

VEVAY TOWNSHIP PLANNING COMMISSION  
Regular Meeting  
Wednesday, September 5, 2018  
Vevay Township Hall – 7:00 p.m.

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MINUTES

**Members present:** Jack Cady, John Lazet, Pattie McNeilly, Jim Minster, Bruce Walker, and Al Winters.

**Members absent:** Chris Lewis.

**Other Persons present:** Supervisor Jesse Ramey and legal counsel David Revore.

**I. Call to Order:** The meeting was called to order at 7:00 p.m. by Chair McNeilly.

**II. Pledge of Allegiance**

The audience joined the Commission in reciting the Pledge of Allegiance.

**III. Set/Amend Agenda**

Added to “Approval of Minutes” was the minutes of the special meeting, August 29, 2018.

**IV. Approval of Minutes: Regular Meeting of August 8, 2018, and Special Meeting of August 29, 2018**

Regular Meeting of August 8, 2018: amend page 1, “Members Absent”, by inserting after the name “with notice”.

Special Meeting of August 29, 2018: amend page 1, “Members Absent”, by inserting after the name “with notice”.

**MOTION Cady, seconded by Winters, to approve the August 8, 2018, Regular Meeting minutes as amended.**

**CARRIED 6-0.**

**MOTION Minster, seconded by Winters, to approve the August 29, 2018, Special Meeting minutes as amended.**

**CARRIED 6-0.**

**V. Brief Public Comment**

There was no public comment.

**VI. Reports**

A. August 2018, Building/Zoning Report

The written report indicated that there were three building/zoning permit actions, involving construction of a pole barn, construction of a new home, and a renewal of a new home permit. Three violation/attorney letters have been sent, regarding living in a trailer next to a residence in need of significant repair (repairs have started), an unauthorized business on Barnes Road (no longer active), and a violation of junk in the front yard (civil suit filed).

#### B. Solar and Glare Information

Commissioners earlier received a document published by the U.S. Department of Energy addressing glare from solar arrays. Zoning Administrator Ramey noted that it was for informational purposes, as previously requested by the Commission.

### **VII. Pending Business**

#### A. Special Land Use Permit Application from John Fischer/Majestic Land LLC for sand/gravel Mining Operation at W Barnes and Kelly Roads

This application had been discussed in August, and the Commission noted several changes that needed to be made to both the SLU permit application and the site plan. Mr. Fischer has made the recommended changes and re-submitted the application.

Mr. Fischer – the DEQ has informed him that all wetlands have been appropriately delineated, and no wetlands permit is required. The soil erosion permit from the Ingham County Drain Commissioner is still in process.

Mr. Fischer – in response to questions – not all wetlands areas on the entire property have been delineated, as he only requested mining a small portion of the properties. The site plan does indicate the 100-year flood plain. The area proposed to be mined has been reduced from about 20 acres to about 11 acres. The former tributary to Mud Creek that ran from the SE to the NW of the parcels is no longer there; there was discussion of it possibly having been a drainage ravine developed by the prior operator. He again verified that note 1 does not refer to regular pumping and there will be no dewatering, only pumping of rain-filled areas in process of being mined. The Commission noted that if he sells the property and a new owner wants to mine below the water table. It will not be permitted by this SLU permit. While note 5.3 indicates the crusher is listed as having a decibel rating of 120, he is unaware of any noise regulations either at the federal or state level. There is a ridge between the proposed crushing operations and nearby residences; there are also mature trees around the area where crushing operations are to occur.

Mr. Fischer - in response to questions – previous operations removed about 3 million tons of material; he's proposing to mine about 300,000 tons. All setbacks meet the Ordinance requirements. Mining will stop about 12-18 inches above the water table, which fluctuates, but all final grades will be above the water table. The DEQ has been told he will not be mining below the water table. Regarding note 11 - The 60 truck per day limit is approved by the Ingham County Road Department and reflects an absolute ceiling for the anticipated number of trucks. A gravel train can haul about 50 tons.

Mr. Fischer - in response to questions – the northern stockpile area will not be utilized. It's currently a hay field and will be used for recreational purposes. The Native Upland Seed Mix for

reclamation and rehabilitation is a standard mix used around the state that doesn't require mowing and prevents erosion. This mix reduces maintenance, is drought tolerant, and attracts wildlife. There will be no fuel tanks on site. They will likely work for a month, stockpile materials, and only mine when stockpiles need to be renewed. They anticipate mining about 2000 tons of material per day. All fueling trucks have spill response kits, which are of the type utilized around the state. It was noted that a gallon of fuel can contaminate up to 1,000,000 gallons of water. The applicant was asked to provide a written document detailing how fueling operations would occur and how a spill would be addressed.

#### 1. Gravel Mining Consultant Proposals

Commissioners earlier received two proposals to assist the Commission in considering the gravel mining SLU permit: from McKenna Associates and from Bauer-Ford Reclamation.

COMMISSION – had discussion on bringing in a consultant essentially to advise the Township not only on what Commissioners don't know, but also to advise about matters which the Commission might not even consider. In response to a comment that the Ordinance does not specify hiring a consultant, legal counsel advised that the Commission can utilize whatever process it deems necessary to obtain all the information required to fully consider a SLU permit application/site plan. Using or not using a consultant for a particular application is not necessarily a precedent that binds future Commission deliberations.

COMMISSION - given the limited size and scope of this mining proposal, the history of mining on this site, and as mining will not occur below the water table, the Commission decided to not utilize an outside consultant for this SLU permit application.

#### 2. Special Land Use Permit Application #18-01 REVISED (set public hearing)

**MOTION Minster, seconded by Cady to schedule a public hearing on SLU permit application 18-01 (as revised, dated August 17, 2018) during the regular Commission meeting on October 3, 2018, at 7:00 pm.  
CARRIED 6-0.**

#### B. Consider Amendment to Zoning Ordinance, Chapter 16, Special Land Use

COMMISSION – had discussion on the draft document previously distributed. Comm. Lazet will email to all Commissioners the list of agreements previously reached with the proposed development of the Tear Mine on Barnes Road, and the public comments from the minutes of the last approval of the Crazy C SLU permit renewal. Commissioners were asked to provide all comments and changes to Comm. Lazet by Friday, Sept. 14, who will prepare a new working document for discussion.

### VIII. Any Other Business

No other business was discussed.

**IX. Additional Public Comment**

There was no public comment.

**X. Adjournment**

There being no further business, the meeting was adjourned at 9:04 p.m.

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John Lazet, Secretary