

ROBINSON TOWNSHIP PLANNING COMMISSION
August 28, 2018

The regular meeting of the Robinson Township Planning Commission was called to order at 7:30 PM at the Robinson Township Hall.

Present	Absent
Shawn Martinie	None
Travis Vugteveen	
Bill Maschewske	
Tom TenBroeke	
George Schippers	
Steve Young	
Rich Sibley	

Also present were Township Attorney Ron Bultje, Zoning Administrator Brian Werschem, and four members of the public. The attendance sheet is attached.

A motion was made by Rich Sibley and seconded by George Schippers to revise the agenda by placing New Business ahead of Old Business.
The motion carried unanimously.

A motion was made by Tom TenBroeke and seconded by Rich Sibley to approve the June 26, 2018 Planning Commission minutes as written.
The motion carried unanimously.

Non-Commission Inquiries

Kelly and Jeff Grove were present to inquire about an interpretation of the Zoning Ordinance, specifically Section 4.9A regarding exceptions to the road frontage requirements for lots in the RR Zoning District.

Zoning Administrator Brian Werschem stated that an appeal of his decision could only be heard and decided by the Zoning Board of Appeals and that this matter should not be discussed.

Bill Maschewske – Asked about a generic answer to the question of whether lots in the RR Zoning District could be accessed per Section 4.9A of the Zoning Ordinance.

Zoning Administrator Werschem—Stated that the answer is not clear.

Reports and Communications

Travis Vugteveen reported the following from the Township Board.

1. The proposed estimate for paving Johnson St. from 120th Ave. to 112th Ave. was approved.
2. Two persons were approved as additional Building and Mechanical Inspectors.
3. The purchase of a 4 foot cut brush hog for the cemetery was approved.
4. Members of the Township Board and the Planning Commission Chairperson are to attend a Water Study Forum September 24 at the Ottawa County Building.
5. There was a discussion of release of liability for contractors that worked on the Township Hall remodel.

Announcements

Chairperson Martinie noted the Water Study Forum to be attended by the Planning Commission Chair and the Township Board. The Chairperson will report the results of the meeting.

New Business

As scheduled, the public hearing for the Foster Class A Earth Change application was held. An introduction was given by Chairperson Martinie and the public hearing notice was read by Secretary Maschewske. The rules of procedure were explained by Chairperson Martinie and the public hearing was declared open.

A presentation was made by Andrew Foster. Mr. Foster stated he has already obtained a DEQ analysis and permit for the proposed pond to be created. The pond would necessarily be slightly less than 1/3 acre in size per the DEQ permit and the soil removed to create the pond would be used as fill for a residence on the same parcel. The entire parcel is approximately 441 feet wide by 1331 feet deep and 13.5 acres. The property is almost entirely wooded and the DEQ has delineated the wetlands.

Chairperson Martinie – Is the 1:3 slope applicable at both high water and low water levels? What is the reference level?

Township Attorney Bultje – Since continued compliance is a requirement, the pond must meet the slope requirements under worst case conditions.

Bill Maschewske – Noted the submitted topographic maps do not go 300 ft. beyond the parcel boundaries as required. Additionally, the applicant's response to Article IV, Section 1, H does not answer the question.

Andrew Foster – He has no earth change experience, however, he has purchased an excavator and is going to do the work himself.

Bill Maschewske – The response to Article VII, Section 1 states there is a reclamation plan. There is no document labelled as a "Reclamation Plan" in the submissions. The application also

does not state that the temporary road will be removed. There is also no approved overflow from the pond to the Allen Drain.

Andrew Foster – The overflow would only function if the pond level exceeded an elevation of 604 feet.

The conclusion of the Planning Commission is that the Township has no authority over approving an overflow for the pond. At this time, the DEQ has not approved an overflow either.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to close the public hearing.

The motion carried unanimously.

Chairperson Martinie – The following items are missing from the application.

1. Topographic maps for the subject parcel going 300 ft. beyond the subject parcel boundaries.
2. A legal description of the parcel.
3. The drainage plan needs to be labelled as such.

The legal description was submitted to the Zoning Administrator by the applicant along with a labelled Drainage Plan. The expanded topographic map will be resolved by the applicant with the Zoning Administrator.

Travis Vugteveen – Inquired about hours of operation.

Following discussion, it was agreed the submitted hours were acceptable.

At this time, the application was evaluated based on the factors in Article V, Section 3 of the Earth Change Ordinance.

1. The zoning of the proposed site – The zoning is RR.
2. Its proposed reclamation in a manner consistent with the Robinson Township Land Use Plan – Removed earth will be used for fill for house construction. A pond will be created and the surrounding area stabilized after completion by reseeded.
3. The character of the person in respect to the person's honesty, integrity and financial responsibility – No known issue.
4. The person's ability to comply with this Ordinance and the probable terms and conditions of a permit, if issued – No issue.
5. The size, nature, and character of the proposed Earth Change activity – The excavation is under the limit for a Class A application and the earth will be used for fill for home construction.
6. The scope and duration of the proposed Earth Change activity – Class A size and is planned to be completed in November 2018 but may take longer. The permit is valid for 180 days.
7. The proximity and effect of the proposed Earth Change activity with respect to adjoining properties and the surrounding neighborhood – No anticipated adverse effects.

8. The relative need or necessity of the proposed Earth Change activity in relation to other possible uses of the property – The excavation is necessary for building fill on the site.
9. The impact of the proposed Earth Change Activity on the environment – No adverse impacts known.
10. All pertinent things concerning the health, safety, and general welfare, and the preservation of natural and environment resources and the prevention of nuisances and hazards – Consistent with the health, safety, and general welfare of township residents.

A motion was made by Travis Vugteveen and seconded by Tom TenBroeke to recommend to the Township Board approval of the Andrew Foster Class A Earth Change application for parcel no. 70-08-03-400-014 based on the consideration of the factors in Article V, Section 3 of the Earth Change Ordinance, included above, and with the following conditions.

1. Compliance with all representations included in the application and those recorded in the minutes.
2. Compliance with all Federal, State, County, and Township laws, ordinances, and regulations.
3. Submission of an expanded topographic map including all areas within 300 feet of the subject property boundaries.

A roll call vote was taken.

George Schippers – Yes

Rich Sibley – Yes

Tom TenBroeke – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes

Steve Young – Yes

Travis Vugteveen – Yes

The motion carried unanimously.

Old Business

The next topic of discussion was the proposed regulation of Solar Energy Systems. Since the last meeting on this issue, Planning Commissioners received several sample ordinances from other communities on this subject for review and identification of deficiencies in the latest draft ordinance for Robinson Township.

Bill Maschewske – Identified the following as not being included in the latest draft ordinance for Robinson Township with draft date of May 30, 2018.

1. Fire safety.
2. Fences and security.
3. Storage batteries and storage facilities.
4. Reduced noise levels.
5. Access for roads.
6. Transfer of ownership.

Chairperson Martinie – Is in agreement with reducing the maximum noise level from 60 db. to 50 db.

Bill Maschewske – Sizes of facilities should be based upon square footage and KW output.

Zoning Administrator Werschem – Suggests battery storage facilities as a separate entity or in conjunction with a solar energy generator. Battery storage facilities should be included in the definitions.

Township Attorney Bultje – Suggests 150 kilowatts for small scale generators and 1 megawatt for large scale.

Rich Sibley – We need to address storage batteries.

Following discussion, the kilowatt limits for small scale systems were eliminated and the only limitation on size was the square foot limit of the panels.

Bill Maschewske – Suggested making the minimum lot size for ground mounted solar energy collectors to be consistent with the minimum lot size for the RR zoning district.

It was agreed to change the minimum lot size for ground mounted solar energy collectors from 2 acres to 82,500 square feet with no consideration of width or depth as long as setbacks could be met.

Following discussion, it was agreed to eliminate Section 34.4H of the proposed ordinance. Additionally, a 6 foot tall opaque fence should be required around the entire facility for all large scale units. The proposed screening for small scale units was felt adequate.

It was noted that the moratorium approved by the Township Board ends in November 2018 and will need to be extended since it would be impossible for the draft ordinance to be adopted by that time.

Township Attorney Bultje – Stated that the Consumer Price Index should be included in determining the amount of bond applicable for decommissioning.

Following discussion, the consensus is to have the public hearing on the draft ordinance for Solar Energy Collectors on September 25, 2018.

A motion was made by Rich Sibley and seconded by Travis Vugteveen to pay Planning Commission salaries for the month of August 2018 (one meeting with all in attendance). The motion carried unanimously.

Any and All Other Business—None

A motion was made by George Schippers and seconded by Rich Sibley to adjourn the Planning Commission meeting at 10:00 PM.
The motion carried unanimously.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission



SIGN IN SHEET
Meeting of the
Planning Commission
August 28, 2018 at 7:30 pm

PRINT NAME

SIGNATURE

Andrew Foster

A series of horizontal lines for writing names and signatures.