

Nelson Township Planning Commission
May 18, 2005

- I. Call to Order - the meeting was called to order by Chairperson Hoffman at 7:00 PM
- II. Approval of minutes - minutes of April 20th are incomplete and thus not approved.
- III. Public discussion for issues not on the agenda - none
- IV. Public Hearing - 7:03 PM open
 - a.) Special Use for Removal of sand , Gravel and Other Natural Resources
Mike Baczewski 41-03-05-300-001

Mike Baczewski opened with an explanation. The gravel pit has been in operation for 10 years. There was an agreement with Hygrade but that has now been withdrawn. They are currently not washing stone, but hauling sand only and making road gravel upon request. When asked to define road making gravel, he explained it is the combining of sand, stone and clay; run through a screening plant, crusher, and wash plant.

Dale Green, 16941 Ritchie, resident within 300 ft., expressed concern about two gravel pits on Ritchie Road, asking why are trucks allowed in residential area in first place? He presented a petition of objection to special use due to noise of stone crusher, grading and dust, frequent but insufficient brine, and disintegration of the road surface. He states it is "down 1 or 2 feet" and they will be unable to deliver LP gas, etc., unless something is done. He does not want stone crusher. 98% claim. Digital photo of road submitted

Mike Baczewski , states that the truck traffic now goes only north, no traffic out his pit going south and that the crusher has been in the pit previous to this. The school faxed a letter withdrawing support of the petition. Mike also referenced grain dryer sounds in comparison.

Copy of the letter from the school was presented to Dale Green.

Marilyn Laninga, 5216 ½ - 21 Mile Rd, says the trucks go 45-50 mph. causing dust. She asks for a slow down and suggested they should go around on the main road.

Kate Corbett, 5300 - 21 Mile, asks if it going to be dusty? Loud?

Mike Baczewski responded that the stone crusher was running for past 10 years. The 1-27-95 mining permit approved a portable wash plant and stone crusher. A notice was sent same as published in the paper.

Dale Green, thinks this is misleading as the letter and news announcement was only 6 day notice. Jim Brown, township attorney, grants a 5-16 days notice of special use hearing.

Comm. Hoffman reviewed history of request.

Baczewski, has had no calls personally about truck speed. He lowered limit to 25 for all his trucks entering and leaving the site even though the township posts 35 mph. They provide daily water and brine when hauling; run the crusher only 2-3 weeks per year; wash plant runs 6 days week, only runs when selling. He watches Hygrade trucks run all day, often too fast. Their speed and dust are not his responsibility as they are no longer affiliated. Portions of road in front of homes is daily watered and brined plus the lowered speed limit. Weight limits are set by county.

Verna Slocum, 5462 - 21 Mile Rd., expressed that truck traffic is a concern from all companies during weight restrictions or when conditions are bad.

Discussion continues.....truck traffic is directed to the north so can better control. They are a small outfit.

Gary Grice, 17385 Ritchie, has talked to Township Supervisor about dust and truck traffic. He was informed that speed limits and traffic control is up to county.

Public Hearing closed by Hoffman at 7:24 PM.

Commissioner comment:

Grifhorst asked Jim Brown about the possibility of regulating route of truck traffic, can township restrict truck traffic?? Refer to Tallmadge. Jim Brown's response is that the township can have general truck route ordinance which designates certain routes or streets as truck routes, but Nelson Township does not have one. Some do in Kent County.

Discussion of site drawing – renewal of existing pit. Approximately ten years of aggregate remain. Only dust concerns. Asking for renewal only, no concerns of hours of operation or other, only dust.

Questions to Baczewski: How many years request for renewal? Asked if he can confirm that no material is being brought in? He responded that some fill is being brought local from other projects, such as schools, village of Sand Lake, local dumping 85% reduction of traffic w/o High Grade from this pit, no control over High Grade's operations beyond that.

Schalk reminded residents that complaints or requests should be addressed to the county road commission about set speed and required dust control. Jim Brown confirms that residents should write or contact the road commission.

Ritchie is brined during Sand Lake Days, provided by Nelson Township. Ritchie Rd is next to be paved after 20 mile, but millage did not pass.

Jerry Gross, recently employed by Nelson Township, asked if everyone entering pit will be informed of and understanding the directive to go north and 25 mph. He suggests consideration of a general truck route in master planning review.

McKown comments that consideration of alternate paved routes raises other considerations and ramifications.

Final discussion points of new Special Use Plan, dated 5-18-05:

- application for up to 10 years, renewals at 3 year intervals, after first year.
- change posted speed to 25 mpr
- all trucks are to be directed north
- water to north.
- Green assures no malice to Baczewski; no problem with removal of resources.
- Previous use ran out, not renewal.
- Ask assistance working with county re grading and brining.
- Special use is for removal and processing only, not for brought in materials or dumping. Only removal of resources found on the site.
- Crusher not owned, lease as needed
- Wash plant not there at this point in time, though it ran for years at 6 days week.

Recap of terms:

- Special use for 1 year with 3 year renewal and up to 10 for expiration.
- Hours of operations – 7 AM - 6 PM, Saturdays 7 AM-noon, no holidays or Sundays.
- Crusher to follow hours of operation, subject to supervisor emergency approval – same as prior. 7-6 m-f, 7-noon on sat, no sun and no holidays.

- Dumping of clean fill or concrete by public departments; only recyclable resources used as gravel components.
- Dust and dirt control – dust layer from property north thru 3rd house
- Traffic leaving pit directed only north, empty trucks approach from north.
- Previous provision about damage to Ritchie Road, or deterioration, cost to re-grade or take other action to improve it, with cost reimbursed to township included.
- Performance bond and letter of credit, High Grade's no longer on file.
- High Grade still has a contract to fulfill to push in their sludge pits.
- Until Sept 1st to reclaim southwest of field, inform the township when complete.
- Performance bond now assigned to holder of new permit, amount determined by township engineer.

Motion by John _____, 2nd by Stolk.
 Motion approved with none opposed.

b.) Special Land Use for Private Road 41-03-200-005
 Steve & Helen Smith

Paul Henderson, Roosien & Associates, reviewed key changes to the site plan which include grading of the road profile from centerline to ditch and an added drainage point for the site. The Smith's are proposing a site condo development on 28A., 12 units on 2 A. each with 150 ft frontage, serviced by septic and wells, private road and storm water ordinance. Comm. Grifhorst requests that the county drain commission review the site plan re watershed and wetlands, assuring adequate drainage plan as required per permit and meeting minimum building opening

Janet Kent, 16049 Tisdell, stated concern about fencing along shared property line. Smith's include no plans for boundary fencing. Janet voiced concern about potential multiple ATVs or kids on their property adjoining livestock pastures which increases damage or liability risks. Jim Brown notes that the Right to Farm Act protects their farming operation from related complaints by new residents.

Dan Randall, 8235 - 20 Mile Road, states multiple concerns regarding runoff, traffic increase, minimum frontage shown on the document meeting the ordinance, and fire access with the road dimensions.

Plans show the lot width measured at the building set back line, which raises question about adequate access incase of fire response. Jerry Gross responded on the possible fire congestion – depends on many considerations including the radius of cul de sac, and width of the road.

Mary Randall, 8235 - 20 Mile Road, asks do we need another subdivision??

Janet King asked if this fits with overall township development plans?

Comm. Hoffman inquired about proposed by-laws which need to be reviewed by the commission, in addition to a Kent Co. Health Dept. vacant land evaluation.

Summary: This is preliminary proposal only. Commissioners will see this again. There will be no further notice to residents but the notice will be published. There will need to be an association, which must sign off prior to application for building permits. The Site Condo documents are reviewed for approval by attorney Jim Brown.

Recap: The Commission is asking for detail of detention pond; requiring drain commission approval, and examination by own engineer re compliance with storm water ordinance. And evaluation of impact on watershed areas. Need to revise for 150 ft frontage at street frontage
 Jim Brown notes re amending discrepancy

Will there be a lit sign?? Smith's will apply for signage under ordinances. Planning commission will need to review by-laws.

V. New Business - Jerry Gross was introduced as new zoning administrator.

VI. Unfinished Business - none

VII. Comments of the audience - none

Meeting adjourned at 8:38 PM.

Respectfully submitted,
Pat Dignum

*Next meeting: July 20, 2005