

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
January 25, 2010**

APPROVED

**5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room, 7:00 P.M.**

PRESENT: Chair Reicosky, Vice-Chair Deits, Secretary Domas, Commissioners Beyea, Goodale,
Jackson, Jorkasky
ABSENT: Commissioners Honicky, Wilcox
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Reicosky called the regular meeting to order at 7:03 P.M.

2. Approval of agenda

Commissioner Beyea moved to approve the agenda. Seconded by Commissioner Jackson.

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

**Commissioner Deits moved to approve the Regular Meeting Minutes of January 11, 2010.
Seconded by Commissioner Domas.**

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Reicosky opened and closed the floor for public remarks.

5. Communications

Chair Reicosky introduced new Planning Commissioner Shane Goodale.

Chair Reicosky reported the Township Board reappointed Tom Deits and Pat Jackson to the Planning Commission for terms ending December 31, 2012. He also noted Commissioner Jackson will continue as the Planning Commission representative to the Zoning Board of Appeals.

6. Public hearings

A. *Special Use Permit #10011 (Ingham County Road Commission), a request to work in the 100-year floodplain associated with the replacement of the Dobie Road bridge over the Red Cedar River.

B. *Wetland Use Permit #10-01 (Ingham County Road Commission), a request to impact regulated wetlands associated with the replacement of the Dobie Road bridge over the Red Cedar River.

Chair Reicosky opened the public hearings at 7:07 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the special use permit and wetland use permit requests as outlined in staff memoranda dated January 21, 2010.

- Applicant
Bob Peterson, Ingham County Road Commission (ICRC), 301 Bush Street, Mason, expressed appreciation to Principal Planner Oranchak's thorough summary and availed himself for Planning Commission questions.
- Public
Harold Schmidt, 4086 Dobie Road, Okemos, expressed concern that a field drain pipe on his property burst several years ago so that water blew out of the ground on his land. He expressed appreciation that the widening of the road will change the contour of his property for the better.
- Planning Commission discussion:
Commissioner Deits inquired where the compensating cuts would take place.

Mario Quagliata, Bergmann and Associates, 4095 Legacy Parkway, Suite 200, Lansing explained that the length of the bridge is being widened out and the cuts would come from that movement.

Commissioner Deits noted the wetland use permit speaks to mitigation being provided for on Township owned property located within the watershed.

Principal Planner Oranchak responded the wetland mitigation is taking place somewhere else in the Red Cedar watershed.

Commissioner Deits expressed concern that compensating cuts were not part of the proposed resolutions.

Principal Planner Oranchak responded the minimum requirement for compensating cuts is 1:1. and as long as the applicant plans to do that, the actual ratio of the compensating cuts are not always a condition.

Commissioner Jackson inquired as to American beak grass.

Principal Planner Oranchak responded it was found on the west side of the bridge and the consultant recommended that the east side be inspected to determine whether there is beak grass on that side as well, since it is an endangered species.

Commissioner Jackson indicated the Environmental Commission is concerned with deer crossing and the description of the retaining wall and the slope on the west side is not detailed. She inquired as to the height of the wall plus the fence.

Mr. Peterson explained there is an existing wood retaining wall, varying in height from 5 to 20 feet which is deteriorating and has fallen down in some areas. He stated the ICRC would like to replace it with something more permanent that would hold up the sidewalk. He added that between the retaining wall and the "back" of the sidewalk would be a fence to prevent residents from falling down the slope. He added the fence is between the sidewalk and the retaining wall.

Commissioner Beyea inquired if there was consideration of modifications to the design of the rip rap to deal with the "insurmountable barrier to deer."

Mr. Quagliata explained that the rip rap at the bridge consists of football size or larger stones to protect the bridge foundation in the event of a flood. He added the stones must be a certain size in order to not be carried downstream.

Mr. Peterson added the ICRC considered placing top soil in between the stones and plant it with vegetation to smooth the surface. He indicated they would work with the contractor to place the stone in such a way so that it would be smoother for the deer. Mr. Peterson stated that over time, the areas silt in which make them smoother.

Commissioner Beyea asked if there were any alternatives to the rip rap considered, either upstream or downstream, that would alleviate the situation.

Mr. Peterson responded the rip rap is to protect the foundation of the bridge at the bridge. He noted upstream or downstream would disturb floodplain and probably not be allowed by the Michigan Department of Environmental Quality (MDEQ) and the Township.

Commissioner Beyea asked if there would be a hazard of exposure to canoeists or others when low water levels showed the existing portion of the pier to remain in midstream.

Mr. Peterson responded the foundation element will be removed down below the normal stream elevation. He added fill is placed on top of the foundation and would not impact any uses of the river as it will be well below the bottom of the river when completed.

Chair Reicosky expressed concern with increased throughput during a flood event as there is still a major barrier at Okemos Road.

Mr. Quagliata responded that when his company looks at a bridge, it is more of a localized effect around the bridge. He indicated the restriction of the river at the bridge is just a localized phenomenon of the river.

Ms. Oranchak added the change in flood elevation is only going to be effective for 320 feet beyond the bridge and would have no effect as far down as Okemos Road. She added removal of the obstruction alleviate pressures and allows the water to flow through

Commissioner Deits offered an analogy of sticking a "soda straw" into a big funnel; it is not a big change and the funnel still works.

Chair Reicosky asked if there was an opportunity during construction of this bridge to provide easier access to use of the river.

Mr. Peterson responded local bridge funding is limited to replacement of the bridge only.

Chair Reicosky asked if the Township could find additional monies through the Park Commission or other areas, would the applicant be willing to work together.

Mr. Peterson responded in the affirmative.

Ms. Oranchak added that she believed there has been Park Commission discussion regarding a place to allow canoe and watercraft access into the river.

Chair Reicosky closed the public hearings at 7:47 P.M.

- C. Special Use Permit #10021 (Eyde), a request to work and place fill in the 100-year floodplain in association with the construction of a culvert to facilitate the extension of Hannah Boulevard across the Hannah Farms Drain.
- D. Wetland Use Permit #10-02 (Eyde), a request to impact regulated wetlands and place fill in Wetland #20-8 related to the construction of a culvert to facilitate the extension of Hannah Boulevard across the Hannah Farms Drain
- Chair Reicosky opened the public hearings at 7:47 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the special use permit and wetland use permit requests as outlined in staff memoranda dated January 21, 2010.
- Applicant
Jamerson Reis, KEBS, Inc., 2116 Haslett Road, Haslett, representative for the applicant, stated the applicant intends to deal with this issue at the same time as the Capstone project. He added the proposed mitigation area south of Hannah Boulevard was required to be placed there as part of the approval for Capstone. Mr. Reis indicated the applicant felt it best to deal with the crossing now so that there can be one large compensating cut, one large wetland mitigation area in one complex on the Eyde property south of the Hannah Boulevard extension.

Mr. Reis noted a cul-de-sac is delineated on the drawing; however, when approval was received from the ICRC, the applicant was asked that it be removed from the plans and a temporary T turn around be constructed since plans on the east side are not firm. He added that the compensating cut ratio is approximately 5 to 1, so there is quite a bit of floodplain relief proposed with the project.

Mr. Reis commented on a discussion during the special use permit amendment process for the Capstone Project relative to a log jam on the Red Cedar River. He noted that although the Hannah Farm Drain is south of the log jam, the Ingham County Drain Commissioner's (ICDC) office brought it to the applicant's attention and conversations with the ICDC, the Township and the applicant have taken place on how funds can be garnered to remove the log jam. Mr. Reis noted the log jam is 50 to 80 feet in length by 2-4 feet in height. He believed the jam is probably artificially inflating some of the floodplain upstream. Mr. Reis stated no entity has jurisdiction over the Red Cedar River and neither the Army Corps of Engineers nor the Michigan Department of Environmental Quality (MDEQ) has responsibility to remove the logs.

- Public
Carol Chapman, 4825 Mohican Lane, Okemos, spoke regarding water retention. She stated Tonapah Trail goes into the Capstone Project, is a short street which is not dedicated and divides her house and other house across the street. Ms. Chapman indicated there is a flood bank for the Red Cedar River at the corner of Tonapah and Mohican Lane and her back yard has 14-15 feet of water when the Red Cedar River floods. She inquired as to where the retention pond will be located, indicating no additional water should enter into Indian Lakes Estates. Ms. Chapman noted Mohican Lane is located in a flood throughway and inquired where the fill would originate from.
- Planning Commission discussion:
Commissioner Jackson noted the Township Board determined Wetland #20-8 as essential at its December 1, 2009 meeting. She inquired if the Township had information on the quality of this wetland when it made its determination and what does the statement mean.

Ms. Oranchak responded the Board's action was a formality as the state wetland act states that any wetland under two (2) acres in size must be determined as essential or a wetland use permit is not required. She noted certain criteria must be met for the wetland to automatically be determined as essential. Ms. Oranchak indicated this process requires the applicant to submit an application for a wetland use permit.

Commissioner Deits asked where the water is going to drain on the Capstone development to the northwest of the culvert.

Ms. Oranchak responded the last time she looked at the site plan the water was going through various pipes into the drain. She noted the water can't go through that process at a rate faster than at the predevelopment rate.

Commissioner Deits stated the principle is that the system should be designed to have no greater impact than the current drainage on the site.

Commissioner Deits asked to have a condition of approval include language where the compensating cut for the bridge project will be completed within a specified period of completion of the bridge.

Ms. Oranchak responded the language can be included in the condition of approval; but, it is typically a statement found in MDEQ permits.

Chair Reicosky pointed out for the public there is a federal requirement that any development has to control the water run-off on a particular site at the same level as natural run-off. He indicated the Planning Commission did not need to worry that the Capstone Development would affect the volume of runoff that is going into the drain.

Commissioner Jackson inquired as to where the fill is coming from.

Ms. Oranchak responded the fill will come from the actual culvert itself. She indicated the material to backfill the culvert for support will be clean fill.

Commissioner Jackson asked for a definition of clean fill.

Mr. Reis responded that clean fill is Class 2 sand which will be used to backfill the culvert.

Chair Reicosky asked where the log jam was located.

Mr. Reis responded it was at the bend of the river.

Chair Reicosky stated he hoped that between all involved parties, there could be some activity to remove the log jam.

Mr. Reis added the Director of Public Works and Engineering was checking into any Federal Emergency Management Act (FEMA) monies which may be available to help mitigate the cost relative to the log jam removal. He is also working with the applicant's representative to devise a plan on how to effectively remove the debris.

Commissioner Beyea noted the Environmental Commission report indicating specific plans for native wetland plantings in the mitigation area and a five-year monitoring plan to assess the successful establishment of wetland plants and animal species have not been included.

Ms. Oranchak indicated the aforementioned plans are generally a condition of approval.

Mr. Reis stated in this particular instance, the plans have been seen and approved with conditions as the plan will be a continuation of the proposed ecosystem of the Capstone project.

Chair Reicosky closed the public hearings at 8:20 P.M.

7. Unfinished Business

Commissioner Jackson moved to suspend Planning Commission Bylaw 6.4 to consider Special Use Permit #10011 the same night as the public hearing. Seconded by Commissioner Jorkasky.

VOICE VOTE: Motion carried 7-0.

- A. *Special Use Permit #10011 (Ingham County Road Commission), a request to work in the 100-year floodplain associated with the replacement of the Dobie Road bridge over the Red Cedar River.

Commissioner Domas moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #10011 subject to the following conditions:

- 1. Approval is subject to the revised plans prepared by Bergmann Associates, received by the Township on December 9, 2009; and the associated materials submitted as part of Special Use Permit #10011, subject to revisions as required.**
- 2. No work shall take place in the regulated wetlands without first obtaining approval of Wetland Use Permit #10-01 from the Township.**
- 3. Fill placed in the floodplain as part of the project shall be protected against erosion.**
- 4. The applicant shall dispose of all materials from the compensating cut to an upland location approved by the Director of Community Planning and Development.**
- 5. The applicant shall provide the Federal Emergency Management Agency (FEMA) with a copy of the hydraulic analysis and obtain a conditional letter of map revision (CLOMR) and a letter of map revision (LOMR) upon completion of the project.**
- 6. The compensating cut to fill ratio shall be no less than 1.6:1.**

Seconded by Commissioner Deits.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Goodale, Jackson, Jorkasky, Chair Reicosky

NAYS: None

Motion carried 7-0.

- B. *Wetland Use Permit #10-01 (Ingham County Road Commission), a request to impact regulated wetlands associated with the replacement of the Dobie Road bridge over the Red Cedar River.

Commissioner Deits moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #10-01 with the following conditions:

- 1. Approval is based upon the revised plans prepared by Bergmann Associates received by the Township on December 9, 2009, as well as the documents and materials submitted by the applicant in conjunction with Wetland Use Permit #10-01, subject to revisions as required.**
- 2. All work shall be completed and all soil stabilized on the west side of the road prior to removal of the existing timber wall.**
- 3. An investigation shall be conducted on the east side of the road for evidence of American beak grass by the Township's Environmental Consultant.**
- 4. No work is approved within wetlands (temporary or permanent) beyond the 0.08 acre area identified on the submitted plans.**
- 5. Wetland areas shall be posted or marked to ensure equipment does not enter the wetlands during construction.**
- 6. All excess soil from the project shall be placed at an upland location approved by the Director of Community Planning and Development and shall be stabilized to prevent erosion to adjacent areas.**
- 7. Documentation provided by the applicant shall be submitted showing the mitigation area.**
- 8. Wetland Use Permit #10-01 shall be subject to the applicant receiving approval of Special Use Permit #10011 for work in the 100-year floodplain related to the project.**
- 9. No wetland areas shall be used for staging or storing of equipment and materials being used for the bridge replacement.**
- 10. All work areas that border wetlands shall be contained using properly installed and maintained silt fencing and all disturbed areas shall be immediately stabilized with blankets seeded with annual rye. Silt fencing shall be installed and maintained at the toe (base) of the proposed fill on the east side of the road.**
- 11. The applicant shall dispose of all materials from the mitigation to an upland location.**
- 12. All appropriate soil erosion and sedimentation control best management practices shall be installed and maintained until natural stabilizing vegetation has been established.**
- 13. Prior to construction, erosion control fencing shall be installed along the edge of the disturbance area to prevent sedimentation from infiltrating into the wetlands. The erosion control fencing shall be maintained throughout the duration of the project and shall be removed after construction is completed and the area is stabilized.**

14. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
15. **A detailed mitigation, seeding, and planting plan (species to be planted, species proposed in the seed mix, and numbers of plants and/or pounds of seed per species) shall be submitted for review and approval to the Director of Community Planning and Development prior to commencing any work on the project.**
16. **Prior to work starting on the project, the applicant shall provide to the Department of Community Planning and Development written notice of commencement.**
17. **A copy of the approved wetland use permit containing the conditions of issuance shall be posted in a conspicuous manner such that the wording of the permit is available for public inspection and continue throughout the duration of the project.**
18. **Upon completion of construction, the applicant shall contact the Department of Community Planning and Development for an inspection of the site to ensure compliance with the permit.**

Seconded by Commissioner Jackson.

Planning Commission discussion:

- Applicant willingness to accommodate the large animal crossing
- Environmental Commission recommendation for modification of the design to include durable level surfaces of two meters in width extending out from the base of both the north and south abutments would require a redesign and approximately \$25,000 of Township funds

The maker offered the following amendment:

- **Add condition #19 to read: The applicant will make every effort to install rip-rap in such a way as to minimize wildlife impact, including such methods as boulder placement, soil fill and native plantings.**

The amendment was accepted by the seconder.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Goodale, Jackson,
Jorkasky, Chair Reicosky

NAYS: None

Motion carried 7-0.

- C. Zoning Amendment #09070 (Township Board), a request to add Section 86-443 Wind Energy Overlay District and amend other applicable sections of the Code of Ordinances to establish regulations pertaining to wind energy systems.

Principal Planner Oranchak summarized the zoning amendment draft as outlined in staff memorandum dated January 21, 2010.

Planning Commission discussion:

- Continued concern with capping the number of kilowatts
- Rationale for limitation of the number of kilowatts produced
- Suggestion to remove kilowatt maximums language

- State statute limits the amount of kilowatts generated by a residential system and sold back to a utility
- Power company can set limits on how much energy they will accept
- Regulations currently in place for restrictions on back generation to the grid will likely be eliminated with time
- Focus needs to be on the impacts
- Measure of kilowatts does not directly speak to the type of impact the Planning Commission is attempting to address through this ordinance
- Uses permitted by special use permit on Page 10, (g)(1), is in conflict with Page 11, a.1.(a)(3)
- Suggested elimination of language regarding required home owner disclosure requirements for uses by special use permit outlined on Page 11, a.3(a) and (b)
- Amend Page 8d, by inserting “other” before “buildings on the site.”
- Page 9, (2)b – proposed height of the freestanding wind energy system language suggests a building mounted wind energy system
- Page 9, (2)b – vagueness of language “necessary to supply power to the site.”
- Page 9, (2)b – pertains to a waiver from the allowed 65 feet in height, so a special use permit is required if additional height beyond 100 feet is needed to supply power to the site
- Page 9, (2)b –Language in this subsection is in addition to the “normal” SUP criteria
- Amount of electricity generated should not impact neighbors

The consensus of the Planning Commission was to allow staff to make changes and bring back at the next meeting.

8. Other Business

A. Resolution of Appreciation

1. Dina Klemans

Commissioner Jackson moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

The Planning Commission of the Charter Township of Meridian, by means of resolution, extends to Dina Klemans grateful thanks for her voluntary efforts on behalf of all residents of the community during this period of dedicated service on the Planning Commission.

Seconded by Commissioner Beyea.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Goodale, Jackson, Jorkasky, Chair Reicosky

NAYS: None

Motion carried 7-0.

9. Township Board, Planning Commission officer, committee chair and staff comment or reports

Principal Planner Oranchak suggested a discussion of 2010 Planning Commission goals be placed on the February 8, 2010 meeting agenda.

Commissioner Jorkasky asked staff to share the goals which came out of the Joint Boards and Commissions Meeting when the item is discussed at the February 8th meeting.

Chair Reicosky asked that a copy of the January 4, 2010 Joint Boards and Commissions Meeting be included in the next Planning Commission packet.

Commissioner Jackson noted information contained in the Dobie Road bridge replacement structure study noted vehicular and pedestrian traffic will be deterred around Jolly Road, Okemos Road and Hamilton Road when work is performed during mid-June through Labor Day of this year. She felt this was important information for the public to be aware of.

Chair Reicosky requested that information be placed on the Township website.

Principal Planner Oranchak indicated staff typically apprises the public of road closings and detours closer to commencement of the project in mid-June.

Commissioner Beyea requested the Planning Commission move forward with the commercial planned unit development subcommittee recommendations by scheduling a meeting with staff to finalize the document and bring to the full Planning Commission for action.

10. New applications (None)

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Reicosky opened and closed public remarks.

14. Adjournment

Chair Reicosky adjourned the regular meeting at 9:30 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary