

Milton Township
Planning Commission
Unapproved Meeting Minutes
July 14, 2020

Members present: Chairman Hefferan, Kingon, Cole, Merillat, Lefebvre, and Ford
Members absent: Kopkau
Also present: Weinzapfel and more than 100 audience members.

Hefferan called the meeting to order at 7:00 pm and explained why we are having the meeting under the pavilion at the soccer fields due to COVID 19 and requirements for social distancing.

Approval of meeting minutes dated June 9, 2020:

Motion by Lefebvre to approve the June 9, 2020 minutes. Seconded by Ford. **Motion carried.**

Agenda:

1. Public Hearing for Torch Lake RV Park.
2. Subcommittee Report for Winery Ordinance.
3. Set agenda for August, 11, 2020 meeting.

Public Comment:

No one wished to speak.

Motion by Ford to approve the agenda. Seconded by Cole. **Motion carried.**

1. Public Hearing for Torch Lake RV Park:

Hefferan introduced himself and discussed the process and procedures for a public hearing and also discussed the history of this project.

Hefferan opened the public hearing and asked if any members had a conflict of interest. No.

This public hearing was advertised in the Elk Rapids News.

Jim Brewer and Carrie May with Gourdie Fraser are presenting for the applicant. Brewer gave an overview of the project. The entrance will be gated. The driveway in front of the marina is busy, so we have mitigated that by making this campground seasonal, May through October. The site will be rented for the whole season. There will be 80 sites. The state requires 1200 feet per square foot. We will have a minimum of 2600 square feet. The roads and paths will be gravel to absorb water and run off. Dust will be kept down with water. This area is currently zoned village. One of the approved uses is an RV park. We own 17 acres with the RV park taking up 10 acres. The green lines on the site plan are a green belt which masks the view of the campground. The site plan has gone through several revisions and it meets all state county and local requirements and codes. There will also be two restroom facilities and two pavilions which will be ADA compliant. There will be no wood fires on the campsites, only in the pavilions. In addition to the rules from the state and local governments, we have several more of our own. Renters must not sublet the space. One adult member of the renting family must be on site with any guests. Instead

of 15 feet of road access, there is 20. There will only be two vehicles allowed per site. Guests will need to be picked up and escorted. Renters will use the back entrance to the marina which will remove the traffic from the front of the marina. Most of the people with campers elsewhere, who have boats at the marina, will move their campers to this campground. That will help with congestion. Quiet hours will be 12 am on weekdays and 2 am on weekends. Most of our campers are over 50, this is not going to be party place.

May indicated that Gourdie Fraser is doing the engineering on the project. This is a 10 acre RV park. There are 80 sites. They are at or exceeding 2600 square feet. Water is from a type-2 water well. Site sewer and electrical is provided. There are also restroom and pavilion and laundry facilities even though they are not required. There are green belts and it is heavily screened. There is no effort to eliminate the screening. It is well in place now. The park includes 35% of the property in open space which exceeds the township requirement of 25%. Regarding the permitting, the plans provided to the township are fairly general. We have a 14 page highly specific plan that shows additional details. The owners are interested in making sure the residents and environment are protected.

May discussed all of the permits that are required such as soil erosion, which is regulated by Antrim County. She discussed the storm water plan which is required by Antrim County. This permit is in hand. The entry-way is regulated by the Antrim County Road Commission. This permit is in hand. Regarding the well, there are three stages of review. Because it is a community well, it is regulated by the safe water act. The septic system is a four stage review by local and regional health departments among others. There is a primary drain field and a reserve area. That is 8600 square feet. We are providing 13600 square feet in order to provide a factor of safety. May outlined the specifics of the system. That permit is pending review at the state. Regarding the process through the township, we have had subcommittee meetings to review. Once the state campground permitting agency issues a construction permit, it will be delivered to Milton Township. It is a very complex and detailed process regarding the permitting.

Regarding some concerns:

1. Increased population density: There are ten campers at the marina that will be moved to the campground. That puts us down to 70. The occupancy will be about 30 percent full in June, 70 percent during the height of summer and 50 percent once school starts again. These are seasonal residents. There are two allowed by right uses, one is a park and one is a subdivision. If you took this ten acres and add in the other seven, you could get a 37 lot subdivision and it would be year round. The RV park may seem to be an intense use, but not considering what could be done as a use by right.
2. Traffic: This puts residents within walking distance of restaurants and other areas. Their cars will be parked at the campground and they can walk to these areas.
3. Eliminates forest: Clearing is required for this project, but we've only done 10 of the 17 acres.
4. Eliminates place for a park: This is a type of park. 35 percent of the campground is common space and 7 acres will not be developed.

5. View: This does not interfere with other's views and it is properly screened.
6. Noise and quiet hours: There will be a point of contact if there are issues.
- 7: Outside offseason boat storage: When the subcommittee went through their process, there is only one boat or trailer stored per leased lot. There are no specific restrictions regarding that in the ordinance.
8. Parking: The campground code says that the parking must be contained within the site. Overflow parking can be worked out with the marina.
9. Septic and Ground Water: Addressed in the four stages of review.
10. Steep slopes. This was approved by soil erosion. These can be maintained. This will be well shielded and the slopes will not be a problem.
11. There was a concern about septic water flows: This was addressed.
12. Master Plan. This meets the township requirements.
- 13: Access on Miller Road: There is no entry off Miller. There is only one entry which has been reviewed by the fire chief.

Subcommittee Chairperson Joe Merillat presented the subcommittee process.

Subcommittee met September 17th and October 24th of 2019.

Ordinance 117.1605 (Special Use Requirements for RV Parks) was amended on December 10th 2019.

The subcommittee met for the 3rd meeting March 6, 2020 and recommended the commission proceed to a public hearing.

East is Village Zone with marina parking directly across River Rd.

South is Ag zone wooded property owned by the Grand Traverse Regional Land Conservancy.

West is Ag zone wooded property with single family dwelling.

North is Village zone with UP FROM THE ROOTE'S BNB and SOUTH TORCH ASSISTED LIVING. RV parks are allowed in the Village zone by special use subject to additional requirements in 117.1605.

A site plan review was started on September 17th at the first subcommittee meeting and finalized on March 6th as outlined in the subcommittee reports.

The proposed development meets the requirements of:

117.1102 Village Special Land Uses.

117.1601B Special Land Uses Procedures.

117.2100 Site Plan Review.

117.1605 Recreational Vehicle Seasonal Park.

Kington discussed the amendment to the ordinance that was made in December 2019 which modified it to 2600 square feet per site. This simplified the layout and more than met our concern about distance between vehicles. This also allowed much more open space within the

development.

Hefferan asked the public if they had any questions for informational purposes. There will be another opportunity to speak for or against.

Some people gave names/addresses, while others did not.

Why would you put an entrance on a congested street? May said the entry way must be on the property. We have located it where we could use the least grading to get the campground built. In review with the road commission, there are safety issues that were addressed.

Jeff Glare asked about having a site monitor? Yes. It will be run by the marina staff. There will be people there 24/7. Will tents be allowed? No

Regarding the 17 acres, how is that zoned? Weinzapfel said the entire piece is in the village zone. That corner piece in question cannot be developed. This took place years ago and there was a lot line adjustment. It is not in the village and is not being used. The development is contained within the village zone. Is it being used as storm water retention? Brewer said it is 1.1 acres and the boundary of the campground does not infringe on this. If you look at the storm water plan, it shows it dumping onto that piece. May said no water is dumping that way. That piece is not being used for anything.

Bill Earl who lives on Elk Lake asked about the green belt and the gaps in the trees. May said the planning commission has requirements.

Will there be more boat rack storage? Brewer said no.

If the special use permit is issued, will it say seasonal only? Hefferan said the ordinance dictates that this is seasonal only.

How many full time residents use Torch River Road and Fairmont? Has there been a traffic study? Brewer said 70 rack store customers come into the marina every day the congestion is by the hardware/party store.

With a septic system this large, how does the river impact the approval? Hefferan said the health department will review this system. May said there are complex requirements. The proximity to the river is not pertinent to their review.

Jerry Sorgi of Kewadin asked if most campers would trailer their own boats in and out. Brewer said we will not allow boats on trailers while we are operating. They cannot bring their boat in or out of the park everyday.

How many gallons of day per site? May said it is designed for 6450/day. It depends on if it is a park model, 150/day, regular site is 75 per day.

Does this use meet all of 117.1602A?

Merillat said yes. Hefferan said the subcommittee may have felt that but the whole board has not decided. How will this not disturb any neighbors at all? Basically this is in the village zone which allows a high density of use.

Doug asked about the grading permit, when you raise the soils earth getting moved, if those are not monitored and tested, this system could have issues. May asked if he is concerned about settling and the permits. Soil erosion permit was pulled for clearing and putting in the driveway. It has remained open due to COVID. If any kind of settling were to happen, it has been sitting there for a long time.

Will each lot have boat access through the marina? Is there a formal agreement worked out? Brewer said no. Most people who have signed up already have a boat at the marina.

How is this different from the STR issue to the people that are living there? Hefferan explained that these folks will be there all summer long. This is not a short term rental. Lefebvre said it is a reasonable comment. This is a process and we are taking what you say into consideration. Cole said one of the major difference is STR applies to Residential and R1. This area is commercial / village area. This is the nature of a village zone versus being an R1 or residential. There are different rules that apply. Merillat said this is in the village zone which allows our highest density and mixed use.

Has there been an environmental impact, feasibility, and safety study? May said no environmental study was done. There has been no traffic study done. However the road commission has reviewed the proposal. Individual studies like you are discussing are not requirements.

What will happen to the old campground? Brewer said those ten RVs will be going to the park and will not be replaced. The empty space will be used for parking.

Is Clearwater Township involved? No.

Is the DNR/DEQ involved? May said DEQ is now EGLE. Yes. DNR no.

Dennis Fitzpatrick said what advantage will this park have for Milton Township Residents? Brewer said it will move the congestion from out front to the site. There is economic benefit. May added residents that will reside in the park will not use other parks. Kingon said the owners will be paying taxes to the township.

Who monitors soil erosion? This is monitored and regulated by Antrim County. Plans have been submitted and approved by them.

John Peal asked about the quiet hours at 2 am? Brewer said this was something he made up. We can adjust this to whatever is reasonable.

Kevin Solarik asked did you do traffic counts at all? Traffic counts were not done.

We are on Torch River Road every day. There has been a lot of excavation that's been done. Is the middle one the entrance way? What will happen to the other two or is that something else? Brewer said the entrance is where the logs are. The other two are not a part of the park.

Irene Quick of Torch River Road: will you put no parking signs on Torch River Road to keep them from parking on the street? Is this going to depreciate our property value having an RV park here? Brewer said he will put signs along our property line if the road commission allows it. Hefferan asked regarding property value. There is no good answer to this question. Cole said when you are looking at the value of the property; beauty is in the eye of the beholder. Trying to put a dollar value on a property and determining if it will be higher or lower because of this is challenging.

Who will monitor the noise/behavior? Based on zoning, which law enforcement agency is accountable to this zoning? It will be Antrim County Sheriff's Department said Hefferan. Kingon said in our ordinance requires someone on site 24/7 to monitor.

Questions from the planning commission members for the applicants:

Bob Ford asked if those staying at the campground will be able to use their ramps or will have to use the public ramp. Brewer said they will not be able to pull boats in or out. They could be in rack storage.

Merillat asked about soil erosion permit? Is this in hand? May said yes.

Cole said regarding some of the comments that have come up, how will these get put into writing? Such as it will be seasonal, no subletting, etc. I do not want this to be done by the property owner. I would like this to be ours. Kingon said everything you have mentioned is in our ordinance.

Written correspondence was received.

There are no letters in support of the application.

Anyone wishing to speak in support of the application:

Joyce Grammar of Elk Tip Drive complimented the committee and the owners for creating a wonderful site in Milton Township. She was born and raised here. She is in favor of this campground.

John Peal, owner of Torch River Marine read a prepared statement addressing many of the questions/concerns that have been discussed. Everything done to date has been legal. Originally, we considered 37 homes up there, which is a much higher use than this would be. This project meets with the Master Plan for Milton Township.

Derrick Christenson said he hopes to be one of the people in the campground. Right now he lives on his boat 5 days a week. I am in the community every day. The traffic issues start in May and

end Labor Day. The traffic is here to stay. I do not like it but I suck it up because we live in a beautiful place.

Unknown member of the public who is part owner of the marina spoke in support of the project. Traffic is not a problem at the entrance of Honcho Rest campground.

Hefferan asked the planning commission if he could change the order and to go to verbal public comment rather than reading the letters because of the time? Members approved this change without objection.

Those speaking in opposition:

Unknown member of the public said no one has mentioned what this will do for the river traffic. My concern is can this river handle the increase in traffic? Noise is also a concern.

Kelly Wells of Miller Road are adjacent land owners on the western property line. I am here because the planning commission has recommended that the green belt be eliminated; we strongly oppose the elimination of the greenbelt on the western line. I would like the commission to look at the western line and re-evaluate the buffer line. Green space is not green belt.

Kevin Long of Forrest Home Township asked about the water quality concerns for this project. Milton is unique regarding its water assets. The density drives water quality.

Dan Wells spoke of the same concerns of his wife, Kelly Wells. He would like to find some compromise in this. Restrict the number of people and the noise. Put the green belt back in.

Bill Earl said you are all out here wasting your time. The only way to stop this is to hire a good land use attorney to delay this project for years and years. You'll have to dig in your pockets for thousands of dollars and it could take years.

Brenda Haso said the traffic congestion is being shifted to Torch River Road. It is not being eliminated. You will have a lot of pedestrians. You must keep them safe. Nothing has been done for the community? Is this truly abiding to the Master Plan? What is the benefit to the township?

Charles Kitner of Hoopfer Road asked regarding the internal road names and the type of people they are attracting to this campground.

Tim Smith is a seasonal resident. His letter was received. It has also been sent to the NW Michigan Health Department as well as EGLE. He discussed the particular water/sewer capacity. He believes this will contaminate the river and the ground water. He recommends this issue be tabled and wait for studies.

Unknown member of the public suggested that an 18 year old would not be responsible for what is happening on their lot.

Sue Kelly lives across the river from the marina. She is from Clearwater Township. She encouraged the planning commission to change the allowable number of people and lessen it

from 800. Address this now. Noise does not stop at the village zoning line. This will exacerbate that. Traffic will be an issue. Lighting is also a concern. Green belt is a concern. Soil erosion is an issue. Enforcement is an issue.

Rick Welsch of SW Torch Lake Drive discussed his concerns with the contamination of the ground water. Will you have a boat slip if you have a camp site? Yes? That is called funneling. You are allowing a subdivision to go in and you are putting all of those boats on the lake.

Tony Martine is a land use attorney. He is concerned regarding the STR amendment and how that applies to this situation. Under 117.1602A, you cannot approve this if it is detrimental to neighboring property owners.

Pat Scarnulus of SW Torch Lake Drive said he does not care how long these studies take; they are important and must be done. Environmental, safety and, traffic studies must be done.

Kevin Solark of Rex Terrace Road said any place where you had a housing development go up, you must have an environmental study, a traffic study, and have a noise regulation. Because the hillside has been cut out, the trees will die. The township needs to make sure that those that die are replaced to maintain the screening. Pedestrians are a big issue. Adjacent property owners have rights too. They must be respected.

Hefferan said once the public comment portion of this meeting is closed, then it falls back on the planning commission to discuss. Then we will move to our decision.

Hefferan closed the verbal public comment section of the hearing.

Merillat began reading letters.

Letter read in opposition from Steve and Carmen Quick.

Letter read in opposition from Philip and Sheryl Day.

Letter read in opposition from Dan Packer.

Letter read in opposition from Jan and Pat McNerney.

Motion by Lefebvre to table this public hearing in large part because we have gotten a lot of information from our constituents. We would come back to this public hearing to continue reading letters because it is dark and we are getting eaten by bugs. Seconded by Cole. Discussion: When can this be continued? 15 days from the posting. If the notice goes in this Thursday, that would be July 31st. Hefferan suggested saying as fast as legally possible. The date will be left to the earliest possible date. **Motion carried.**

2. Subcommittee Report for Winery Ordinance.

Kingon said the subcommittee for winery ordinance did not meet.

3. Set agenda for August, 11, 2020 meeting.
Agenda for August will be set later.

Meeting adjourned by order of the chair at 10:08pm.

Respectfully submitted,

Joseph Merillat