

Little Traverse Township Planning Commission
December 8, 2021 7:00 PM
Township Hall

FILE COPY

Minutes

Chairman Van Berlo called the meeting to order at 7:00 PM.

He announced that the meeting is being recorded both audio and video.

Roll Call: **Present:** Martin Van Berlo - Joe Chattaway, - Shirley Snyder, & Chip Radle

Absent: Tom Fairbairn

Also present: Bill Dohm, Jake Myers, Tom Gallagher, Greg Gallagher, Jacki Gallagher, James Godzik, and 3 additional visitors. (*see sign in sheet page 5*)

Agenda: Chairman Van Berlo asked if there were any additions or deletions to the agenda. There were none. Upon a **motion** by Mr. Chattaway, with support by Mrs. Snyder, the agenda was unanimously approved as submitted, by voice vote, (*see attachment page 6*).

Public Comment: Chairman Van Berlo then opened the meeting to public comment. There were no public comments offered.

Minutes: Upon review of the minutes of the regular meeting of October 5, 2021, a **motion** to approve as submitted was offered by Mrs. Snyder and supported by Mr. Chattaway. The motion was unanimously approved by voice vote.

Case #B-8-2021: Conduct a public hearing on an application by Harbor Springs Excavating, Inc. for a **CONDITIONAL USE AUTHORIZED BY SPECIAL PERMIT**, for Extraction by mining of gravel at 7480 Kipp Road, further described in tax parcel #24-08-16-12-100-024. The property is zoned FF-2. Provisions for consideration, and review of this case are found in the Little Traverse Township Zoning Ordinance Section 1305 in its' entirety, and Section 1304, paragraph 15.

Chairman Van Berlo requested Mr. Myers present the case and go over his memo of fact finding, (*Memo on file*).

Mr. Myers explained the case, detailed the memo, and explained his check list. He referenced additional comments received via e-mail from Tom Gallagher (*see attached pages 8 & 9*) to address concerns in the original B&R memo.

8:00 pm. Chairman Van Berlo opened the Public Hearing.

Mr. Dohm advised that the public hearing has been published, posted, and mailed to all property owners within 300 ft. of the subject property as required by the Michigan Zoning Enabling Act, (*see attached page 7*) He presented an e-mail correspondence from Chad Corey, owner of a home at 7490 Kipp Rd, on 4.1 acres next to the subject site, (*see e-mail attached page10*). Concerns raised were entered into the record.

Chairman Van Berlo asked Mr. Gallagher if he had any comments to add.

He discussed details on the site plan and responded to comments made in the B&R Memo, and answered questions as fielded by the public members. He pointed to the access and route plan for truck traffic through the south portion of the property, intentionally avoiding the houses on and near the site. He discussed water recycling and storage, and reclamation plans.

Chairman Van Berlo asked if there were any comments or concerns from the public.

Ronald Swank of 7350 N. Conway Rd. was concerned about well water, walking trail on Kipp Rd., water runoff, noise from 7:00 am until 8:00 pm, and property values.

Tom Gallagher responded that his water supply would be ponded and recycled. The North County Trail head would likely be improved. Water run off would be minimal due to soil conditions. Equipment noise has been reduced over the years due to federal regulations. He did not know how to project property value changes, but thought they would be minimal once the site is restored under a planned residential development.

Gary Mindel of 7382 N. Conway Rd. echoed concerns made by Mr. Swank above.

Cheyne Corey, brother of Chad Corey of 7490 Kipp Rd. reiterated the concerns expressed by his Brother in the e-mail attachment (*page 10*). He would like the Board to consider this project as if it were in their neighborhood.

Tom Gallagher responded that there was a 50' setback from the property line to the top of any disturbance of his property, and that natural tree lines would be preserved as much as possible. He indicated that the existing driveway easement serving the Corey property would not be used as part of the gravel mining operation, but rather access would be used on the south west corner of the Gallagher property.

James Godzik of the Emmet County Road Commission stated that no ECRC permits have been applied for.

Tom Gallagher responded that permits would be pulled after the Twp. PC approved the use.

Sarah Krupa, speaking as an interested citizen, thought the hours of operation were excessive, and that 8:00 am until 5:30 with no Saturday operations would be better.

Tom Gallagher responded that he would be open to suggested hours, within reason, from the Planning Commission.

Supervisor Dohm commented that the Michigan Legislature has been working on legislation to exempt mining operations from local municipal control for a long time. At this time, Townships are limited as to restrictions they are authorized to implement, such as hours of operation, noise and dust control, setbacks, slopes, ponding, and a few other controls.

Chairman Van Berlo then asked for comments or questions from Commission members.

Mr. Radle wanted to know if the property was all clear cut now.

Tom Gallagher responded that most of it is, but a parameter from adjacent property lines to the 50 ft. setback was retained.

Supervisor Dohm asked about burning the left overs from clear cutting, such as stumps and brush.

Tom Gallagher responded that the leftover material would be burned on site. Mr. Dohm asked if there was an alternate to burning. Mr. Gallagher had no alternate solution, but would do what he could to minimize smoke affecting the neighbors.

Following discussion, a **motion** was made by Mr. Chattaway as follows:

I, Joe Chattaway, move to approve case B-8-2021, Harbor Springs Excavating, Inc. for a site plan review for extraction by mining of valuable natural resources at 7480 Kipp Road in Little Traverse Township, tax parcel 24-08-16-12-100-024, and as shown on the site plan submitted 11/02/21, because the applicable standards of the Little Traverse Township Zoning Ordinance have been met. The findings of fact, prepared by our Township Planner, Jake Meyers, also become part of this motion. Hours of operation Monday through Friday will be 7:00 a.m. to 6:30 p.m., Saturday 7:00 a.m. to 4:00 p.m. and no processing will be allowed on Saturdays.

The motion was seconded by Mr. Radle. There was no discussion on the motion, and a roll call was called as follows:

Mrs. Snyder Nay

Mr. Radle Yea

Mr. Chattaway Yea

Mr. Van Berlo Yea

Mr. Fairbairn Absent

Chairman Van Berlo declared the motion approved.

Beckett & Raeder, Inc. proposal to update the Twp. Master Plan:

Mr. Myers presented the BRI Planning Report for December, including preliminary results of the Master Plan Survey still in progress.

Open Discussion for issues not on the agenda:

- a. **Public Comment:** None
- b. **Planning Commission Members:** None
- c. **Township Board Members:**

Adjourn: There being no further business to be brought before the commission, Chairman Van Berlo adjourned the meeting at 9:40 pm.

Date approved 2-1-2022

Secretary 
Tom Fairbairn

Respectfully Submitted,

William P. Dohm,
Supervisor

LITTLE TRAVERSE TOWNSHIP

EMMET COUNTY, MICH.

Regular Meeting of the Township Planning Commission
Wednesday – December 8, 2021
7:00 P.M.
In-Person

AGENDA

1. Call to Order.--
2. Roll Call.
3. Approve the agenda.
4. Public Comment.
5. Approve the Minutes of October 5, 2021.
6. **Case #B-8-2021**
Conduct a public hearing on an application by Harbor Springs Excavating, Inc. for a **CONDITIONAL USE AUTHORIZED BY SPECIAL PERMIT**, for Extraction by mining of gravel at 7480 Kipp Road, further described in tax parcel #24-08-16-12-100-024. The property is zoned FF-2. Provisions for consideration, and review of this case are found in the Little Traverse Township Zoning Ordinance Section 1305 in its' entirety, and Section 1304, paragraph 15.
7. Update report on Master Plan.
8. Open Discussion for issues not on the agenda.
 - a. Correspondence.
 - b. Consultant.
 - c. Planning Commission Members.
 - d. Township Board Members.
9. Adjourn.