



CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Members present: Jere Hinkle, Lacey O'Quinn, Nancy Prindle, Jim Ducey, Jim Warbritton and Ken Elliott (7:17 pm). Members Absent: Tom Brennan

Also present Doug Lammers, Township Zoning Administrator, Chris Atkin, Township Planner from Carlisle/Wortman, Jeff Burrell from Target Trucking, Joe Maynard from Washtenaw Engineering (Engineer for Target Trucking) and 41 people from public.

APPROVAL OF AGENDA:

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

PUBLIC COMMENT:

Seven people from the public spoke in opposition to the renewal of the Bohne Rd gravel pit, and two letters were received (Harper & Stewart) as part of the record. Concerns that were addressed **emulated** REITERATED those expressed at the May 23, 2019 meeting.

Dust & dirt

Noise

Quality of life – cannot go outside

Health issues

Inconsistencies for requirements for them compared to L & L

Requirements should be the same

Precedence was set with law suit

Lack of enforcement

Adopt a more stringent ordinance

Operating outside of agreed to hours. Open on Sundays and extracting late into the evening

OLD BUSINESS: - CASE #19-04-0005, Renewal of Special Land Use for the Bohne Rd Gravel Pit owned by Target Trucking.

Joe Maynard from Washtenaw Engineering provided a brief review of the property and said they would like to go through the original operating conditions from the Agreement created on 3/21/18 line by line.

- A. They are working on the cost estimate. Prindle questioned receipt of the 3rd party opinion regarding the performance guarantee, but Hinkle replied it was something that *could* be requested, but not necessary, that the cost estimate was what was needed to get started.
- B. Environment, Great Lakes & Energy "EGLE" (formerly DEQ) issues the permit and monitors the site. In 2017 two citations were issued by EGLE and were corrected. Documentation was provided to Hinkle.
- C. No permits are issued by JDOT for "truck routes". All JACKSON COUNTY roads are class A and are considered truck routes. Burrell provided to the Commission copies of photos that were taken in a one-hour period of trucks that went by the gravel pit but were not Target's trucks. There were numerous *other* trucks that appeared to be **averting the scales** AVOIDING THE I94 NEARBY WEIGHT STATION.

Prindle asked if the pit was for Target's use only or if they were open to outside business. Burrell stated they were open to the public which isn't a large portion of their business, just more locals that the pit was already servicing.

- D. EGLE monitors and does un-notified inspections. Noise & dust testing will be done by MINE SAFETY AND HEALTH ADMINISTRATION (MSHA) in September 2019. Burrell had documentation and went through the permit violations and responses from 2017 with Prindle and Ducey, showed how all of the equipment was serialized and validated by EGLE showing that it was installed properly and inspected, additionally had reports showing pollution count numbers for dust and information on diesel fumes.
- E. Topsoil preservation – is a new plan and something that will be progressive as plans get reviewed by the consultants on where finalized berm placements should be put and a schedule for the planting of the trees on the berms.
- F. See E above
- G. Open hours are 7 am to 5 pm Monday thru Saturday, no working on Sunday, and no trucks leaving or entering before 7 am or after 5 pm. Burrell supplied employee time cards and truck load tickets for the last two weeks. Hinkle requested compiled reports for load tickets for 2017 and 2018 showing how many trucks are full or empty coming and going and showing loads for the ~~top~~-PEAK_month, the ~~top~~-PEAK_week and the ~~top~~-PEAK_day. Hinkle also wanted the number of vehicles entering before 7 am and after 5 pm. Maynard responded that although gates are open early so trucks don't sit on the road, the scales don't open until 7 am so there aren't any trucks leaving prior to 7 am. Hinkle said he'd heard comments that trucks are coming down Bohne Rd at 4, 5 and 6 am. Maynard responded that the gates aren't even open at that time so who knew if they were or were not Target Trucking? Also, he didn't know how long it would take to compile the two-year information, he didn't know if the load tickets were computerized or not. Burrell was in a side conversation and wasn't available for responding to the computerized load tickets.

O'Quinn stated to Burrell that he had witnessed himself, many times, trucks going out at 8 pm. Burrell responded he didn't know where they were going or what they were doing or how that might have been. A truck can't leave the scale without a time stamped ticket. There are times "in here" where an employee punches in at 6 am to do their pre-check lists.

- H. Dust and extracted material are ~~kept_down~~-TREATED_using brine and chloride. Target provided the invoices for the brine and chloride and in addition provided a photo of the sweeper that's kept on site at all times (also an MDOT requirement). Streets are swept on an as-needed basis. Additional information was provided on test samples that were done by a Certified Michigan Ag AGGREGATE Tester that shows the moisture content in all of the material in the stockpiles that is watered all day as it's made.
- I. Will continue to work with the Township TO_create a five-year plan as we move forward.
- J. The job site has a certified MDOT scale on the site, that is certified by a third-party company selected and certified by MDOT to perform annual scale inspections. A copy of last year's inspection was provided and discussed with information and calibrations that matches with the State.

Hinkle - do the reports show 100% inventory and loads of the trucks? Burrell – that was for a month. We have quarterly reports but it doesn't come up by the trucks but by total *volume*. Burrell also provided pictures of the site with water accumulations on the materials which are to be kept wet at all times.

Prindle – do you extract mostly sand? Burrell sand and gravel. Hinkle – Have you ever sent a truck out that was stopped for being overweight once he left your pit? Burrell – not that I'm aware of. If we send one out heavy, we're responsible for the fine. If a truck goes out and gets a misload ticket (where each individual axle is weighed), one axle could be overweight, but not the entire load. Axle misplacement tickets are not brought back to Target. Hinkle – it's contended by everyone that it's the heavy loads that are ruining the roads... even though MDOT compliant, MDOT is very generous to the trucking industry. Burrell – if my scales are not right and my loads are not right, I will lose my MDOT qualification. Discussion on frost laws (6-8 weeks normally).

- K. A picture of the sign on the front property was provided
- L. Approval for final restoration plan – these are items which we're providing.

M. Any materials brought in from off-site shall be subject to analytical testing and analysis provided upon request. Currently, no requests have been made to have testing done. Hinkle – can you elaborate on that? We’ve had questions if incoming material has to be tested, whereas with the Norvell pit we just said no foreign material imported. Burrell – we bring in topsoil to screen or place. If that topsoil is going to be sold it has to be free from lead, asbestos, contaminants. Every place we would take the topsoil to i.e. a school, a hospital, municipal would want to make sure their top soil is clean. Prindle – how do you ensure that? Who’s testing it? Burrell – the way it works now, 90% of the time it’s the contractor who tests it. Prindle – what contractor? Are you purchasing the top soil? Burrell – if we were to take somebody’s sand and they had top soil and they wanted us to take it off-~~sight~~ SITE. If it’s not clean we don’t take it. Prindle – how do you know it’s not clean? Burrell – the State makes everybody provide an ~~analytical~~ ANALYSIS on that dirt, so they can decide if it goes to a landfill or what goes on with it, because in the end, if the dirt comes from the State or ~~from forage from~~ whereEVER it comes from, is going to be that person’s responsibility. Prindle – so what you would be saying is that any topsoil that you have brought in or any other material you would have documentation showing that it was clean? Burrell – yes. And they’ll run an analytical on it, test for heavy metals, because we don’t want to be stuck with it either. It creates a bigger issue. Hinkle – how about busted up concrete or the median barriers? Does that apply to those also? Burrell – the busted-up concrete they know the ingredients to the concrete and the State deals with the concrete. We won’t take painted concrete, cinder blocks, brick and stuff like that, because in turn, the State won’t let that into *their* mix. Like Grass Lake will drop off clean concrete if they do a sidewalk repair, but if it’s painted or whatnot, it has to go to the landfill. Prindle – I don’t want to get into that whole discussion right now, but as a Planning Commission it’s been brought up before and then again tonight that if we’re going to have two different gravel pits operating in Grass Lake they will not be operating differently. If it’s a requirement for Norvell Rd (although currently not operating) not to bring in material on site...

Target discussed two issues brought up at ~~least~~ LAST meeting:

- 1) Target provided ~~the~~ THEIR well log and permit. The well is currently 310 ft deep and is permitted by EGLE and the Jackson County Health Department. In 2015 the Health Department issued the same permit for the same well allowing/continuing the use of the well. A map and well data were provided for Target and surrounding neighboring wells that were used by the Health Department in determining if the renewal permit would be issued. 800,000 gallons of water per year can be pulled out of the well as determined by the Health Department. General discussion on aquifers and well depth and that with the amount of water being pumped by the gravel pit, people would notice it if there were any issues.
- 2) Un-announced visits by Township Officials are not a problem. It is required that they stop at the gate, sign in and get safety equipment BEFORE GOING ON SITE.

Hinkle asked what Target does about the calls that they receive. Burrell responded that they haven’t received any calls. Hinkle asked Chris Atkin or Doug Lammers if they had anything they wanted to share, but there was nothing at this time. Ducey read aloud the phone number provided by Target Trucking on the sign for anyone who was interested 517.522.8601.

Hinkle went through the Grass Lake Charter Township Ordinance 14-05 & 14-07HH on page 14-23 for the minimum requirements that a gravel pit extraction needs to comply with:

1. N/A
2. Operating on more than ten acres - Complies
3. No more than one entrance for each 500 feet of frontage - Complies
4. Storage activities & stockpiling shall not take place before sunrise or after sunset – Questionable
5. Equipment and machinery located 100 feet from lot line and 500 feet from Residential Districts plus additional setbacks as noted – Hinkle stated they comply, questioned by Prindle. Prindle also questioned Burrell on why berms were located so close to property lines. Burrell responded that they have stopped and are waiting on approval on where the berms should go. They are located on the current site plan. He also stated that they are not a permanent berm. They will be reclaimed. Response by Chris ~~Aitkin~~ ATKIN that there are no setbacks or minimums for where the berms could go, it’s more of a good neighbor approach.

6. Interior roads, drives, parking lots and loading and unloading area within 100 feet from lot lines shall be paved, oiled, watered, or chemically treated. Ducey – so you wind up using about ~~35,000~~ 3500 gallons of brine a year for dust control right according to your load slip? Burrell – yes. – Complies.
7. Truck traffic and truck routing – JDOT has already designated ~~the roads as~~ Class A roads that are truck routes. The Township does not have any roads, they are all County. Prindle – future discussion, can the Township request a less disruptive route? Chris Aitkin ATKIN responded that the Township could request a primary and secondary route be established to meet the spirit of the intent. - Complies?
8. Air quality with smoke, fumes and dust – Complies?
9. Activities shall not cause water erosion, altered drainage patterns or pollution – Complies.
10. In the event activities cease, no erosion or alteration of drainage patterns – Hinkle – requested a brief description of what Target's done to ensure this. Burrell stated that they've brought the slopes down and added topsoil to certain areas and that they've been rehabbed as they've gone. He showed on the site plan those areas that have been rehabbed (the required slope put back on the land where the mining has taken place). Discussion, the ~~east~~ WEST side is pretty much done being mined and the rehab is a work in process - they are waiting on the weather to be able to clean up and plant some of those berms to help mitigate the dust and erosion going forward. Beneficial to rehab as they go. – ~~Compliant~~ COMPLIES
11. Six-foot, 14-gauge woven wire fence installed around the development. The Planning Commission discussed five years ago when the renewal ~~happened~~ WAS GRANTED. Burrell stated that the intent was that wherever there wasn't fence up or if the fence needed repair, that it was to go back up as the six-foot, woven wire fence. For example, on Sager Rd, the fence will be going up. – Noncompliant.
12. Progressive rehabilitation – Complies.
13. File with the Planning Commission a detailed plan for restoration – Hinkle indicated this was part of the application process, but that they need to supply ~~the~~ anticipated costs for the restoration.
14. Performance guarantee – Hinkle stated the existing guarantee BOND was \$50K.
15. The land use or renewal shall not be greater than for five years.

Prindle – the main thing we need to do tonight is come up with the conditions we need. Hinkle – do we want to approve or deny the request right now? What are everyone's feelings? Prindle – obviously we need gravel pits, and obviously the one on Bohne Rd is a mess and the people that live around it have valid concerns for the property. Target Trucking has an investment in the property that has to be considered. Gravel pits don't go on forever and this can't continue indefinitely. What's the length of time for the material that's there? Burrell – at 35 loads a day, it would be a while. Prindle – how many unmined acres are there? Burrell – 60 or 70. Prindle – I thought it was only an 80-acre site? Burrell – we would have to look at it to see exactly what the acres are. We could come up with an estimate of what's there in the ground. Prindle – my biggest concern is that this just appears to be going on and on and on. We have to do something reasonable to meet the needs of both parties. We can't ignore the needs of the people who live there. How many acres have already been mined? Burrell – 50 or 60. Chris Aitkin ATKIN – entire acres total approximately 106 acres. Hinkle – are you willing to go ahead with short term conditions on letting them continue? Prindle – I'm willing, but not for five years. Hinkle – on the short-term approval I want to know what we're requiring of them in the next 90 days. Warbritton – moving forward, who is going to monitor this for compliance? And if it's stuff not necessarily mandated by the State, then I'm assuming somebody in the Township will be responsible. Discussion of Zoning Enforcement Officer. Between Zoning and Enforcement short term conditions would be monitored. Warbritton – we set the rules for enforcements and we will need to follow up and make sure that it's done. Prindle – Long term, we need to write an ordinance for gravel pits and what the issue are and what the penalties are for non-compliance. That way people who are considering purchasing property in Grass Lake to see more upfront what the requirements are. It's our responsibility to get a more detailed ordinance in place. Discussion on updating ordinance – using Waterloo's ordinance as a basis for a re-write.

Ducey – Ducey and Prindle reviewed the Gentleman's Agreement and put together some conditions that were over and above the conditions that are imposed now. Hinkle – are there things in there that need to be done immediately? We'll have to go to the applicant. Ducey – increase the performance bond to \$250,000. Discussion to look at other communities and see what they require. Prindle – Would like to

see a little more detailed plan on dust control – how often, how frequent etc. Would like to see the operating hours changed to 7 am to 5 pm Monday through Friday only, with Township approval for Saturday activities. Elliott – are you talking about hours of operations for moving trucks or processing? Prindle – I think both. Discussion on Saturday operations not accommodating local customer orders, landscapers or MDOT work. Hinkle – concerned that Ducey and Prindle have only been on the Planning Commission a few short days and they're being asked to make a decision. He would like to give them 90 days to educate themselves and digest the information that's been provided. Prindle – what can we do tonight to alleviate some of the disruptions of everyday life? Ducey – some of the specificities that Nancy and I put together, when issues arise, Planning or the Enforcement Officer will know how to deal with it. Those are the kinds of things we need to work towards in a 90-day conditional use. I would like to try and incorporate these kinds of specifics in our 90-day conditions. Warbritton – expressed concerns on what was being asked for on dust control. You can't be too specific as his methods for control will change as the weather changes and conditions change. Discussion on specifics and keeping generalities -when the dust is out on the roads, you need to wet it down, or state minimum requirements. Lammers – what creates the most dust by the road? Burrell – when a truck pulls out from the pit and it's wet and the dust sticks to the tires and they drag mud onto the road, the sun hits it and it turns to dust. Discussion - chloride is ran right to the road, dust mats go to the scale. Warbritton – if this applicant meets all the conditions of the ordinance, can we really tell him no? Can we really add all these other requirements? It seems like when Norvell road came up, then the issues with Bohne Rd came up. When someone applies for a permit, isn't it that they meet the requirements? Our task is to say "is he doing what we've asked him to do, if he hasn't, do we give him a timeline to do it and then can we put other requirements on it"? Last year - you can't put on requirements and then not follow up with some sort of enforcement to see if he's met the requirements, like with the fence. Anybody can say anything, but we need to take the emotion out of it. Things need to be put in writing. Discussion –where might Target be deficient in his application and making the process better for everybody and move the process forward. Target has provided much more information tonight. Hinkle - reiterated that he wanted to see documentation on for load tickets for 2017 and 2018 showing how many trucks are full or empty leaving and showing loads for the peak month, the peak week and the peak day. He would also like to see an elaboration on the amount of REMAINING materials there based on the last 2 year's activities, this is how long you would see this extending into the future. Further discussion on operating hours yielded no change. Hinkle has conditions outlined (see attachment A) that he would like to have answered within sixty days (July 29, 2019) with whatever existing records Target has in hand. Discussion on possible 90-day renewal. Doug Lammers, Chris Aitkin ATKIN (Carlisle/Wortman) & Joe Maynard (Washtenaw Engineering) will meet prior to the proposed 90 days and will go over the L & L Operating Agreement and come up with a similar document as a proposal for the Planning Commission's approval for an Operating Agreement with Target Trucking. Discussion.

Moved by Ducey, supported by Elliott to approve a 90-day renewal for case #19-04-005 with conditions as outlined in Attachment A running from midnight May 29, 2019 to midnight August 28, 2019. All ayes, one absent, motion carried.

GENERAL DISCUSSION: June 13, 2019 will be a regular meeting and not a special meeting. The agenda will include

1. 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.
2. Review of the draft ordinance to initiate discussion for the hybrid language for the zoning district LI/HC. ~~Carlisle/Wortman~~ JIM STORMONT has been working on the draft. The Planning Commission needs to adopt the language to move forward with the change.

MOTION TO ADJOURN:

Moved by Ducey and supported by O'Quinn to adjourn the meeting at 9:55 pm. All ayes, one absent, motion carried.

Respectfully Submitted,

Diane J DeBoe, Recorder

Bohne Road Gravel Pit Information Request

- A. Gravel Truck Movements Years 2017 and 2018:
 - 1. Annual identified by ~~In Loaded~~ and Out Loaded.
 - 2. Peak Month identified by In Loaded and Out Loaded.
 - 3. Peak Week identified by In Loaded and Out Loaded.
 - 4. Peak Day identified by In Loaded and Out Loaded.
- B. For Item A data:
 - 1. Departures before 7 am.
 - 2. Departures after 6 pm.
- C. Estimated years of pit operation remaining based on 2017 and 2018 excavation records.
- D. Federal/State Reports of Plant Monitored Activities for Years 2017 through YTD-2019.
 - 1. Air (Ambient Measurements ?)
 - 2. Ground and Surface
 - 3. Noise
- E. Number of Overweight Vehicle Citations Received for Trucks Departing Pit for Years 2017 through YTD-2019