

MELROSE TOWNSHIP PLANNING COMMISSION MINUTES
MELROSE TOWNSHIP HALL

REGULAR MEETING OF FEBRUARY 27, 2023

I. Call to Order/Roll Call

A. Call to Order: Chair Bart Wangeman called the meeting to order at 5:30 PM.

B. Members present: Bart Wangeman, Julie Christy, Dan Nowland, and Tim LaGasse.

C. Members absent: None.

D. Staff present: Zoning Administrator Ken Lane.

II. Approval of Agenda

By consensus the agenda was approved.

III. Approval of Minutes

Member Christy motioned to approve the January 23, 2023, draft minutes as presented, seconded by Member LaGasse, the motion was approved unanimously.

Zoning Administrator Lane informed the Planning Commission that the Vistas of Walloon and Bear River Health had been provided Records of the Planning Commission's Decisions relating to their respective applications on January 24, 2023. He added that copies of those Records of Decisions were included in tonight's meeting packets.

IV. New Business

a. Waterfront Overlay Review—Walloon Lake Country Club--05995 Country Club Shores

Chair Wangeman opened the review for the Planning Commission. Chair Wangeman asked Zoning Administrator Lane if he would like to make any comments.

Zoning Administrator Lane stated that the applicant, Walloon Lake Country Club, is requesting a permit after the fact for the removal of trees and the planting of trees in the Shoreline Protection Overlay District. He added that the applicant had paid triple the permit fee as required by the Township fee schedule for a permit after the fact.

Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets and provided an overview of the subject property.

Zoning Administrator Lane stated that the applicant had previously removed 12 matures trees within the 40' vegetative buffer area, three mature trees outside the vegetative buffer area, and planted 4 mature trees outside the vegetative buffer area. He further added that the survey plans submitted by the applicant and included in the meeting packet depicted the trees that were removed and planted, as well as an inventory of remaining trees on the subject property.

Zoning Administrator Lane stated that in addition to the removal and planting that had previously been done, the applicant is requesting to remove one additional dead tree outside the vegetative buffer area on the subject property.

Zoning Administrator Lane referred to Section 6.11 of the Township Zoning Ordinance and stated that within the Shoreline Protection Overlay District the removal of trees cannot exceed 20% of a parcel, and the clearing of trees is limited to 20' per 100' of shoreline width. He added that based on his calculations, the applicants removal of trees complied with Section 6.11 being less than 20% of the parcel and tree clearing was less than 20' per 100' of shoreline width.

Zoning Administrator Lane provided his opinion in relation to the graphic requirements and development review standards within 6.11 (D) of the Township Zoning Ordinance as included within his analysis memo that was included in the Planning Commission meeting packets.

Chair Wangeman asked if the applicant would like to address the Planning Commission.

Harry Dixon with the Walloon Lake Country Club apologized for the tree removal and planting without approval. He added that the Country Club now knows the procedure for similar work moving forward. He further added that the Country Club is requesting to now remove one dead tree in addition to receiving approval for the tree removal and plantings previously done.

Chair Wangeman asked where the one dead tree was located. Mr. Dixon identified the tree for the Planning Commission on the submitted survey plans.

Chair Wangeman asked for clarification on the procedure for approval of work previously done or a permit after the fact.

Zoning Administrator Lane stated the Planning Commission must consider the request, to the extent possible, as if the tree removal and planting had not previously been done. He added that if the completed work meets the requirements of the Zoning Ordinance, it is appropriate for the Planning Commission to approve it. He further added that the penalty imposed is that the amount owed for the required permit fee is tripled.

Member Christy asked if the 4 new trees depicted on the survey plans had already been planted.

Harry Dixon confirmed that the new plantings had already been done.

Chair Wangeman suggested that the Planning Commission initially consider the site plan data requirements listed in Section 6.11 (D) (2) of the Zoning Ordinance. Chair Wangeman stated that Zoning Administrator Lane's memo addressed each of the data requirements and determined that each requirement had been satisfied, partially satisfied, or considered not applicable.

Chair Wangeman stated that he generally agreed with the staff findings, and asked the Planning Commission if they also agreed. The Planning Commission stated by

consensus that they did agree with the staff findings and that the requirements of Section 6.11 (D) (2) had been met.

Chair Wangeman stated that generally when a tree is removed, the root ball is left to prevent soil erosion. He added that when he had toured the subject property last Fall, there were no signs of soil erosion in the areas where the trees had been removed.

Chair Wangeman suggested that the Planning Commission consider the development plan approval standards listed in Section 6.11 (D) (1) of the Zoning Ordinance.

Chair Wangeman referred to Section 6.11 (D) (1) (a) and offered that the applicant had complied with the section's requirements because the submitted plans demonstrated that the proposed work met the tree removal requirements of Section 6.11. The remainder of the Planning Commission agreed and found this section was satisfied by the submitted development plan.

Chair Wangeman read aloud Section 6.11 (D) (1) (b) and offered that the development plan satisfied this requirement because there were no signs of soil erosion. The Planning Commission agreed by consensus and determined that this section was satisfied.

Chair Wangeman referred to Section 6.11 (D) (1) (c) and suggested that this section was satisfied because the tree removal and planting occurred in isolated areas. The Planning Commission by consensus agreed and determined that this section was satisfied.

Chair Wangeman read aloud Section 6.11 (D) (1) (d) and suggested that this section was satisfied because the removal and planting of trees was consistent with the property and had not created any issues.

Member LaGasse asked the applicant to described why the trees within the vegetative buffer area had been removed.

Harry Dixon stated that the trees that were removed were dead, diseased, or dying. He added that the area that the trees were removed from is very wet, and over the course of years, too much water impacted those trees. He further added that the new trees were planted outside of this area so they will survive.

The Planning Commission by consensus agreed and determined that Section 6.11 (D) (1) (d) was satisfied.

Chair Wangeman summarized the analysis from the Zoning Administrator's memo and suggested that a motion was in order.

Member Christy made the following motion:

I move to approve the application submitted by the Walloon Lake Country Club, requesting Development Plan Review for tree removal and planting at 05995 Country Club Shores in Melrose Township, tax parcel 15-010-006-001-15, as shown on the plans dated September 30, 2022, and December 1, 2022, because the applicable standards of the Melrose Township Zoning Ordinance have been met.

Member LaGasse seconded the motion, and it was unanimously approved.

b. (1) Waterfront Overlay Review—287 Shadow Trails Road East-Lake Charlevoix Landscaping

Chair Wangeman opened the review for the Planning Commission. Chair Wangeman asked Zoning Administrator Lane if he would like to make any comments.

Zoning Administrator Lane stated that two separate contractors had submitted applications for different work at 287 Shadow Trails Road East. He added that the applications were included on the agenda in the order they were received.

Zoning Administrator Lane stated that the applicant, Lake Charlevoix Landscaping & Gary Forbrig, is requesting development plan review for waterfront improvements in the Shoreline Protection Overlay District. He added that the proposed work was described in detail on page two of the submitted application. He summarized the proposed work as the addition of a ramp to support the existing dock for which a permit from EGLE had been obtained, relocation and installation of a dock walkway, installation of a paver patio to provide beach access, and rehabilitation of riprap for which a permit from EGLE had been obtained.

Zoning Administrator Lane stated that the applicant had applied for a soil erosion permit from Charlevoix County. He added that he had met with the applicant to discuss the application and he summarized that the proposed work was a mix of maintenance and improvements to allow the owner to have better use of the property.

Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets and provided an overview of the subject property. Zoning Administrator Lane stated that the proposed work would occur entirely within the 50' waterfront setback and the 40' vegetative buffer areas.

Zoning Administrator Lane provided his opinion in relation to the graphic requirements and development review standards within 6.11 (D) of the Township Zoning Ordinance as included within his analysis memo that was included in the Planning Commission meeting packets.

Chair Wangeman asked if the applicant would like to offer comments to the Planning Commission.

Shawn Cook with Lake Charlevoix Landscaping stated that he had met with the Zoning Administrator and that 80% of the proposed work related to restoration. He added that the existing riprap wall was falling apart and needed to be repaired.

Shawn Cook stated that the remainder of the proposed work would allow safer access and allow the owner to maintain the existing dock. He added that there was no intention to remove or disturb any trees, and that native plantings would be used for landscaping once the work was complete.

Chair Wangeman asked the applicant if the large Beech tree would remain.

Shawn Cook replied that the owner was making efforts to save that tree, including yearly injections. He added that one Maple tree was dying, and although the owner was trying to save it, it might have to be removed at some point in the future.

Member Christy asked for confirmation that the proposed work did not include the removal of trees.

Shawn Cook responded yes, the approval requested this evening does not include any tree removal.

Member LaGasse stated that the owner removes the dock himself each year, and the proposed improvements would make it easier for the owner to do that.

Shawn Cook stated that they had received a soil erosion permit from Charlevoix County.

Chair Wangeman asked the applicant about the change in topography to allow for the proposed tiered approach.

Shawn Cook responded that the plan is to keep the same topography, and to maybe take 1-1.5% of soil off to build a plant bed.

Chair Wangeman stated that the proposed design followed the topography well.

Chair Wangeman suggested that the Planning Commission consider the site plan data requirements listed in Section 6.11 (D) (2) of the Zoning Ordinance. Chair Wangeman stated that Zoning Administrator Lane's memo addressed each of the data requirements and determined that each requirement had been satisfied, partially satisfied, or considered not applicable.

Chair Wangeman stated that he generally agreed with the staff findings, and asked the Planning Commission if they also agreed. The Planning Commission stated by consensus that they did agree with the staff findings and that the requirements of Section 6.11 (D) (2) had been met.

Chair Wangeman referred to Section 6.11 (D) (2) (c) and asked what the intent was in relation to lighting on the property.

Shawn Cook responded that the plan was to keep the existing lighting, and maybe add a couple of path lights. He added that the lighting plan had not been finalized yet.

Chair Wangeman stated that the Zoning Administrator will follow up with the applicant to ensure the lighting plan complies with the Township Zoning Ordinance.

Chair Wangeman suggested that the Planning Commission consider the development plan approval standards listed in Section 6.11 (D) (1) of the Zoning Ordinance.

Chair Wangeman read aloud Section 6.11 (D) (1) (a) and offered that the applicant had complied with the section's requirements based upon the submitted plans and the permit from EGLE. The remainder of the Planning Commission agreed and found this section was satisfied by the submitted development plan.

Chair Wangeman read aloud Section 6.11 (D) (1) (b) and offered that the development plan satisfied this requirement because the applicant had received a soil erosion permit from Charlevoix County. A consensus of the Planning Commission agreed and determined that this section was satisfied.

Chair Wangeman referred to Section 6.11 (D) (1) (c) and suggested that this section was satisfied because the proposed improvements were consistent with native vegetation on the property and the work would result in a gentler retaining wall. A consensus of the Planning Commission agreed and determined that this section was satisfied.

Chair Wangeman read aloud Section 6.11 (D) (1) (d) and suggested that this section was satisfied because the proposed stone work and plantings were well planned out for the topography of the property. A consensus of the Planning Commission agreed and determined that this section was satisfied.

Chair Wangeman read aloud Section 6.11 (D) (1) (e) and suggested this this section was satisfied based upon the EGLE permits received for the riprap and dock work. A consensus of the Planning Commission agreed and determined that this section was satisfied.

Chair Wangeman suggested that based upon the Planning Commission's review, the development plan met the Zoning Ordinance standards.

Member LaGasse made the following motion:

I move to approve the application submitted by Lake Charlevoix Landscaping/Gary Forbrig, requesting Development Plan Review for waterfront improvements at 287 Shadow Trails Road, East in Melrose Township, tax parcel 15-010-018-053-00, as shown on the plot plan dated January 6, 2023, because the applicable standards of the Melrose Township Zoning Ordinance have been met, such approval to include the possible removal of one tree and the installation of lighting that will be downward facing and moon shielded.

Member Christy seconded the motion, and it was unanimously approved.

b. (2) Waterfront Overlay Review—287 Shadow Trails Road East-JEB Construction Management

Chair Wangeman opened the review for the Planning Commission. Chair Wangeman asked Zoning Administrator Lane to offer his comments.

Zoning Administrator Lane stated that the applicant, JEB Construction Management, is requesting development plan review to construct a 912 sq ft detached accessory building for vehicle parking and residential storage. He added that the proposed accessory building will be located outside the waterfront setback and vegetative buffer areas.

Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets and provided an overview of the subject property.

Zoning Administrator Lane provided his opinion in relation to the graphic requirements and development review standards within 6.11 (D) of the Township Zoning Ordinance as included within his analysis memo that was included in the Planning Commission meeting packets.

Chair Wangeman asked if the applicant would like to offer comments to the Planning Commission.

Jason Black with JEB Construction Management stated that he was available to answer any questions that the Planning Commission might have. He added that green stakes had been placed on the property to indicate the proposed location of the accessory building. He further added that 12-15 trees would be removed for the project, and the trees were marked with red flags on the property. Jason Black stated that the intent is to save as many trees and as much vegetation as possible.

Jason Black stated that the proposed work has been approved on the same soil erosion permit issued to Lake Charlevoix Landscaping for this property.

Chair Wangeman asked the applicant about the site topography and whether it was anticipated that a lot of fill would be needed around the proposed garage.

Jason Black responded that they intend to use retained earth as a retaining wall to prevent water run-off and that the proposed topography will be tiered so there is not a large flat surface.

Chair Wangeman asked the applicant whether a 6' concrete wall was proposed for the southeast corner of the proposed garage.

Jason Black responded that the plan is to retain 2.5' of earth on the uphill side of the proposed garage and 3.5' on the downhill side. He added that minimal planting will be done to maintain the natural appearance of the property. He further added that the plan is to utilize existing evergreens on the property to screen the garage from the neighbors.

Chair Wangeman stated that the location of the proposed garage slopes south to southeast toward the neighbors property and that the proposed garage can't cause stormwater to run-off onto the neighboring property.

Jason Black responded that all run-off will be captured on site and directed toward existing catch basins and drain systems associated with the house on the property. He added that all drainage will flow through the existing catch basin system on the property and shall be disbursed in a responsible manner on site.

Chair Wangeman noted that the applicant's statements pertaining to stormwater capture and retention will be reflected in the meeting minutes.

Chair Wangeman suggested that the Planning Commission consider the site plan data requirements listed in Section 6.11 (D) (2) of the Zoning Ordinance. Chair Wangeman stated that Zoning Administrator Lane's memo addressed each of the data requirements and determined that each requirement had been satisfied, partially satisfied, or considered not applicable.

Chair Wangeman stated that he generally agreed with the staff findings, and asked the Planning Commission if they also agreed. The Planning Commission stated by consensus that they did agree with the staff findings and that the requirements of Section 6.11 (D) (2) had been met.

Chair Wangeman referred to Section 6.11 (D) (2) (c) and asked what the intent was in relation to lighting on the property.

Jason Black responded that up to 4 coach lights were proposed for the new garage, two by the overhead doors, one by the side man door, and one by the upstairs storage man door.

Chair Wangeman stated that the Zoning Administrator will follow up with the applicant to ensure the lighting proposed complies with the Township Zoning Ordinance requirements.

Chair Wangeman suggested that the Planning Commission consider the development plan approval standards listed in Section 6.11 (D) (1) of the Zoning Ordinance.

Chair Wangeman read aloud Section 6.11 (D) (1) (a) and offered that the applicant had complied with the section's requirements based upon the submitted plans and soil erosion permit. The remainder of the Planning Commission agreed and found this section was satisfied by the submitted development plan.

Chair Wangeman read aloud Section 6.11 (D) (1) (b) and offered that the development plan satisfied this requirement and the trees proposed to be removed were flagged on the property. The Planning Commission by consensus agreed and determined that this section was satisfied.

The Planning Commission by consensus agreed that Section 6.11 (D) (1) (c) was not applicable to the proposed work because it was located outside the waterfront setback and vegetative buffer areas.

Chair Wangeman read aloud Sections 6.11 (D) (1) (d) and (e) and suggested these sections were satisfied by the submitted plan and based upon the applicant's statements relating to on site drainage and the minutes will include those statements. A consensus of the Planning Commission agreed and determined that these sections were satisfied.

Chair Wangeman suggested that based upon the Planning Commission's review, the development plan met the Zoning Ordinance standards.

Chair Wangeman made the following motion:

I move to approve the application submitted by JEB Construction Mgmt, requesting Development Plan Review to construct a detached accessory building at 287 Shadow Trails Road, East in Melrose Township, tax parcel 15-010-018-053-00, as shown on the development plan dated November 4, 2022, because the applicable standards of the Melrose Township Zoning Ordinance have been met.

Member Christy seconded the motion, and it was unanimously approved.

V. Unfinished Business

a. 2022 Annual Report

Zoning Administrator Lane presented a draft 2022 Annual Report to the Planning Commission. He stated that once the Planning Commission approves its 2022 Annual Report, it will be provided to the Township Board of Trustees. He further stated that there is no specific time frame for the Planning Commission to adopt its annual report, but it must be completed in 2023.

Member LaGasse stated that the Planning Commission should investigate regulations for short term rentals and air B&Bs because the wait on state legislation has been ongoing for a long time.

A consensus of the Planning Commission agreed that a joint session with the Township Board relating to short term rentals and air B&Bs was appropriate for inclusion in the annual report.

A consensus of the Planning Commission agreed that further discussion of accessory dwelling units (ADUs) was unnecessary due to the work previously completed on that topic, and ADUs should be removed from the annual report.

Chair Wangeman suggested that the draft 2022 Annual Report be included on the next regular meeting agenda with the changes discussed for further consideration by the Planning Commission. A consensus of the Planning Commission agreed to continue the review of the annual report at the next scheduled meeting.

b. Recreation Plan-survey discussion

Zoning Administrator Lane stated that he had been in communication with Jennifer Neal from Networks Northwest, and she had requested that the Planning Commission continue its review of the community survey summary with a focus on the suggested improvements within the survey. He added that if the Planning Commission determined that any of the proposed improvement were feasible, they may be included as items to pursue in the Recreation Plan.

Zoning Administrator Lane stated that a memo had been included in the meeting packet that listed the page and question numbers in the survey summary that relate to suggested improvements. He added that the Township Clerk had provided copies of a map from the Charlevoix County Recreation Plan showing Melrose Township's recreational facilities and areas.

After reviewing the suggested improvements contained within the community survey summary, the Planning Commission by consensus agreed that the initial focus should be on three areas: (1) the boat launch; (2) the playground; and (3) the swimming beach. The Planning Commission noted that these three areas had the most responses reflected in the community survey.

Chair Wangeman referred to the survey summary and stated that the responses about the boat launch related primarily to traffic.

Chair Wangeman stated that based on the location and property size, he did not think there is any way to rebuild or reconfigure the boat launch.

Member LaGasse stated that the Township Board is moving forward with plans for a boat washing area, and that addition will make the boat launch better. He added there is nothing that can be done about the traffic on M-75 and that commercial boat usage is up in the Village.

Member Christy stated that commercial boats are stacked up all over at the launch which makes it difficult for a private boat to get onto the lake.

Chair Wangeman stated that maybe the rental agreements could be executed in the parking area, and only when a commercial boat is rented would it line up to get onto the lake.

A consensus of the Planning Commission agreed that executing the rental agreements while a boat is out of line should be further investigated.

Member Christy asked if some kind of barrier could be installed in the winter to prevent someone from driving off the launch and into the lake.

Mary Pat Goldich in attendance at the meeting stated that a barrier can't be put up due to the boat launch being a County road end.

Chair Wangeman referred to the survey summary and stated that the responses related to the playground suggested new equipment that was suitable for all ages, pickleball and maintenance.

A consensus of the Planning Commission agreed that updating the playground equipment and the pickleball courts should be added to the Recreation Plan.

Chair Wangeman referred to the survey summary and stated that the responses related to the swimming beach asked for the elimination of the geese, stopping swimmers itch, and cleaning of the sand.

Member LaGasse asked what kind of geese deterrents could be installed.

Chair Wangeman suggested getting rid of the grass to eliminate the geese.

Member Nowland stated that Boyne City had tried everything with their geese, and nothing works. He added that eliminating the grass won't deter the geese.

Member LaGasse stated that the entranceway to the beach from the sidewalk needs improvement and he had noticed many people having difficulty navigating the current entrance. He added that it should be improved to be handi-accessible.

Member Nowland stated that every three weeks in Boyne City the beach sand is cleaned by a company named Sandtastic. He added that the cleaning does a good job at eliminating geese waste and other debris.

Chair Wangeman suggested maybe adding an outdoor shower so swimmers can rinse off after swimming. He added that maybe signs could be posted to educate swimmers about the water condition.

The Planning Commission agreed by consensus there was nothing that can be done about swimmers itch and that it was a condition of being in the water at Walloon Lake.

The Planning Commission further agreed by consensus that adding sand and cleaning the beach area more frequently should be explored as a method to eliminate the geese waste.

Chair LaGasse suggested adding signage that better displays the rules associated with use of the beach, including that dogs are not allowed.

The Planning Commission agreed by consensus that further discussion of ways to improve the playground equipment and swimming beach are items to be considered for inclusion in the Recreation Plan.

VI. Other Communications/Reports

Letter from Resort Township providing notification of its intent to review its Master Plan.

A Zoning Administrator report and planning report were provided to the Planning Commission.

VII. Zoning Board of Appeals Report

Chair Wangeman stated that the ZBA met in February on one case and had denied a requested side yard variance. He added that the ZBA determined that the variance was not needed if the applicant adjusted the boundary line on the subject property and moved the proposed structure by 10’.

VIII. Planning Commissioner Comments

Chair Wangeman questioned whether the Carille project that had received approval by the ZBA was being built in accordance with the ZBA’s approval.

Zoning Administrator Lane stated that he would investigate and provide an update to the Planning Commission next month.

IX. Citizen Comments on Non-Agenda Items

None.

X. Next Meeting Scheduled

March 27, 2023.

Zoning Administrator Lane stated that a parcel division request will be on the March meeting agenda so far.

XI. Adjournment

At 7:15 P.M.

Prepared by:

Planning Commission Approval by:

Ken Lane, Zoning Administrator/Recording Sec.

Julie Christy, Secretary

Copies: Melrose Township Board, Planning Commission Members, www.melrosetwp.org