



# DEXTER TOWNSHIP

## PLANNING COMMISSION

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130  
TELEPHONE: 734-426-3767  
FAX: 734-426-3833  
WWW.DEXTERTOWNSHIP.ORG

STEVEN BURCH  
CHAIR  
TOM EHMAN  
VICE CHAIR & ZBA REP.  
TOM LEWIS  
SECRETARY  
BILL GAJEWSKI  
EX-OFFICIO TWP. BRD.  
BOB NESTER  
ANDY REISER  
KATE MEHURON  
COMMISSIONERS  
  
JANIS MILLER  
RECORDING SECRETARY

---

### REGULAR MEETING OF THE PLANNING COMMISSION

#### Tuesday, October 9, 2018

Present: Steve Burch, Chair; Tom Ehman, Vice-Chair; Tom Lewis, Secretary; Bill Gajewski; Bob Nester, Andy Reiser, and Kate Mehuron. 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 7:03 PM.
- 2. Conflict of Interest:** None.
- 3. Approval of Agenda:**  
*Moved by Mr. Ehman, seconded by Mr. Nester, to approve the agenda as presented.*  
*Motion carried 7-0*
- 4. Public Comment:** (non-agenda items) None.
- 5. Action Items:**

**Item A:**

**Public Hearing for draft zoning ordinance text** concerning *water quality, water quantity, stormwater management, wetlands, and definitions.*

**Planning Commission questions of Director of Planning and Zoning, and discussion:**

**Mr. Ehman:** Commenting on Mr. Gajewski handout – The definition of wetland, the last sentence should read “If **not** state regulated it is not a wetland for purposes of this ordinance.” Essentially if it is less than five (5) acres, its not going to be considered a wetland, because that is where the state begins their regulation.

**DPZ Michels:** If it’s fifty (50) square feet, and connected to a body of water, the State of Michigan regulates it. If it’s of special interest, and the property owner has been notified, then it is State regulated.

**Mr. Ehman:** “If **not** state regulated”, that is what we decided.

**Ms. Mehuron:** I don’t understand that phrase.

**Mr. Ehman:** If it appears to be a wetland, and it’s not regulated by the state for the purposes of this ordinance, it’s not a wetland. If it is regulated by the state, then all these things in Article 17 have to do with water management, and in some cases wetlands.

**Mr. Gajewski:** The subcommittee recommended changes to the definition, as far as wetlands, surface waterbodies, and watercourse. However, since the Board was reviewing their definitions, beginning with the letter “W”, the legislative body made changes and

altered those recommendations. They didn't like the word "not", so they took that out of the definition.

**Mr. Nester:** If its state regulated, we're going to say it's not a wetland?

**Mr. Gajewski:** This is an exact legal definition, provided by the Geomare-Anderson Wetland Protection Act [PA 203 of 1979], and the same definition as in our current Zoning Ordinance.

**Mr. Lewis:** So, they took out that whole last sentence.

**Mr. Gajewski:** They did.

**Ms. Mehuron:** Mr. Burch, please clarify what the Board did, did they amend this draft?

**Mr. Burch:** The Board adopted this amendment to the draft Zoning Ordinance, which was a product of the subcommittee that was addressing this section.

**Ms. Mehuron:** So, we can't take any action because they've already done what we would have done?

**Mr. Burch:** What we probably would have done is adopt the [subcommittee] recommendations and forwarded them to the Township Board.

**Mr. Gajewski:** The Board was reviewing definitions, so it was a part of the process and they made that legislative decision.

**Mr. Lewis:** The Township Board adopted the definitions for *wetland* and *waterbody, surface*. Did they, or did they not address §17.40 and §17.45 concerning stormwater management?

**Mr. Burch:** It is my recollection that they took §17.45 as presented.

**Mr. Gajewski:** They reviewed definitions for wetland, surface waterbody, and watercourse.

**Mr. Lewis:** Wasn't the Boards discussion all within Article 35, which is definitions? To my recollection, §17.40 and §17.45 were not addressed by the Township Board.

**Mr. Gajewski:** Not at that meeting.

**Mr. Ehman:** We ought to clean this up and use *waterbody* or *surface waterbody*.

**Mr. Gajewski:** *Surface waterbody* is what they agreed on.

**Mr. Burch;** Mr. Michels, do you have anything to present to us on §17.45 Stormwater management?

**DPZ Michels:** I don't understand what [the committee draft] it's trying to do, or how it's going to do it. It seems a significant reduction in protecting the water quality, both below ground and surface water, which has been identified consistently as one of the highest priorities of township residents.

**Ms. Mehuron:** Zach, what are the specific things that are a step backwards and what are you advocating for? The current Zoning Ordinance language instead?

**DPZ Michels:** The current Zoning Ordinance is better than this. The draft that was forwarded was better than this. In §17.45(A), in the draft, it says you only need to do stormwater water if you exceed the maximum impervious coverage. The problem with that is, to exceed that you need to get a variance. Basically, any commercial site, including site condominiums that don't direct the outlet into a County controlled structure, a ditch or the Huron River, Portage Lake, if they are less than the impervious coverage, they don't need stormwater at all. Stormwater can run anywhere, and that is a significant step backwards. Our current Zoning Ordinance, if you have more than 20% of your lot with hard surfaces, roofs and pavement, you need to do some sort of stormwater management plan to manage the first inch of water hitting it. That generally only applies to Lakes Residential (LR) areas, and the way it works is if you are adding, that's when you need to capture the new stuff [water]. The draft language, in the big book you each got, tries to clarify the language a bit

more. Right now, the current Ordinance it's grey. In this case you would only have to do it if you're approaching 50% impervious coverage, or more, in those properties. That is obviously a significant reduction of protection of water quality.

**Mr. Ehman:** Let me tell you what the committee thought. If you go to the next page [committee draft], on (B) plot plan, where it says impervious coverage, we're suggesting that it should be 45%, and if it's less than 45%, then all of these other standards, going back to (A)(1), kick in. If it stays within the impervious coverage limit, then one doesn't have to do those things. That's what the intent was. In addition, we changed in (B) [waterbody setbacks], of the original, from 35 feet down to 30 feet.

**Mr. Gajewski:** Quoted Professor Wykoff on the primary purpose of a water-side site setback. Quoted Dr. Don Tilton, wetland expert and advisor to the Watershed Council, regarding a nine-foot buffer around a wetland. The subcommittee's recommendation of ten feet is in harmony with his recommendations. We have to follow §24.06 of our current Zoning Ordinance, which is stormwater management, which is now [draft] §17.45.

Wetlands are stormwater management systems. Furthermore, wetlands are efficient, stand-alone, stormwater management systems, or they can be part of a stormwater management system using hydrology, using natural systems as the framework of site design.

**DPZ Michels:** The way I see this written here [committee draft], the general provisions only apply when standards from ~~previous~~ impervious coverage are exceeded. If you have a commercial property, the general provisions only kick in when eighty-one (81) percent of your lot is covered with hard surface. That's a lot of runoff before we stick our toe in that.

**Mr. Ehman:** That's why we wrote it the way we did as we assumed it would get re-addressed. We wanted this to be in a form that everybody could just look at it and say ok, that's where the switch is and I have to or I don't.

**DPZ Michels:** The problem is, it's not 45% everywhere. There are some districts where it's 80%, like commercial, there are some where it's 35%, and there's some in between.

**Mr. Lewis:** Question for clarification. Tom, you're talking about B Plot Plans, when you speak in terms of 45%? Zach, are you looking and speaking to §17.45? These two [ Mr. Ehman & DPZ Michels] are not on the same page.

**Ms. Mehuron:** To get clarification on (B). Is Mr. Michels also making that observation to (B), and change impervious coverage to 45%? Does that have to be nuanced in terms of impervious coverage per zoning district, and per classification?

**Mr. Burch:** I think we are recommending that this be another condition for all zoning districts.

**Ms. Mehuron:** So, you're actually generalizing that your going to have this impervious coverage of 45% across all types of districts?

**DPZ Michels:** Whenever a plot plan is reviewed. The current Zoning Ordinance it's 20%, hard surfaces. If you have plot plans, generally a house, you need to have some sort of stormwater management system. The draft that this body forwarded to the Township Board kicked in at 20%, the draft here [tonight] changes it to 45%, which is either at the maximum, or just below the maximum in most residential districts. The draft this body forwarded said: you need to capture the first inch for the new stuff [construction] that you added once you've gone past the 20%. If you're doing substantial improvements to the property, then you have to capture [stormwater] all of it. Say your house is worth \$300,000 and you're doing \$200,000 in improvements. If you're doing major improvements, then we expect them to come to current standards.

**Mr. Nester:** The delimiter your using is for cost structure, not lot coverage. If they added \$200,000 to the existing home, that's irrespective of how much additional lot coverage may occur as a result of that addition.

**DPZ Michels:** The way it's written now I'd agree with that application. The way it's written here, only those few folks that are going above 45% impervious coverage would have to do this. That's a significant step backwards from what the current Zoning Ordinance does.

**Mr. Gajewski:** We have a lot's in our Township that are one acre lots, that were created including the right-of-way. Those lots are maybe seven-tenths or three quarters of an acre, so there's really not parity in Rural Residential (RR) as far as lot area coverage for total impervious surfaces. It makes it difficult for those lots to achieve that result. Especially in the lakes area, like we have here [in Dexter Township], most folks want three for four car garages to house all their stuff, so you need more parity to allow less clutter around the lakes.

**DPZ Michels:** In my six years here, I have never had to require anyone do a stormwater management plan for a Rural Residential (RR) property.

**Mr. Ehman:** When we talk about the standards for impervious coverage are exceeded, if somebody asks for a variance, and it's granted, the standards are still there. So, this would apply. They would still have to ask for a variance if they want to exceed more than what's allowed in that district. Those are the standards for the district, and they would have to comply it. What we have to look at is, are the present standards reasonable, especially for the commercial district.

#### **Open Public Comment at 7:39 PM.**

Wendy Zielen, 8736 Dexter Townhall, Pinckney, MI

Asks that everyone look very carefully at the ordinance as it has gone in many ways well past what has existed pertaining to our water quality. Many Silver Lake residents are specifically concerned about that [water quality] issue.

Tim Zaleski, 8385 Dexter Townhall, Pinckney, MI

Is there a way to get this issue clarified so that the public could offer input? Although I've been attending meetings, all the changes to the draft have been relatively confusing. Making anything that is to be decided clear enough for people to offer input on would help.

#### **Closed Public Comment at 7:45 PM.**

#### **Planning Commission discussion:**

**Mr. Reiser:** We're going from 20% up to 45%, am I correct? My concern is, if we apply the 45% across the board, there are only certain sections that it applies to. Then they could just apply for a variance, instead of doing it across the board, cookie cutter. To me it's a big jump.

**Mr. Gajewski:** It was actually to try and create a parity with single family residential lots, created when the Zoning Ordinance required one acre, and the one acre included the right-of-way. When the right-of-way is included the lots are significantly smaller. Also, lake lots, we had various percentages for impervious surfaces. We're trying to incorporate just one that would cover everything. We could look at each one individually again. I think Rural Residential (RR) has been shorted. We're lucky in Dexter Township that we have significant ground recharge area. We have extremely high permeability soils, high

infiltration and not a lot of runoff. You really have to look individually at the lots to see if they need a stormwater management system. If the lot has permeable soils, then you don't need an elaborate and expensive stormwater management system. The ordinance doesn't address that and I think it really should.

**Ms. Mehuron:** Is there some reason why increasing this twofold, doubling the impervious coverage on plot plans to 45%, would that not also increase the volume of water and increase the stormwater runoff for the neighbors and for the plot owners themselves? If we're doubling the standard of impervious coverage, I'm not seeing the logic of this.

**Mr. Burch:** What was the rationale going from 20% to 45%, in plot plan requires situations?

**Mr. Gajewski:** To simplify. To make for parity.

*Motion by Mr. Ehman, seconded by Mr. Reiser, to defer to the next meeting this [decision] until we have an opportunity to review the individual impervious standards for the various zoning districts.*

**DPZ Michels:** Point of clarification, this body may not be charged with reviewing those standards again. It was already forwarded, with the text, August 22, 2017, to the Township Board. The Township Board may or may not remand the document back to this body.

**Mr. Nester:** They can approve it as is.

**DPZ Michels:** Yes, they are not required to send it back to you guys.

**Mr. Burch:** We have a motion on the floor to review it [individual zoning district impervious standards], I recommend we vote on that motion and then if approved, we spend time between now and the next meeting, each of us reviewing those standards, and then at our next meeting we can approve whether or not we want to have this ready to forward to the Board should they remand it back to us.

*Friendly amendment to the motion by Ms. Mehuron, seconded by Mr. Lewis, we review best practices, with respect to (B) Plot Plans, in terms of the impervious coverage, the percentage of that in Plot Plans, and also refer to other Townships language.*

*Amendment to the motion carried 6-10 (Ehman)*

*Original motion carried 7-0.*

**Item B:**

Public hearing for **draft zoning ordinance text** concerning *common use access lots standards*.

**Director of Planning and Zoning report:**

Nothing to add beyond the staff report.

**Planning Commission questions of DPZ:**

No questions of DPZ.

**Planning Commission discussion:**

**Mr. Burch:** This topic was discussed at the previous Township Board meeting and one area of concern was that members of the Township Board were not so much interested in regulating the number of watercrafts, moorings per unit, individual common use lots, it was powered watercraft moorings that people were concerned about. We have a very unique use pattern on our four distinct lakes so we may want to consider each specific lake rather than a one size fits all common use ordinance.

**Mr. Ehman:** The committee that met discussed that the common use would not be a district, also there could be two types of common use lots: 1. Non-riparian, and 2. Riparian.

**Mr. Burch:** One example of the common use facility would be the Woods of Portage Lake or the north end of Silver Lake.

**Mr. Lewis:** There is a large plot that is owned by a Boy Scout Camp and to the west of that is a large area that is privately owned, and will likely stay in the family for quite some time but we still need to think ahead.

**Mr. Ehman:** Also, there is the Ann Arbor Y camp on Silver Lake that may get developed.

**Mr. Gajewski:** The Board was concerned with power watercraft. One of the concerns is they are a source of water pollution and noise. One of the issues was watercraft moorings. Watercraft moorings could say “two watercraft moorings are allowed in Common Use (CU) Districts, up to and including five dwelling units. Common Use (CU) Districts exceeding five dwelling units, only one watercraft mooring shall be allowed [per dwelling]”. This is in harmony with the Board’s wishes to grant relief to The Woods of Portage Lake, which is a small, five-unit site-condo, open space community.

**Ms. Mehuron:** Our Township Board discussion of changing Common Use Access Lots language, that was remanded back to us, is because they want to give relief to The Woods of Portage Lake, by giving them each dwelling two moorings.

**Mr. Gajewski:** Partly. They are also concerned about overcrowding of the lakes, and they didn’t like “two boats per dwelling unit”, as they want it to remain as one. They want to limit the impact on our surface waterbodies.

**Mr. Burch:** They asked us to think about the lakes and the use of the lakes. Silver Lake, which is a much smaller lake and not on the chain of lakes, should we treat it the same way as we would treat Portage Lake, which is a much larger lake on the chain of lakes, with a transient marine traffic.

**DPZ Michels:** The way it was drafted, it defaults to one [mooring]. The text that was forwarded back in August of 2017, allows the Planning Commission to go up to two [moorings] with certain criteria. The idea is that this body would be able to put to the applicant wishing two boats: [Applicant] do a capacity study of the lake and get back to us. If we adopt specific standards for each lake, the challenge for us is, the onus is on the Township to establish what the capacity ought to be for the lakes.

**Mr. Nester:** We’re using this only for common use lots, not on personal residential homes.

**DPZ Michels:** Correct. Then that would serve the basis of we think Silver Lake can’t hold as many boats because of this [capacity study].

**Mr. Nester:** Even though some of the homes on Silver Lake may have five boats?

**DPZ Michels:** Correct.

**Ms. Mehuron:** So, the Board remanded this back, and defaulted to one craft, per dwelling unit, on common use property. Did they say “do these specialized studies of each lake and see if you want to come up different criteria for more than one mooring”.

**Mr. Burch:** When the objection was registered to one craft per dwelling unit, on one hand, and on the other hand some lakes couldn't safely support more than one craft per dwelling unit, in the common use facilities, it was then given to us to examine what we feel necessary to make a recommendation.

**Mr. Gajewski:** A Silver Lake resident notes that as far as crowding, the current Zoning Ordinance seems to work best for Silver Lake residents, and requested that it be considered for a Zoning Ordinance option.

**Mr. Reiser:** This is not for individual properties but for common use? How many people have access to common use?

**Mr. Burch:** However many residents there are in the Common Use (CU) District.

**DPZ Michels:** Actually, the current language in the draft places a limit based on a set of metrics with the property. So, there is a minimum size, and for each additional dwelling you need to have extra space.

**Mr. Burch:** The individual riparian owners, that have access, can have as many moorings as they can pack into their frontage. The common use areas, there will be a limit to the number moorings that we are going to allow. We do not regulate the number of boats on the lake. That's beyond our prevue. What we do limit is the number in the common use areas, as part of our Zoning Ordinance.

**DPZ Michels:** As part of a Police Power Ordinance you can regulate private properties outside the Zoning Ordinance.

**Mr. Nester:** It seems inconsistent that a neighbor could have five boats, and not use all of them, but a common use area would only permit one boat per household. How would the Post 46 property be managed? And the trailers that are not permanent residents? How would that geographical area be impacted?

**DPZ Michels:** It would only be affected if it were developed, if it was split up for residential use.

**Mr. Gajewski:** As far as the minimum lot area, its limited by the depth of 150 feet, and the length of the shoreline. Question for Zach about lot width. Suppose you have a 2,000 by 2,000 square foot parcel, about 90 acres. It's a waterfront parcel with about 50 homes. Is the lot width the waterfront, and not related to any roads?

**DPZ Michels:** Frontage is where the property touches the water. In the case of a waterfront property, its two places, it's along the waterfront and along the street front. So, there are multiple frontages. Actually, the frontage may not be the same as the width. The width is measured wherever the minimum setback is on the property.

#### **Opened Public Comment at 8:47 PM.**

Wendy Zielen, 8736 Dexter Townhall, Pinckney, MI  
Concerned about future development on Silver Lake. The Association supports the current Zoning Ordinance.

Karen Lehnert, 8693 McGregor Rd., Pinckney, MI  
The developer of The Woods of Portage Lake sold the residents their homes with the understanding that each home could have two boats. She would like the Zoning Ordinance to reflect that.

Andrea Zimmer, 8685 McGregor Rd., Pinckney, MI  
Want's the Township to honor what they contractually signed when purchasing their homes.

Richard Bade, 8778 Dexter Townhall Rd.

Silver Lake is a clean lake due to the amount o State land. Thirty feet is the minimum for a dock and boat and he would like it to not be reduced.

**Close Public Comment at 9:05 PM.**

**Planning Commission Review:**

Boat size and fuel consumption considerations; definition of what a watercraft is; ability to look at each lake differently; reasonable request from The Woods of Portage Lake; setting precedence in common areas; addressing each lake differently/separately; resolving The Woods of Portage Lake; reinstating the Planning Commission's ability to look at sites individually.

*Moved by Ms. Mehuron, to approve and send back to the Township Board the remanded draft. Motion dies for lack of second.*

*Moved by Mr. Nester, seconded by Mr. Gajewski, to grant The Woods of Portage Lake residents the ability to moor not more than two motorboats per dwelling.*

**DPZ Michels:** The Zoning Ordinance today, in effect says one dwelling, one watercraft.

**Mr. Nester:** That is not a fair motion because its inconsistent with the ordinance?

**DPZ Michels:** Yes. Reinstating (5) as forwarded by this body originally, would cover The Woods of Portage Lake. They would still have to come to the Planning Commission.

**Mr. Reiser:** If we reinstate the redline, the Township can still say no?

**Mr. Burch:** Yes, they can. We can only recommend.

**DPZ Michels:** This isn't an adoption, it's recommending the text to the Township Board. I suspect they would be favorably disposed to that because this is the very reason why they remanded it. It was a settled issue, one dwelling one watercraft, and then the residents of The Woods of Portage Lake came in and said our developer told us we could have two boats.

**Roll Call Vote: Yeas-Nester, Gajewski; Nays-Lewis, Reiser, Mehuron, Ehman, Burch; Absent-None. Motion fails 2-5.**

*Moved by Mr. Lewis, seconded by Mr. Reiser, (referring to staff report, page 2 of 8), to forward a change to the Township Board, Table 13.40(G)(4) should read: a. first [dwelling] unit length of shoreline 100 feet; b. each additional [dwelling] unit length of shoreline 30 feet per additional dwelling unit; §1.40(G)(5) should read: the maximum number of watercraft moorings for the common use access lot, including, but not limited to, motorboats, sailboats, or jet skis, shall be approved by the Planning Commission in consideration of the characteristics of the common use access lot and the potential negative impacts on the lake and surrounding area. There shall be no more than two watercraft per dwelling.*

**Mr. Lewis:** Under consideration, would the Township Board have the authority, and the power, to waive application fees for those folks [The Woods of Portage Lake]?

**DPZ Michels:** Yes.

**Mr. Burch:** Will this satisfy what we want to do here?

**Mr. Lewis:** In my opinion it solves all the major concerns, other than not immediate gratification for The Woods of Portage Lake.

**Ms. Mehuron:** Does this language apply uniformly across the lakes?



Mr. Lewis: Yes.

*Friendly amendment by Mr. Ehman, seconded by Mr. Nester, to reword §13.40(G)(5) by striking “but not limited to” and inserting the word “only” after “jet skis”*

*Amendment Roll Call Vote: Yeas-Nester, Ehman; Nays-Reiser, Lewis, Burch, Mehuron, Gajewski; Absent-None. Motion failed carried 4-3. 2-5*

*Motion Roll Call Vote: Yeas-Burch, Mehuron, Reiser, Lewis; Nays-Gajewski, Nester, Ehman; Absent-None. Motion carried 5-0. 4-3*

*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](http://www.dextertownship.org) and can be viewed on [new.livestream.com/dextertownship.org](http://new.livestream.com/dextertownship.org).*

*Moved by Mr. Ehman, seconded by Mr. Reiser, to take care of the remainder of the agenda, excluding the Bylaws, tonight. Motion carried 7-0.*

**6. Approval of Planning Commission Minutes:**

*All ayes (no motion) to approve the meeting minutes of September 25, 2018, as amended. Motion carried 7-0.*

**7. Election of Officers:** No action

**8. Township Board of Trustees Update:** None.

**9. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary:**

**DPZ Michels** requested that each Commission member retain, and bring to the next meeting, the various colored copies [draft suggestions] of the Bylaws.

**10. Review of Bylaws:** No action.

**11. Public Comment:** None.

**12. Future Agenda Items: October 23, 2018**

A) Public hearing for (18-PC-192) Post 46 Hunt & Fish Club, a zoning map amendment from Rural Residential (RR) to Recreation Conservation (RC).

B) Public hearing for **draft zoning ordinance text** concerning water quality, water quantity, stormwater management, wetlands, and definitions.

C) Review of Planning Commission Bylaws.

**13. Adjournment:** Mr. Burch declared meeting adjourned at 10:42 PM.

Respectfully submitted,

---

Tom Lewis, Secretary

---

Janis Miller, Recording Secretary