



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, April 24, 2006**

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, E. Takayama, M. Vermetten

Members excused: J. Pulcipher

Staff present: J. Hull, Zoning Administrator
S. Corpe, Township Manager/Recording Secretary
N. Edwardson, Alternate Recording Secretary
K. Zopf, Township Counsel

1. Consent Calendar:

Motion by Carstens, support by Takayama to approve the Consent Calendar as presented including:

Receive and File:

- a) Draft Unapproved Minutes of :
1. **04/04/06 Regular** Board of Trustees Meeting
 2. **04/05/06 Farmland Preservation Advisory** Meeting
 3. **04/13/06 Zoning Board of Appeals** Meeting
 4. **Request by Cherries R Us to postpone public hearing on Application 2006-05P**

Action:

- e) Approve minutes of the **04/03/06 regular** meeting
f) Review and approve agenda, inquiry as to conflicts of interest:

Motion carried unanimously.

2. Limited Public Comment:

Virginia Tegel, 4810 Bartlett Rd. thanked Diana Morgan for her time, energy and service to the public as a Planning Commissioner. Sherberneau noted that this is Morgan's last meeting, as she is moving out of the township, and stated that she would be missed.

3. Preliminary Hearings:

- a) **Preliminary Hearing – SUP/Site Plan Application #2006-06P by National Tower, LLC, c/o Cellere to locate and construct a cell tower just east of the Holiday Inn Express, 3536 Mt. Hope Road, Acme, Michigan:** Papi Erreca stated that National Tower would like to erect a 180 ft. monopole directly behind the Holiday Inn Express, with Verizon Wireless antennae to be the primary tenant. Verizon is building their network in Northern Michigan and needs the tower to serve the US 31 and M-72 corridors. Takayama observed that there are several towers within only a few miles here and asked if Verizon could co-locate on an existing tower. Mr. Erreca stated that Verizon has an application in to co-locate an antenna on the existing tower on Yuba Road. Hull observed that this second request is handled administratively because it is on an existing tower. Takayama feels that it is relevant information to know that they are also seeking placement on the existing tower. Mr. Erreca stated that the existing and proposed towers would be 3.5 miles apart, and the average signal under current technological conditions can travel 3.5 – 5 miles. He also stated

that the need for a tower is a function of population, as each tower can only handle so many calls at a time. Vermetten asked if they had contacted the G.T. Resort regarding the possibility of co-location on their water tower; National Tower has but has not received a definitive answer. Mr. Erreca stated that the tower is not high enough for Verizon and improvements to the water tower itself would be required. Vermetten asked for the precise proposed location of the tower; the area is marked by survey stakes and is east of and centered on the building.

Carstens noted in the application that there is a request for a variance of the township's setback requirements for such a tower. Mr. Erreca stated that the ordinance requires a tower to be at least 200' away from a residential zoning district. In this circumstance the tower would be 50' away from R-3 zoning, but the property so zoned is stated to be under ownership of the Holiday Inn Express and not planned for residential development.

Morgan asked again about the plan to co-locate on the Yuba tower; Mr. Erreca noted that it is the only dedicated cell antenna tower in the township. Carstens asked if the tower height could be less than the 180' requested; Mr. Erreca stated that the tower has been sized in accordance with township ordinance desires to keep heights below the level at which they are required to be lit for aircraft safety. The height is actually lower than they would commonly accept and necessitates the co-location on the Yuba pole.

Takayama expressed concerns regarding the proposed location of the tower and the height. Vermetten read from the Personal Wireless Services Ordinance regarding setback requirements from structures and lot lines, which Hull noted is a different setback requirement than the one from residential zoning districts previously discussed. The tower must be at least 50' from a residential zone, but also at least 135' (based on height) from a property line regardless of the zoning.

Hardin believes that Cellular One has an antenna atop the Resort Tower. Mr. Erreca stated that they approached the Resort several years ago about co-locating there but were refused due to power considerations. Mr. Andrew Bateman, Executive Vice President for the Resort, stated that the tower is "fully loaded."

**Motion by Krause to set a public hearing regarding Application #2006-06P.
Motion failed for lack of support.**

Corpe observed that cell tower requests undergo an extra review paid for by the applicant, wherein their siting data is reviewed by a third party on the township's behalf. If the site is the only one that will work for the company, the township will likely be compelled to approve it. If there are other options revealed by the independent RF study, there may be room for negotiation.

Carstens asked if the required study can be available in time for next month; Hull replied it would be our goal to have it ready. Mr. Erreca stated that an RF study should take approximately 2 weeks. It is Hull's recommendation that the application is complete enough to move forward in the process.

Vermetten asked if the matter of needed setback variances will be concurrently before the ZBA. Hull stated that in this situation it may not be necessary, as the ordinance appears to him to be written to provide the Planning Commission with the ability to grant the necessary waiver, similar to the ability the Commission has to vary parking space requirements. If a ZBA hearing is required it will be held in

parallel with the Planning Commission process. Carstens and Krause confirmed that the Commission seems to have the latitude to deal with the setback issue on its own. Hull also observed that if need be the public hearing can be continued.

Motion by Carstens, support by Krause to schedule a public hearing on SUP Application #2006-06P for the May 22 meeting. Motion carried by unanimous roll call vote.

4. Public Hearings:

- a) **SUP/Site Plan Application #2006-2P** by the Grand Traverse Resort & Spa for a Sporting Clay Facility and Clubhouse on land commonly known as “The Hoxsie Property” on the north side of M-72 approximately 600’ west of Bates Road and currently zoned A-1, Agricultural (note: this property appears not to be part of the Grand Traverse Resort PUD): Mr. Bateman began the Resort’s presentation. He asked that the application be continued for one month so that the Resort can review their design and perhaps make some changes to it. They have found they need more time to be fully prepared.

Morgan asked if there are individuals present from the Traverse Bay RV Park; a number of people raised their hands. She referred to the extensive packet of letters received from the public and applauded their participation in the public process.

Motion by Vermetten, support by Hardin to continue the public hearing regarding Application #2006-2P to the May 22 meeting.

David expressed concern that not everyone present this evening would be able to attend the next meeting; it was recognized by Sherberneau and Morgan that for every meeting there are people that can and cannot attend.

Hull paid a compliment to Kim Kouris of the RV park for the way she has worked with Hull and with her lot owners to represent their interests and concerns in an effective and appropriate manner.

Motion carried by unanimous roll call vote.

Denny Hoxsie asked if all of the public comments submitted are part of the public record; Corpe displayed the sheaf of papers and indicated that they would be loaded to the website for all to view.

The Chair declared a recess from 7:36 – 7:37 p.m.

- b) **Site Plan Review Application #2006-3P** by LochenHeath LLC for approval of Phase II of the LochenHeath Open Space Development located west of US 31 N and north of Dock Road pursuant to SUP #2004-6P: Russ Clark from R. Clark Associates provided a PowerPoint presentation. He briefly reviewed the configuration of the PUD portion of LochenHeath approved in 1998 and the Open Space Development section which received conceptual approval in 2005. within the latter the area subject to the current site plan review phase was outlined, and includes part of a proposed chain of man-made streams and lakes for both water management and aesthetics/recreation. Additional slides contained detail of the proposed lot, road and water feature layout. The only change from the conceptual approval has to do with lot size; the original amount of open space was suggested to be 57% and is now proposed to be 53%, which still exceeds the minimum 50% required by the zoning ordinance. A portion of the property is zoned R-2 residential and a portion agricultural. By right the zoning density would be 141 units;

as approved under the OSD ordinance the density is ultimately planned to be 409 units.

One slide depicted the existing topography, Mr. Clark remarked that the natural drainage pattern is generally to the west. There are still some orchard trees on the site; a letter is on file stating that Cherries R Us will maintain those trees during this harvest season and they will likely be removed afterwards. There are regulated wetlands in the southwest corner of the property which were determined during the OSD approval process to have conservation value and are being retained. The pictures also show the way the existing sewer lines run along the western areas of the site. Except for the cherry orchard there are few natural trees throughout the site. On the west side of the property there is a well setback area subject to an easement in favor of the Deepwater Point Condominium Association. A circle represents a 200' isolation zone from the wells themselves as required by the DEQ.

Troy Molby from Gourdie Fraser spoke regarding the existing watershed plan for the site. There is a ridgeline on the eastern portion of the site; some of the site has water flows to the north but most of the water runs to the west. The proposed watershed plan was also displayed, and shows that water that used to flow to the north will be diverted, collected and directed into the proposed man-made lakes. These lakes are required to be sized to handle a 25-year storm event but are being sized to handle a 100-year storm event. Mr. Molby stated that in the past the water running off to the north has caused flooding problems which will thereby be alleviated. An overall phasing plan was displayed, as was a soil erosion control plan that will employ silt fencing and berms. The lake will be one of the first features to be completed and will assist in managing potential erosion from other site work. A secondary containment area is also provided. Stormwater discharging to the new lake will be pre-treated to settle out sediments. Carstens asked if part of the 100-year volume will be taken up by the normal water level. Mr. Molby stated that the base level of the lake will be a depth of approximately 15', and a 100-year storm capacity will be provided in addition to that and released slowly into the environment. Carstens expressed concern about what could happen if berms surrounding the lake were to be breached, feeling that a catastrophic flood could occur. Mr. Molby stated that there is an emergency overflow feature built in, including a swale within the berm that by itself will be capable of containing a 100-year storm event. Carstens understands that runoff from roadways and catch-basins will run into the lake. Mr. Molby stated that road runoff will be collected by the curb and gutter system into pipes that lead to the lake through a sediment trap.

A utility plan diagram was displayed. LochenHeath is negotiating with the GT Band of Ottawa & Chippewa Indians for water service and plans to connect to the regional sanitary sewer system through a network of new gravity lines. Roadway cross-sections were displayed for 22' roads with 1' curb and gutter on each side throughout.

Mr. Clark discussed the landscaping plan, which was divided in to northern and southern halves. Each lot is required by ordinance to have one street tree, with corner lots to have two. Rather than placing the trees linearly along the roadway the applicant proposes to cluster trees in a more natural format while maintaining the required minimum count. The regional guidebook calls for use of primarily native trees or their cultivars rather than ornamental varieties and is being respected. Trees have also been placed in front of expected building sites to preserve views to the west across the terraced land plan.

David asked about the lakefront cottages proposed for the west side of the lake and whether they are included in phase 2. Mr. Clark stated that they are within the area that is to be graded for site 2 but that they are specifically not looking for approval for those units at this time. David is concerned that by approving the grading in phase 2 they are *de*

facto approving construction of those units. Zopf stated that the phase 2 SUP can state specifically that construction of these lots has not been approved and must be reviewed as part of a later phase. Hull noted that since the lots don't exist until specifically approved through site plan review this would prevent them from being built out prematurely. Mr. Clark also observed that no utility or road layout designs have been completed to serve that area.

Carstens asked how inspections of the lake will be performed. Mr. Molby stated that the Drain Commissioner has required an independent review of this project by a consultant from Grand Rapids. Vermetten drove through the site before the meeting and asked about the significance of the white posts he encountered. Mr. Clark stated that they are markers for proposed lot corners. Takayama expressed concern because the area used to be a cherry orchard and is becoming more lawn oriented. He asked if testing for nitrate loading has been performed to see what will happen to the planned lake and ultimately the bay. Mr. Clark does not believe that such testing has occurred, but does recognize that the land was an orchard for many years and there might be concerns in this regard. He noted again that the lakes and streams will contain a filtration system made up in part of natural biological materials/plantings. Takayama asked how the open space will be treated, whether left as a meadow or kept mowed and manicured. Mr. Clark stated that this is still under discussion, but at this time he believes it will be maintained as a meadow with mowing only two times per year to control noxious weeds and is not intended to be irrigated or manicured.

Krause asked if hydroseeding will occur after grading as soon as possible, and if plantings in the open space will occur during phase 2, and was answered affirmatively. Morgan asked if water quality testing will be done; Mr. Clark stated that unless otherwise required they will rely on the natural filtration process for now. Mr. Molby stated that LochenHeath views these lakes as an amenity, so there are deed restrictions being put in place to protect them from excessive nitrate loading from fertilizer use.

Krause asked Hull to discuss any items still lacking from the application. Hull stated that some agency approvals are outstanding, as well as firm agreement regarding provision of Tribal water and adoption of the proposed sewer ordinance currently under consideration by the Board of Trustees. We are also awaiting approval for township access to monitor conservation of the open spaces on an ongoing basis. Hull had also thought that perhaps the roads and other infrastructure should be reviewed and wondered if the Infrastructure Advisory would be the group to look at this if so, but has been informed that it would be more appropriate to have any engineering concerns reviewed by a third party engineering firm hired by the township after a bidding process. Carstens asked if one condition of the application could be a requirement that staff look into the question of soil/water contamination left over from orchard operations. He feels this is an important consideration, at least to have Hull ask an expert if further examination is warranted. Hull stated that he understands the township to have authority to make such a request, and that he further understands the previous owner to have been a careful environmental conservator that checked carefully into existing conditions before purchasing property.

Public Hearing opened at 8:11 p.m.

Charles Heffer, 7265 US 31 North, lives next to LochenHeath and asked about a holding pond constructed north of the Music House that currently drains into a pond on the Music House property. Is it temporary? It isn't shown on the proposed site plans. If it is eliminated, where will the water drain? Mr. Molby pointed out the location of the basin and stated that it is a permanent feature that will be enlarged. It does drain onto the Music House property, which is the natural and pre-existing drainage pattern for this area of the

property.

Steve Stinson, 7396 Peaceful Valley asked about the lakes that would contain the 100-year storm events and whether they would be constructed now or later. Mr. Molby stated that the long lake will retain a 100-year storm with slow release overland into a natural depression west of the lake. From there the water naturally travels into the existing regulated wetlands area. If there are back-to-back 100-year storm events the water would flow directly to the wetlands either under the existing natural conditions or after development. Mr. Stinson asked if the lake in this phase is sufficient to capture runoff even if no further development occurs; Mr. Molby said it is. Mr. Stinson asked some questions about the configuration of the sewer improvements, and about the details of the landscaping plan. Mr. Clark replied that the majority of the open areas will be left in a substantially natural state, with new trees clustered. Existing trees, particularly on the west edge of the property, will be left intact except where removal is necessitated by development.

Linda Wikle, 7174 Deepwater Point Road also lives near the development. She stated that 15 years ago her water was tested and it was already above acceptable levels for nitrates. She was affected when the golf course was developed and again by agricultural sprays on the trees. She feels that a baseline study of the soils and water is the only responsible course of action. Mr. Stinson stated that when the Resort originally proposed development of the property he was on a committee that created a database and took samples. Since the property didn't develop the project didn't progress, but it wouldn't be hard to do now. Back then the primary concern was golf course chemicals.

Ken Engle, 6754 Saylor Road stated that the white stakes are visible from the road. He recalls that when the conceptual plan was originally approved it was stated that only rooftops would be visible from the road, but he can see the entire height of some of the stakes. Mr. Clark stated that a portion of the LochenHeath OSD is within an identified protected viewshed. Their proposed plan calls for no units to be placed within the viewshed, which is at the southeast corner of the property. They still propose no units near the road in that viewshed, and placement of trees in that area will be minimal. They have received approval for a sign at that location that has not been placed yet. Mr. Engle asked a berm will be created where soils are currently being moved; there will not be one. Some houses will be visible from the road, but the primary view will remain protected.

Nels Veliquette, one of the previous owners of the property, stated that five years ago phase 1 and 2 environmental studies were performed on the site, revealing no concerns that would prevent the purchase of the property. He also stated that groundwater contaminants don't come just from golf courses and farms, but from individual homeowners fertilizing lawns and from septic tanks that are not properly maintained. Hull stated that studies have identified fertilizers from commercial and residential uses as being the key threats to the bay. Ms. Wikle stated that it was not her intent to make an accusation; she wanted to say that the water quality in the past has changed notably with the coming of spring. Also, previous removal of a significant number of trees has created a threat of greater soil erosion. Mr. Clark confirmed again that the natural trees along the western property boundary will remain in place. Mr. Engle asked if undeveloped portions of the site have some sort of cover crop on it that will consume excess nitrogen and serve as a natural mitigation mechanism. He suggested that this could be a township requirement for the site. Mr. Clark stated that right now there are generally orchard grasses from the previous orchard present to stabilize soils, but that this would be one possibility to plant rotating cover crops that would take up nutrients and further stabilize soils. Mr. Engle stressed that some cover crops would be better than others. Sherberneau asked Mr. Veliquette to reconfirm that no contamination was found on the properties,

which he did. David observed that nitrates will continue to be generated as the land is developed; it seems unlikely that they won't fertilize their lawns. They may collect in the lake. Mr. Clark stated that landowners will be permitted to maintain and fertilize lawns in a very limited area around each home, and will otherwise require natural grasses to remain in place as a transition from the area around homes into the general site areas. Mr. Stinson found some phosphorous and nitrates in some shallow agricultural wells in the area, but otherwise found no other contamination issues. He is a licensed pesticide applicator. Perhaps maintenance of a new database won't discover contamination, but it would provide a measure of comfort for landowners on Deepwater Point and Peaceful Valley that a baseline measurement exists in case of future concerns. Requiring the use of slow-release fertilizers is also a good environmental practice. More of it stays with plant roots rather than being washed through the soil into the aquifer quickly.

Larry LaSusa, 7754 Clearwater Court, asked how many acres are in phase 2; Mr. Clark replied there are approximately 124. The lake is approximately 8.5 acres, 1 million cubic feet of capacity. Will there be a phase 3 and what would it be? Mr. Clark pointed out the approved master plan for the entire site, noting that any deviations from it would require an amendment to the conceptual SUP before specific site plan approval could be sought. Markets change over time, but for now LochenHeath remains committed to the plan as previously approved. Mr. LaSusa infers from the site plan that LochenHeath believes it owns the wells previously discussed, whereas he believes that the Deepwater Point Condominium Association owns them. Mr. Molby opined that the township may own them. Mr. LaSusa wanted to make it clear that the Deepwater Point Condominium association believes it owns the wells and it specifically does not relinquish any rights to those wells that they may have. Mr. Clark displayed again the map showing the well isolation area. He stated a belief that only an easement exists to the wells and that LochenHeath owns the property, a belief supported by Mr. Molby. He believes Deepwater Point Condominiums has the right to maintain and use the wells on the property but that the land belongs to LochenHeath. LochenHeath does not plan to use these wells to serve their development, seeking instead to obtain water from the Tribe. Mr. LaSusa expressed a concern that if Tribal water is not obtained that LochenHeath will seek to draw water from these wells. Mr. Clark believes the capacity to serve LochenHeath does not exist, but Mr. LaSusa maintained his concern. He also expressed concern that no study of the impact on the Deepwater Point wells created by the proposed development has been performed. Mr. Clark stated that as things currently stand, water for the new phase of LochenHeath would have to be obtained either from the Tribe or from an expansion of the on-site water system created for the LochenHeath PUD portion.

Mr. LaSusa understands LochenHeath to be responsible for maintenance of the open space within their development. When he passed by recently he felt that the area near Clearwater Drive "looked like hell." Whether this condition was created by a previous property owner or the current one, he feels it would be wise for LochenHeath to clean up the site before they begin new development. Krause stated he was "intimately involved" in this issue when the Veliquette family cut down trees to sell off the timber. Residents of the area petitioned to have the area cleaned up and Mr. Gene Veliquette stated it would be cleaned up that fall. Krause reports that this was three years ago, and that he was "furious" over the situation. Perhaps there should be a condition regarding clean-up on any recommendation of approval. David asked Mr. LaSusa if he had been asking Mr. Clark if there were assurances from LochenHeath that their development would not harm the condominium association water source, but David didn't hear a firm response. Mr. LaSusa heard a commitment that water for LochenHeath will come from either LochenHeath wells on the PUD portion of the development or the Tribe. Mr. Clark stated that the proposed water source for domestic use will be from one of the two mentioned sources. Mr. LaSusa understands this to mean that LochenHeath won't tap into their well,

but has made no commitment as to whether or not their well becomes polluted. Takayama observed that the township is trying to bring municipal sewers to the LochenHeath site, which would have a significant positive impact in this regard. He feels it would be appropriate for the township to impose requirements that good environmental stewardship practices will be followed. Mr. LaSusa would like assurances that his water won't be affected by new development, Takayama sees this as a concern that all homeowners nationwide share whether the development is new or not. Morgan sees this as an opportunity to secure the water quality at its present levels.

Mr. Clark introduced Gary Dannemiller, CPG, a soils hydrologist retained by LochenHeath to assess groundwater contamination risks. He noted that there are public funds available for creating plans based on 10-year travel times for water, drawing a circle around a well that size and looking at potential contamination sources within that circle. The DEQ has oversight for Type I water systems relative to contamination statewide. This is why there are state restrictions, codes and requirements for water quality standards for such systems. Mechanisms exist for looking at outside contaminant sources. LochenHeath does not intend to create a problem for itself or its neighbors, "they will reap any harm that they sow." He stated that nitrates are not a runoff water problem, they are a groundwater problem. There are steep areas on the site and the surface water retention system should see little impact from chemicals since it will be buffered by natural rather than manicured grasslands. The main threat to them will be sedimentation. Further, the ponds will be lined so there will be no direct interchange of water with the aquifer. The well owners can contact the DEQ Wellhead Protection program for assistance. The wells may be within an easement on property owned by LochenHeath but are owned themselves by the Deepwater Point Condominium Association. They maintain the wells themselves and perform required quarterly testing; it is not performed by the DPW. Mr. LaSusa asked if there is a concern that once a problem is detected in the water tests it is already too late to do something. Mr. Dannemiller stated that there would be a gradual trend upwards in contaminant levels that could be detected in time for remediation.

Mr. Stinson asked if the DEQ would ask for test wells to be developed, or if existing private wells would be tested. Mr. Dannemiller stated that Type 1 public wells undergo DEQ required testing. Type 3 private wells are not required to be tested on a regular basis.

Mr. LaSusa recognized that LochenHeath would not intentionally create harm to the water supply, but asked Vermetten what it would take to make all contiguous landowners comfortable that they would be taken care of safely if their water supply is contaminated. Mr. LaSusa asked if the Planning Commission could impose a requirement that if the neighboring water supply is contaminated that the neighboring landowners be allowed to hook into the LochenHeath water supply at the same cost as other LochenHeath users. Vermetten expressed uncertainty on this point, noting that it would certainly be unusual. He does not know the details of the existing well. Mr. LaSusa stated that he would prefer to have an environmental analysis performed prior to approval. Zopf stated that conditions imposed have to be reasonable, which has been held by the courts to be limited to conditions on the property itself and not extending to neighboring properties.

Hull stated that the OSD Ordinance requires ongoing maintenance standards to be imposed by the township on an OSD applicant regarding the open space in the development to ensure that the land is not used as a dump for junk and/or hazardous materials. He observed that this requirement should have been met at the time conceptual OSD approval was granted. He also observed that the junk ordinance is enforced by our Sheriff's deputy. Hull also opined that the Commission should not argue from a position

of ignorance: “I don’t know, therefore I conclude...” He observed that the overall buildout density has already been approved. LochenHeath plans to obtain water from the Tribe and not from the localized aquifer. LochenHeath plans to use the regional sewer system rather than on-site systems, which curtails the likelihood of contamination. He believes that the only other potential pollution source is essentially gardening at the houses. He encouraged members of the public possessing relevant data on environmental conditions to provide it to him for review.

Tim Nyquist 7677 Clearwater Court, asked if there would be an opportunity for individual landowners to tie in to the LochenHeath water system based on where the lines are planned to run. Mr. Molby noted that in this phase the lines will not come within 300’ of the Deepwater Point wells. Mr. Nyquist stated that buildout of the 36 units in Deepwater Point is not complete, and it might be nice to hook into that system and not have to maintain the existing one. Mr. Clark observed that this would necessitate agreements with the Tribe, the source of the water, and LochenHeath.

Public Hearing closed at 9:01 p.m.

Krause believes the application is complete with the exception of a few items Hull noted, and may be passed along to the Board of Trustees subject to several conditions. David and Hardin concurred. Takayama asked if the OSD maintenance requirements are in place. Mr. Clark noted that the attorneys have drafted a section into the Master Deed stating that the homeowner association must maintain the open areas in accordance with township Zoning Ordinance standards. Each property owner signs onto this when they move in. This agreement applies to the entire OSD. Takayama interprets this to mean that the forest area where the outstanding “mess” exists should be cleaned up according to those standards. Mr. Clark also noted that a well will be drilled in LochenHeath to fill the lake and any additional lakes. All of the lakes will function on a recirculating system, with the wells used to replenish them if needed. The lakes will be able to retain a 100-year storm over and above the normal water level in them. Otherwise the Commission concurred with Krause.

Motion by Krause, support by Vermetten to recommend approval of Application #2006-2P subject to the conditions mentioned in the staff report dated 4/24/06 and one additional condition that the area of disturbed woodlands along Peaceful Valley Road be cleared of fallen timber.

Hardin asked about the on-site well to fill the lake, and if it will negatively impact water availability on Deepwater Point. Lake augmentation /irrigation wells drawing more than 70 gpm must have a state permit. If anyone believes their water supply would be thereby decreased, they need just call the state which will perform an on-site investigation within 48 hours. If a problem is found to exist one of three remediation steps must be taken. This law has been adopted within the past three years. When the well is installed the aquifer and the water pressure will be tested. They know that if there is a decrease in pressure the state will come in and take over the well.

Carstens asked if all of the appropriate conditions have been included in the motion, looking to Hull to see if all of his concerns have been addressed, which Hull indicated they had.

Mr. Clark repeated that the Planning Commission is expressing a requirement that a fallen timber situation created by a previous landowner be remediated by the current owner, and asking what the timeframe for this would be. It appears to be a large and expensive project. The area is along Peaceful Valley Road and characterized as being not

extensive by Krause. Jim Maitland, one of the owners of LochenHeath stated that it has always been their intention to make future improvements in that area. He expressed concern that cleaning it out might cause more damage to the remaining trees, and suggested that a group be formed to work cooperatively to come up with a plan for improvement.

Motion amended by Krause, with support by Vermetten, to remove the condition regarding the remediation of the wooded area.

Motion carried by unanimous roll call vote.

5. Public Comment/Any other business that may come before the Commission:

Jay Zollinger, 4232 Williamston Court, addressed the proposed cell tower. He asked if the township can require design of the towers to camouflage towers, which it can. He also asked if co-location of other antennae can be required; Hull responded that the township encourages co-location to the fullest extent possible.

Andy Andres, Jr. stated that when considering location of the tower it should be remembered that the proposed site is within the proposed New Urbanist project area.

Jim Maitland noted that Whitewater Township is installing a tower and will be receiving rentals of \$1,000/month. They can be a good revenue source.

Morgan thanked the community for the opportunity to be of service and her fellow commissioners and the staff.

Meeting adjourned at 9:18 p.m.