

VEVAY TOWNSHIP PLANNING COMMISSION  
Regular Meeting  
Wednesday, April 3, 2019  
Vevay Township Hall – 6:30 p.m.

---

MINUTES

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

**Members absent:** Bruce Walker was excused by voice vote.

**Other Persons present:** Legal counsel David Revore.

**I. Call to Order:** The meeting was called to order at 6:30 p.m. by Chair McNeilly.

**II. Pledge of Allegiance**

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

**III. Set/Amend Agenda**

The agenda was amended to approve the March 27, 2019, special meeting minutes.

**IV. Approval of Minutes: Special Meeting of March 27, 2019**

Regular Meeting minutes of March 6, 2019 – another amendment was found to be needed, and so these minutes were again amended and approved as follows: amend page four, at the end of the first line, by changing “or” to “for”.

**MOTION Lewis, seconded by Winters, to approve the March 6, 2019, Regular Meeting minutes as amended.**

**CARRIED 6-0.**

**MOTION Cady, seconded by Winters, to approve the March 27, 2019, Special Meeting minutes as presented.**

**CARRIED 6-0.**

**V. Brief Public Comment**

There was no public comment.

**VI. Reports**

Commissioners had received the report, indicating no building permits requested, and six pending complaints, including: three junk in front yards, trash on property, metal roof coming off of a barn, and a query on the status of the rail crossing at Barnes and Eden Roads.

Legal Counsel – noted that the Township had been in court on March 18 over the blight suit on cleaning up 3243 Kipp Road. The defendant did not show, and the Township was awarded partial attorney fees. The Township may take whatever actions deemed necessary to abate the nuisance. Supervisor Ramey is finishing contact with the property owner.

## **VII. Pending Business**

1. Site Plan Review Request from Byron Russell of Russell Holdings LLC for Solar Arrays @ 980 Eden Road and Russell Mason Rentals LLC @ 959 Eden Road, Mason

980 Eden Road –

The Commission reviewed the various Ordinance requirements as reflected in the submitted documents, and several questions were asked of Mr. Bob Randolph of Quality Solar, and property owner Byron Russell.

### 1. SSES Authorization, Review and Approval Procedures:

a. An SSES is an authorized accessory use in all districts. SSES mounted on the ground by way of posts or other support structure mounted on or in the ground shall be subject to Planning Commission approval, upon the receipt of a complete application and the Planning Commission finds that the application complies with the standards of this subsection (A). – Conditions met as noted below.

b. An application for a SSES need not include a site plan prepared according to Chapter 14, but the application shall include a scaled property line survey showing north arrow; property dimensions, bearings, lot area, legal description, and parcel or lot number; the location and footprint of existing driveways, buildings and structures and distances of buildings and structures from lot lines; existing public and private right-of-ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within 100 feet of a shared lot line. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section. – Conditions met. The lot area of 7.288 acres was added to their application.

### 2. SSES General Provisions

a. Mechanical equipment, excluding solar panels, shall be screened from view from public streets and any property within a designated Agricultural or Residential District, by a masonry wall, evergreen vegetation or other screening measure of a similar effectiveness and structural integrity. – Conditions met. The substantive existing vegetation to the north, west, and south, and the existing building to the east were deemed sufficient screening to meet the Ordinance requirements.

b. Solar energy system equipment, excluding solar collection panels, are prohibited in a front yard and may be installed in a required side and rear yard setback but shall not be located within ten (10) feet of a lot line. – Conditions met as all of the arrays will be in the side and back yards.

c. Solar collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the Zoning Administrator may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads. – Conditions met, as noted in the application’s appended analysis of solar glare.

d. Solar collection panels shall not cause the district’s maximum lot coverage standards to be exceeded. Where solar collection panels are to result in an increase of 8,000 square feet or more of impervious surface, the application shall include a drainage plan prepared by a registered civil engineer showing how storm water runoff will be managed so as not to encourage erosion or additional drainage upon adjacent properties, and the flooding of drainage courses serving the property including roadside ditches. – Conditions met. The Commission noted that the panels do not create an impervious service as all of the drainage falls onto unpaved ground; the only impervious service would be the footings themselves, which are measured in single digit square feet of coverage.

a. If detergents are to be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and storm water quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. – N/A.

#### 4. Ground-Mounted Systems

a. Ground mounted solar collection panels shall comply with the standards for accessory structures for the district in which the panels are to be located except that in no case shall the panels exceed fifteen (15) feet in height in a designated Agricultural or Residential District. – The height restriction is not applicable as the parcel is zoned Industrial. All other conditions for accessory structures are met.

b. In the case of a ground mounted solar panel(s) located on a lot that is adjacent to a lot in a designated Agricultural or Residential District, a minimum twenty (20) foot wide greenbelt shall be established between the panel(s) and all lot lines. On any side of the panels, the greenbelt shall be of a length equal to the length of the panel(s) plus an additional twenty (20) feet at each end of the panels so as to screen the panel(s) when viewed from an angle. The greenbelt shall be planted with one (1) evergreen tree per twenty (20) linear feet of greenbelt and such trees shall be spaced no less than fifteen (15) feet and no greater than twenty-five (25) feet apart. In addition, three (3) shrubs shall be located between the spaced evergreen trees. Shrubs shall be a minimum height of three (3) feet at the time of their planting. Trees shall be a minimum height equal to seventy-five percent (75%) of the height of the panel(s). Required greenbelts need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line. All plants material shall be maintained in a healthy condition to provide the necessary screening.

1. A greenbelt shall not be required along any side of ground-mounted panels where such side is a minimum distance of 150’ from the lot line to which it generally faces. In addition, the Planning Commission may permit a maximum fifty percent (50%) reduction in the number and size of shrub and tree plantings where the adjacent property is vacant and not

likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make typical screening requirements ineffective or otherwise unnecessary. – Conditions met. Given the existing substantive vegetative screening planted for previous developments, screening was deemed to be sufficient and not need any further plantings.

**MOTION Lewis, seconded Minster, that: the application is complete; all appropriate documents listed in Section 3.27 have been submitted in appropriate form; screening is sufficient; arrays will be not be located in the front yard, but the back and side yards; there would be no glare directed onto the road or other properties; lot coverage limits are not exceeded; the proposed footings are in compliance with Zoning Ordinance requirements; the proposed height would be under the 45 foot allowable maximum for the Industrial District; and that the application is hereby approved as submitted with the addition of the lot area added tonight.**

**CARRIED 6-0.**

959 Eden Road –

The Commission reviewed the various Ordinance requirements as reflected in the submitted documents, and several questions were asked of Mr. Bob Randolph of Quality Solar, and property owner Byron Russell.

1. SSES Authorization, Review and Approval Procedures:

a. An SSES is an authorized accessory use in all districts. SSES mounted on the ground by way of posts or other support structure mounted on or in the ground shall be subject to Planning Commission approval, upon the receipt of a complete application and the Planning Commission finds that the application complies with the standards of this subsection (A). – Conditions met as noted below.

b. An application for a SSES need not include a site plan prepared according to Chapter 14, but the application shall include a scaled property line survey showing north arrow; property dimensions, bearings, lot area, legal description, and parcel or lot number; the location and footprint of existing driveways, buildings and structures and distances of buildings and structures from lot lines; existing public and private right-of-ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within 100 feet of a shared lot line. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section. – Conditions partially met. The lot area of 3.75 acres was added to the Township copy of their application. It was discovered through questioning that there is an improper north lot line on the diagram for placement of the array, and the description of the array itself has changed since submission of the application to the Township. The applicant agreed to submit a new diagram removing the north lot line and replacing it with the correct lot line, and also changing the description of the array to match the expected installation.

## 2. SSES General Provisions

a. Mechanical equipment, excluding solar panels, shall be screened from view from public streets and any property within a designated Agricultural or Residential District, by a masonry wall, evergreen vegetation or other screening measure of a similar effectiveness and structural integrity. – As the array will be more than 150 feet from the west, south, and north boundaries, no screening is required on those sides – see below. As the array is within 150 feet of the east boundary, screening will need to be planted or installed.

b. Solar energy system equipment, excluding solar collection panels, are prohibited in a front yard and may be installed in a required side and rear yard setback but shall not be located within ten (10) feet of a lot line. – Conditions met as the array will be in the back yard.

c. Solar collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the Zoning Administrator may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads. – Conditions met, as noted in the application’s appended analysis of solar glare.

d. Solar collection panels shall not cause the district’s maximum lot coverage standards to be exceeded. Where solar collection panels are to result in an increase of 8,000 square feet or more of impervious surface, the application shall include a drainage plan prepared by a registered civil engineer showing how storm water runoff will be managed so as not to encourage erosion or additional drainage upon adjacent properties, and the flooding of drainage courses serving the property including roadside ditches. – Conditions met. The Commission noted that the panels do not create an impervious service as all of the drainage falls onto unpaved ground; the only impervious service would be the footing itself, which is measured in single digit square feet of coverage.

a. If detergents are to be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and storm water quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. – N/A.

## 4. Ground-Mounted Systems

a. Ground mounted solar collection panels shall comply with the standards for accessory structures for the district in which the panels are to be located except that in no case shall the panels exceed fifteen (15) feet in height in a designated Agricultural or Residential District. – The height restriction is not applicable as the parcel is zoned Industrial. All other conditions for accessory structures are met.

b. In the case of a ground mounted solar panel(s) located on a lot that is adjacent to a lot in a designated Agricultural or Residential District, a minimum twenty (20) foot wide greenbelt shall be established between the panel(s) and all lot lines. On any side of the panels, the greenbelt shall be of a length equal to the length of the panel(s) plus an additional twenty (20) feet at each end of the panels so as to screen the panel(s) when viewed from an angle. The greenbelt shall be planted with one (1) evergreen tree per twenty (20) linear feet of greenbelt and such trees shall

be spaced no less than fifteen (15) feet and no greater than twenty-five (25) feet apart. In addition, three (3) shrubs shall be located between the spaced evergreen trees. Shrubs shall be a minimum height of three (3) feet at the time of their planting. Trees shall be a minimum height equal to seventy-five percent (75%) of the height of the panel(s). Required greenbelts need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line. All plants material shall be maintained in a healthy condition to provide the necessary screening.

1. A greenbelt shall not be required along any side of ground-mounted panels where such side is a minimum distance of 150' from the lot line to which it generally faces. In addition, the Planning Commission may permit a maximum fifty percent (50%) reduction in the number and size of shrub and tree plantings where the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make typical screening requirements ineffective or otherwise unnecessary. – As noted above, the only screening required is on the east side. As the Ordinance allows for screening to be shifted away from panels to accomplish screening, the Commission directed that screening be placed to shield the array from the adjoining residential use on Tomlinson Road, shifting plantings to the south of the array. The Commission also exercised its discretion to reduce plantings by up to 50% as the only residential use to the east is many hundreds of feet from the proposed array. Accordingly, the Commission determined that screening requirements are fully met when the applicant plants two trees and two shrubs in a manner that screens the array from the residential use to the east of the parcel and on Tomlinson Road.

**MOTION Winters, seconded Lewis, that the application is conditionally approved pending the receipt by the Township of a new survey page that shows the accurate north lot line and removes the north lot line on the submitted map, accurately describes the solar array, and indicates where the discussed greenbelt on the east property line will be located. With this submission, the application is deemed to be complete; all appropriate documents listed in Section 3.27 will have been submitted in appropriate form; that as there is no mechanical equipment other than the panels and the co-located equipment; that no additional screening is needed beyond the requirements for the east side; that it will be not be located in the front yard, but the back yard; that there would be no glare directed onto the road or other properties; that it would not exceed the lot coverage standards; and the proposed height would be under the 45 foot allowable maximum for the Industrial District.**

**CARRIED 6-0.**

#### 1. Gravel Mining Ordinance

Commissioners had previously received from legal counsel an amended draft Zoning Ordinance amendment, reflecting the changes discussed during the Special Meeting on March 27, 2019.

Dust control was discussed, and language from the state of Michigan administrative rules governing fugitive dust (R 336.1901) was considered; legal counsel will incorporate the

appropriate wording. Also discussed was water management, enforcement, depth of topsoil in reclaimed areas, and various other highlighted provisions in the proposed amendment.

2. Zoning Ordinance Possible Amendments

This item was tabled for the evening.

**VIII. Any Other Business**

No other business was discussed.

**IX. Public Comment**

There was no public comment.

**X. Adjournment**

There being no further business, the meeting was adjourned at 8:32 p.m.

---

John Lazet, Secretary