



DEXTER TOWNSHIP

PLANNING COMMISSION

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SECRETARY
BILL GAJEWSKI
EX-OFFICIO TWP. BRD.

JAMES JEDELE
BOB NESTER
COMMISSIONERS

JANIS MILLER
RECORDING SECRETARY

REGULAR MEETING OF THE PLANNING COMMISSION Tuesday, March 27, 2018

Present: Steve Burch, Chair; Tom Ehman, Vice-Chair; Tom Lewis, Secretary; Bill Gajewski; Bob Nester and Jim Jedele. Absent: None.

Also present: Zach Michels, Director of Planning and Zoning (DPZ); and Janis Miller, Recording Secretary.

1. **Call to Order:** Mr. Burch called the meeting to order at 7:00 PM.
2. **Conflict of Interest:** None.
3. **Approval of Agenda:**
Moved by Mr. Gajewski, seconded by Mr. Ehman, to approve the agenda as amended.
Motion carried 6-0
4. **Public Comment:** (non-agenda items) None.
5. **Action Item A: Zoning Ordinance: Outdoor furnaces, wetlands, & common use lots**

1) Wetlands:

Director of Planning and Zoning report:

DPZ Michels summarized the staff report noting the current Zoning Ordinance includes scattered references to wetlands in Article 24: Environmental Standards, that do not always provide a clear guidance for applicants, or staff, nor do they do a particularly good job of protecting wetlands or water quality. There was tremendous support from the Township residents for protection of wetlands and water. The State of Michigan defines two different types of wetlands: state-regulated wetlands and non-state-regulates wetlands.

Discussion:

Setting a definition for wetlands. Regulation's for more than 5 acres and less than 5 acres. Public Act 454 of 1954, Section 303. 1979 Wetland Protection Act. Structural best management practices to protect water quality of surface water.

Moved by Mr. Gajewski, seconded by Mr. Jedele, adopt §17.30 Wetlands (A) thru (F) to read as follows:

(A) Identification:

- 1) The wetland map for Washtenaw County, as prepared by the Department of Environmental Quality using information from the National Wetland Inventory, land cover, and soils shall be use as a guideline for wetland identification.**
- 2) Wetland inventory maps are off-site generated and only tell that wetlands may be on the property. They are not intended to define specific wetland locations or wetland boundaries for Regulatory purposes.**

B) Delineation: A “professional engineer, land surveyor, or landscape architect licensed in Michigan” and delineate “natural features such as wetlands.”

Delete §17.30 (C) thru (F).

Also, adding a setback requirement of ten (10) feet from all buildings in all zoning districts.

Appropriate identification & delineation text shall be moved to the definition article.

Motion carried 5-12/27 (Ehman).

Moved by Mr. Ehman to change the wording of §17.30 to read as follows:

§17.30 – Wetlands

The following standards are intended to protect and ensure they continue to benefit Township residents and the environment.

- (A) Identification: The wetland map of Washtenaw County, as prepared by the Department of Environmental Quality, using information from the Natural Wetland Inventory as a base for wetland identification, is off-site generated and only tells wetlands that may be on the property. They are not intended to define specific wetland location or boundaries for purposes of regulatory control.**
- (B) Delineation: If there is a disagreement over the boundary or extent of wetlands, an applicant may submit a wetland delineation [document] prepared by the Department of Environmental Quality Wetland Identification Program, or by an experienced delineation consultant at the applicant’s expense.
(definition of delineation – when associated with wetland, it means a boundary defined by a professional engineer, land surveyor, or landscape architect licensed in Michigan.)** No support for motion. Motion fails.

Discussion:

DPZ Michels noted that the current Zoning Ordinance has language that says the Township may require mitigation, if wetland is disturbed or destroyed. Township requirement of mitigation is not in the new (ZO) language. In the State of Michigan there is no professional licensing for wetland experts or wetland consultants. As written now, a professional engineer could include an industrial operations engineer or a mechanical engineer. The State does allow authority for local units of government to require mitigation when the State doesn’t. §17.30 (B) is just a statement, not regulating anything, and should be moved to definitions.

Moved by Mr. Lewis to make a wetland delineation shall be performed by a professional engineer, land surveyor, or landscape architect licensed in the State of Michigan, or delineation accepted by the Township engineer and delineate “natural features such as wetlands”. Motion dies for lack of second.

Moved by Mr. Ehman, seconded by Mr. Nester, to change the word in (B) from “and delineate” to “shall delineate”. Motion carried 6-0.

2) Outdoor furnaces:

Chair Burch noted Township resident Thomas Lesser appeared before the Township Board (February 8th) with his concerns, and followed up with a letter to the Board and Planning Commission Chair.

Director of Planning and Zoning report:

DPZ Michels summarized the staff report noting in the past the Township had worked on, and abandoned, a Burn Ordinance that would have included outdoor furnaces. The Zoning Ordinance considers it a structure so a building permit is required. The current Zoning Ordinance does not include any specific language for outdoor furnaces.

Discussion: Resident complaints. Stand-alone police power ordinance. Limiting the construction/use of outdoor furnaces to Agricultural (AG) Districts. Rural Residential (RR) and Agricultural (AG) Districts are mixed in Dexter Township. Limiting outdoor furnaces to 100 feet from lot lines. Including outdoor wood-fired boilers and patio wood burning units in Burn Ordinance or elsewhere in new Zoning Ordinance.

Moved by Mr. Lewis, seconded by Mr. Ehman, to concentrate on draft Zoning Ordinance §16.105, making adjustments agreeable to the Commissioners. Motion carried 6-0.

Discussion: What in §16.105 is included in the building code. Thomas Lesser concern with chimney height in regards to maintenance. Manufacturer’s specifications for chimney heights. Location of outdoor furnaces (as accessory buildings) on property.

Moved by Mr. Jedele, seconded by Mr. Ehman, to refer draft §16.105 to DPZ Michels for development of an appropriate Zoning Ordinance for approval at the next Planning Commission meeting. Motion carried 6-0.

Discussion: DPZ Michels will address (A) Location, (B) Setbacks, (C) Clear Zone, (D) Chimney Height – keeping only (D)(1), and (E) Fuel – clarify appropriate fuels.

3) Common use lots:

Director of Planning and Zoning report:

DPZ Michels summarized the staff report noting that common use lots provide access for residents that do not have waterbody frontage. Common use lots are “by right” in Common Use Residential (CU) Districts and with special land use in districts along the lakes. Currently, common use lots are only permitted in Common Use Residential (CU) Districts. The Township Board amended this Section, during its review, by increasing the frontage for the first dwelling unit to 100 feet and an additional 30 feet for each additional dwelling unit. The Township Board also limited the number of watercraft to one per dwelling.

Discussion: Number of watercraft allowed per unit. Penalizing township residents on the number of watercraft they may have due to traffic on the chain of lakes from other municipalities. Riparian ownership. Reasonable use – limit of two boats per unit. §12.04 (G)(6) State Marine Permit (there is no State Marine Division). Reinstating strike-outs in §12.04(G)(5), allowing the Planning Commission predictable flexibility.

Chair Burch established a committee of three: Mr. Nester, Mr. Ehman, and Mr. Lewis, to 1) communicate with other Townships regarding their zoning of common use lots, 2) look specifically at the five lakes in Dexter Township in regards to boat ownership & traffic, and 3) bring a recommendation back to the Planning Commission.

Staff reports and all other supporting documents regarding the above agenda items can be obtained at the Township hall during normal business hours. Additionally, these documents are available on the Townships website: www.dextertownship.org and can be viewed on new.livestream.com/dextertownship.org.

6. Approval of Planning Commission Minutes:

Moved by Mr. Ehman, seconded by Mr. Gajewski, to approve the meeting minutes of January 23, 2018, as amended. Motion carried 6-0.

7. Election of Officers: No action

8. Township Board of Trustees Update:

Bill Gajewski, Township Board Representative gave a report on the February 20, 2018 & March 20, 2018 regular Township Board Meetings as well as the February 22, 2018 special Township Board Meeting.

9. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary: None.

10. Review of Bylaws: Moved to April meeting.

11. Public Comment: None.

12. Future Agenda Items: April 24, 2018

Site Plan Review
Zoning Ordinance Review
Committee report on common use access lots
Review of Bylaws

13. Adjournment: Mr. Burch declared meeting adjourned at 9:58 PM.

Respectfully submitted,

Tom Lewis, Secretary

Janis Miller, Recording Secretary