



**CALL TO ORDER:**

Chairman Hinkle called the meeting to order at 7:00 pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** (taken by Jere Hinkle due to composition of the Board at this time):

Members present: Jere Hinkle, Lacey O'Quinn, Nancy Prindle and Jim Ducey

Members Absent: Tom Brennan, Jim Warbritton and Ken Elliott

Also present Doug Lammers, Township Zoning Administrator, Chris Atkin, Township Planner from Carlisle/Wortman, Gary Adams from Dakota Real Estate, Jeff Burrell from Target Trucking and Joe Maynard from Washtenaw Engineering (Engineer for Target Trucking) and 48 people from general public.

**APPROVAL OF AGENDA:**

Moved by Ducey and supported by O'Quinn to approve the agenda. All ayes, three absent, motion carried.

**APPOINTMENT OF NEW SECRETARY TO REPLACE ROGER MEMMER:**

Hinkle took a few moments to recognize out-going Commission Member and Secretary, Roger Memmer and his appreciation working on the Commission with him for his three (3) terms of service to the community now, as well as previously serving in the early 2000's.

Moved by Hinkle and supported by Prindle to appointment Ducey as the new Secretary to the Commission. All ayes, three absent, motion carried.

**APPROVAL OF APRIL 18, 2019 MEETING MINUTES:**

Hinkle and O'Quinn were the only two Commission Members present at the April 18, 2019 meeting. Tonight's meeting is Prindle and Ducey's first official meeting as Commission Members.

Moved by Hinkle and supported by O'Quinn to approve the April 18, 2019 minutes. All ayes, three absent, motion carried

**FINAL SITE PLAN REVIEW CEDAR KNOLL PROPERTY – CASE #19-03-0002:**

A preliminary site plan was approved at the April 18, 2019 meeting pending completion of six (6) conditions noted by the Commission. Gary Adams, representing Dakota Real Estate provided revised site plans that reflected all six (6) concerns now being met.

1. Parking in front of the building (Addressed on updated site plan.)
2. Handling and/or treatment of liquid and solid waste materials (All waste materials will be handled internally.)
3. The nature of property ownership by operator
4. The type and location of proposed outside storage (The location was addressed on updated site plan. All dumpsters will be screened.)
5. Fencing (Addressed on updated site plan.)
6. Lighting

In addition - The Drain Commissioner's approval (a standard approval letter was received) was obtained and the site plans were reproduced per scale mandated in ordinance. Adams provided all requested information and updated the new Commission Members on the plan – It will be a 27,000 square foot

manufacturing plant of heavy equipment (truck cranes and booms), and will create 60 new jobs. Discussion followed regarding the manufacturing, machining, processing, welding & assembly of materials (no screw machines or lathes will be used). Lammers noted that a partnership was looked at between Adams and the Township for running water lines to the facility, but after the Ripstra study came back with an estimate to implement of \$1M, the idea was discarded.

Moved by O'Quinn and supported by Ducey to approve the final site plan for Dakota Real Estate Case #19-03-0002. No further discussion. All ayes, three absent, motion carried.

**PUBLIC HEARING – BOHNE RD GRAVEL PIT – CASE #19-04-0005:**

This case is for a five (5) year renewal of a Special Land Use, Section 14.07 HH, removal and processing of topsoil, stone, rock, water, sand, gravel, lime and other soil or mineral resources by Target Trucking 13598 Bohne Rd, Grass Lake MI 49240

At 7:17 pm Chairman Hinkle made a motion, supported by Ducey to close the regular meeting and to open the Public Hearing. All ayes, three absent, motion carried.

- A. Applicants Request: Mr. Maynard from Washtenaw Engineering provided a brief overview of the property. Gravel drive with an entrance on Bohne Rd., has a large area of concrete from previous owner that is in the process of being removed, then a work area for separating the stone, sand & other materials on site, wash pits where the gravel is filtered out through swale into a sediment pond, with about a 5 acres wetland which will not be touched, an area to the north with a large row of trees and trees on the south. There will be a proposed berm and fencing along Sager Rd.
  
- B. Township Planner's Review: Mr. Atkin from Carlisle/Wortman asked about the progress made in the last 13+ months, about the reclamation plan and the questions and issues that have been raised to date. He then stated the DEQ reports would have to be submitted regularly to the Township, he asked about the dust control issue (Mr. Burrell responded he was working with the County) and if the hours of operation had been changed? (Mr. Burrell responded that they had). Mr. Atkin then reviewed nine (9) conditions with Mr. Burrell and Mr. Maynard to check the current status of each condition that the Township had set forth in a "Gentleman's Agreement" signed on 3/21/18.
  - 1. Performance Guarantee for restoration of land was received. (Was the 3<sup>rd</sup> party expert's opinion also received?) Target has submitted a plan, but there were some items that still needed to be addressed.
  - 2. Has any erosion or alteration of existing drain patterns occurred? "No, taken care of with DEQ"
  - 3. Are you working with JDOT on any changes to route(s)? "Yes, there's documentation."
  - 4. Have you adjusted your operating hours to reflect 7 am to 6 pm Monday thru Saturday with gates not open more than one hour prior to 7 am? "Yes". And there will be no extraction operations on the specified holidays? "No"
  - 5. Dust Control - Burrell has records & receipts from chloride company that's been coming out and JDOT has been spreading brine and in between those times Target is taking care of it on site. Gravel has been put up towards the front as a mud mat so not tracking dust and dirt onto Bohne Rd. Question of where the water is coming from. Some water is brought in by water tankers and there is also some on site water being pumped.
  - 6. Continual trucks leaving & weight requirements – all trucks are scaled when they go in and out.
  - 7. Posting of Phone Numbers – a sign has been put up front with a phone number on it.

In addition, all licenses and permits from the State have been received and will be turned in tonight. Lammers recapped the meeting he and Hinkle had with John Enos, from Carlisle/Wortman, in preparing for this meeting and to ensure that Bohne Road compared to Norvell Road.

- C. Public Comments: 20 letters or/emails were received at the Township, and put as part of the record, opposing the renewal of the SUP. An additional 20 people spoke in opposition at this meeting. The majority of those that spoke were direct neighbors of the gravel pit. Concerns that were addressed included (in no particular order):
- a. No trees on berms
  - b. Operating outside of agreed to hours. Open on Sundays and extracting late into the evening.
  - c. Number of trucks coming in and out and overloaded
  - d. Dust & dirt
  - e. Noise
  - f. Loss of quality of life – cannot go outside
  - g. Unable to open windows (like living in a fish bowl)
  - h. Health issues
  - i. Inconsistencies for requirements for them compared to L & L ie, lack of studies
  - j. Wetlands
  - k. Oil in their pond
  - l. Water
  - m. Lack of enforcement
  - n. Township should make sure permits are up to date
  - o. Lack of appropriate notice to all affected property owners
  - p. Wolverine pipeline
  - q. Setbacks for berms
    - i. Right outside of people's houses
    - ii. No Right-of-Way for potential power line issues
  - r. Traffic

At 8:40 pm Hinkle moved and O'Quinn supported to have the Public Meeting closed and the Regular Meeting re-opened. Due to contentious outbursts from the public, regular meeting was not actually convened until 8:44 pm.

#### **NEW BUSINESS – BOHNE RD GRAVEL PIT – CASE #19-04-0005:**

##### ***Ducey***

I would like to talk to you about the items that were on the handshake & subsequent 9 items that were brought with us. It's my understanding that you were to provide trees on those berms. That has not been done. "No." Are you going to provide this? "Yes." When. "We were waiting to see when the approval was done" WHEN? If we approve it today will you do it tomorrow? I want definite. "You want definite? It will probably be towards fall." That's not a good answer. You've listened to 5 years of complaints. I want to know why it wasn't done. You've asked us as the township to support you, now you have to put in your dimes worth. Where is it? "We were waiting for our approval process." No, that was all done a long time ago, there was a handshake, you agreed to that handshake deal in 2018. You've had all year. I haven't seen fences, I haven't seen trees, I haven't seen dust control. I go down that road every day. Needless to say, I understand what these people are saying. We need to have a commitment from you going forward or there will be penalties. And the penalties are, we shut the door. Now that's not guaranteeing anything and I'm not saying we're going to approve it, I'm looking at you in the eye and I expect that *you* fulfill the obligations. You've had a year and it hasn't been done. I heard what he said earlier, I looked at the 9 points and I'm disgusted with the fact there hasn't been anything done. When I read the information they gave me to get me up to speed, I was embarrassed to read, and then go out and visit by driving by... and seeing the violations haven't been touched. So Nancy & I are new tonight, this conversation that's going on right now, and there's going to be more of it will help in us determining a yea or nay. Quite frankly there's a couple of people missing I wouldn't want to ask for a vote of approval for disapproval without those other members here. But the people that are still here need to know that this is not done. This has not been approved. That's why we're having this meeting. That's why we have the open session. Was to hear from you. I read every letter today, documented them all, made notes on them all and I was appalled to think that this has been going on this long. I don't see any guarantees, I don't see

any trust, and until you can demonstrate something, your word is not what I'm seeing out there, your actions are and they're not true to your word. Now I don't know if you have other people you have to go to or what, but there's no reason you can't start putting up trees tomorrow okay? And that you can't take care of the dust. The road is very deteriorated from the trucks and it's full of dirt. I haven't seen a truck go out there and water it down or get any of the dust off the road. There are other companies with tandem trucks that work to keep the dirt down. They're out there spraying, they're taking care of business, they're doing what they said they were going to do. If you want to continue to do business here, you're going to have to step up, it's that simple. **O'Quinn** – I support everything Jim just said.

### **Prindle**

- The PC has seen no documentation on what was discussed with the planner. We need real data, what are the dust controls etc. None of that has been presented to us so it would be impossible to make any decisions on whether or not you're in compliance with anything at all.
- Permits and reports must be current and include expanded area.
- One requirement not listed, but would like to see on the site plan is the findings from the 3<sup>rd</sup> party expert opinion on reclaiming and what would an appropriate bond be? She heard there was perhaps a \$52K bond and would like to see one at least four (4) times that to see that the property is properly reclaimed.
- How long do you intend to operate? This gravel pit has been in operation for at least 15 or 20 years. They don't go forever. Target needs to state how long they intend to operate as a pit.
- What is your supposed truck route? Should really be taking the shortest distance to highway and compliance with weight limits. It's not appropriate to go down Mt Hope with 4 subdivisions coming off of it trying to go to work, and Bohne Rd towards Mt Hope is more densely populated and trucks going too fast. Or go down Francisco if you're going east on I94.
- Is there a legal set back for berms? Seems inappropriate to put so close to homes. They should be moved further away so they could potentially enjoy their back yards if the dust is remediated. People have a right to enjoy their property.
- PC needs to look at changing the operating times Mon-Fri only and let people enjoy their weekends? Saturdays must be approved as needed.
- Are these old permits from the DEQ? "No, they're new permits". Would be good to see them. "We had HAVE them to drop off tonight".
- How big is the "pond"? "In the end period, it will be about 5 acres." Isn't it correct you would need a lake permit if you went beyond 5 acres? "We would need a separate DEQ permit to go beyond 5 acres." Are you anticipating that to happen? "Not at this time."
- Whatever was required of Norvell Rd should be required of Target and I don't think that's the case.
- Road bond should be put into place, residents should not have to pay for damage to roads, which is currently what we do.
- Permission is optional to grant access to property. Would the Zoning Enforcement Officer need to have permission to access the property? "Would just need to make an appt because it's an operating facility with heavy equipment."
- App states just extracting "sand" is that true? That's all you intend to do on the site? "Sand & gravel." But there *has* been other material brought onto the site so that will stop? "Not if we're putting the berms in". Because that's not stated here. This application states the proposed operation is the extraction of sand only. You need to make it clearer what you intend to do so we can make appropriate decisions.
- SUP's should be pushed out 90 days in the future, not 30.

**Hinkle** – the concrete that's there now, is that in the process of being broken up or being removed? "yeah". Audience - Do you intend to break it and turn it into gravel or just remove it from the property? "Turn it into gravel". **Prindle** - On the site? You're going to be crushing it on the site? "Yes". **Hinkle** – How much crushing do you anticipate doing? Number of days? "2 or 3 weeks". Would it be possible to get a report of the history for the past 2 years of loads that you've processed out of there? Some of the letters said that you run 32 trucks an hour through there... Could you just give us a history of an average weekly and a peak day? "We've got a report that MSHA gets a report on that". Could that report be

made available to us? I'd like to see verification. When you crush on the site, do you have a crusher on site? "A portable crusher". Does it stay there all the time? "No, permits are pulled from the DEQ on that also". Contentious comments from audience. Discussion with Planning Commission members and request for audience to stop interrupting. More audience comments". **Hinkle** - How often does the DEQ come on the site? "They show up a couple of times a year, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA) shows up a couple of times a year, MDOT shows up a couple of times a year. They don't tell us when they're coming, they just pull in. They're scheduled that they will be back in September for air monitors and noise monitors. We just had some inspections done last week." Discussion on what's looked at by these agencies when they inspect the site. Do they ever give you a report after they leave the site? "They'll do a report". Burrell does not have any historical reports from any of the agencies that he's aware of. Ducey requested from Lammers if he could check with the various agencies and see if reports are available. Lammers would have to call and ask. Discussion on importance and helpfulness of reports, especially the noise reports to verify the contentions of the complaints, so the PC can deal with facts.

Discussion on Reclamation. **Hinkle** – Do you have to rehabilitate the part of the property that's not in your possession? The scale house and that Zenz still owns? "We would, yes". So you would rehabilitate the whole rectangle there and not the jagged piece of property that you own now? "Yes". And does that rehabilitation estimate price of \$1.60 or \$1.70 per square yard apply to *anything* that's been disturbed? "Yes". Scale house... any disturbed property. **Ducey** – Well you've opened that up behind that section that goes up to Sager Rd right? "Yes and some of that is on schedule to be reclaimed this summer to this fall. We try to reclaim as we go". **Hinkle** – What's the status on the west side of the property? Is that pretty much mined out and you're using that for... "That's where all the equipment is" for staging. What's the status of the processing of the median barriers? "Those are all gone, there's probably 20 there that we leave for safety reasons". Is there any plan on them coming back? "No".

Discussion of MSHA AND MDOT agency monitoring. "The purpose of the visit that they just did was to get the employee's names, safety information, types and serial numbers of the equipment. They'll come back and they'll expect to see that. And then we turn in a quarterly report to show that was the stuff used." Has there been any monitoring of silica dust? More of an issue with the silica if there's crushing. There's not supposed to be any crushing on Bohne Rd at all.

Discussion of DEQ visit to Bohne Road pit in August of 2018 after resident complaint involving wetlands. Findings are said to be that the water is flowing into the pit, not out. Bobbi Harper (citizen) had contacted the DEQ for findings and will forward the report to Lammers for disseminating to the Commissioners.

#### **CITIZENS WISHING TO ADDRESS THE COMMISSION NON-AGENDA ITEMS:**

Public discussion of traffic counters from JDOT be put in on either side of the pit. Catching those trucks trying to avoid the scales, call 9-1-1 if you see it happen. Appreciation for the Township Board, the Master Plan in general is good, and the changes made in the township during the last 50 years. To show respect for all people, including the Township Board – turn the tide and have civil conversations. The last part of this discussion was really good when the contention was gone and we were just talking. Work together civilly.

Much discussion on making decision for the SUP renewal for Target Trucking. After verifying that Target's SUP would be expiring on May 29<sup>th</sup>, the Planning Commission needs to make a decision tonight. Approve, Deny or Approve with Conditions. The Planning Commission Members want to work with Target and make sure they understand the repercussion of tonight's meeting, and because they did not feel like they could come up with short term conditions tonight and be able to Approve with Conditions, Ducey moved and Prindle supported a motion to postpone until May 29<sup>th</sup> to call a special meeting to continue the discussion on Case #19-04-005. After further discussion it was then voted all ayes, three absent, motion carried. The meeting will be at 7:00 pm.

#### **11. OLD BUSINESS:**

- A. Rezoning of remaining parcels from April meeting: Planning Commission has a draft of proposed language but Hinkle tabled until next regular meeting.

**12. TOWNSHIP BOARD REPORT:**

Brennan absent – Hinkle tabled until next regular meeting.

**13. PROPOSED BUSINESS FOR SPECIAL MEETING JUNE 13, 2019:**

A. Henry Ford Allegiance Health has submitted a preliminary site plan for an outpatient surgery center at their site on Knight Rd. The applicant is requesting a preliminary and final approval at the same meeting. Final plans will be available one (1) week before the meeting.

B. Review of the draft ordinance to initiate discussion for the hybrid language for the zoning district LI/HC. Carlisle/Wortman has been working on the draft. The Planning Commission needs to adopt the language to move forward with the change.

**14. GENERAL DISCUSSION – None**

**15. MOTION TO ADJOURN:**

Moved by Ducey and supported by O’Quinn to adjourn the meeting at 10:45 pm. All ayes, three absent, motion carried.

Citizens who spoke during Public Comment of the Public Hearing:

1. Star Crowdis
2. Debbie Eneix
3. Jim Marshall
4. Paul Price
5. Christine Lynn
6. Steve Syria
7. Rick Murphy
8. Carl Wells
9. Ron Robinson
10. Victoria Robinson
11. Tom Anderson
12. Dan O’Dale
13. Ruth McDaniels
14. Mary Anderson-Dingleday
15. Susan Stewart
16. Bobbi Harper
17. Thomas Harden
18. Amy Whiting
19. Bess Miller
20. Lori Verhoff

Letters received during Public Comment of the Public Hearing:

1. Debi Eneix
2. Mary Anderson-Dingleday

Respectfully submitted,  
Diane DeBoe  
(Volunteer minute taker)