back from the property lines and indicated on the Site Plan.
3. No concrete or asphalt shall be brought onto the site.
4. No crushing is allowed on the new parcel (processing is permitted).
5. A one million dollar Liability Insurance policy is required.
6. A Soil Erosion and Sediment Control permit from Kent County is required.
7. The Site Plan must be signed by an engineer.
8. Must strictly adhere to the setback requirements of Article 33.
9. The Special Land Use permit shall be valid for five years and will expire on May 15, 2022. The Applicant must apply for a renewal.
10. The Special Land Use permit will be subject to an annual review January of each year.
11. Must bring the Escrow Account current.
12. Must note dust control plan on the Site Plan.
13. The mining operation should be completed in 15 years.

14. Need revised C3 drawing

Motion seconded by Mr. Edwards. All in favor and the Special Land Use, with conditions, is granted.

A Statement of Facts will be prepared by Mr. Clements and Mr. Toland.

NEW BUSINESS

There was no new business.

Items for Potential Discussion

None of these matters were discussed.

Commissioner Comments

Mr. Clements asked if Township Planner information on the request of Blu Sky Farms could be provided to members of the Planning Commission before the Regular Meeting in February 2018.

ADJOURNMENT:

Mr. Clements moved to adjourn. Motion seconded by Mr. Batchelor. All in favor and the Special Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:03 p.m.

Submitted _____ Secretary

Timothy Clements

Approved _____