

## THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday October 24, 2022

1. Call to Order:

- a. The meeting was called to order by Chairperson Tom Kilgore at 7:02 p.m. at Thornapple Township located at 200 E. Main St. Middleville, MI 49333.
- b. Present: Elaine Denton, Bryan Finkbeiner, Elizabeth Hansson, Linda Gasper, Tom Kilgore, Sandra Rairigh, and Craig Wandrie. Also Present: Catherine Getty, Todd Boerman, Amy Brown, Ivan & Aaron Head, Alyssa & Nick Tape, Rose Ann Steffes, Dennis Postema, Curt Postema, Cheryl & Greg Koster, Mark Postema, Bob Scheerhoorn, Jason Scheerhoorn, Kevin Smith, Brian & Jill Smith, Jon Raymond, Jarid Halverson, Brad & Kyle Williams, Linda & Greg Postema, Don DeGroot, James Dykema.

2. Approval of Agenda:

**MOTION** by Gasper, **SUPPORT** by Rairigh to approve the agenda as printed. **MOTION CARRIED** with 7 yes voice votes.

3. Approval of Minutes:

**MOTION** by Gasper, **SUPPORT** by Rairigh to approve the September 26, 2022, meeting minutes as presented. **MOTION CARRIED** with 7 yes voice votes.

4. Citizen Comments: Jason Scheerhoorn – Scheernhoorn said he was interested in buying a parcel (approximately 1.5 acre) off from Schad Road and would like to have an outdoor wood burner. However, Thornapple Township has an ordinance stating that a parcel must be a minimum of 3 acres to operate an outdoor wood burner. He asked the commissioners if he would be able to apply for a variance. Kligore stated that a variance could not be granted under those circumstances. He asked the commissioners to review the ordinance a second time now that there are outdoor wood burners on the market that create very little smoke as they come with catalytic converters on them. Scheerhoorn had a brochure with him that he offered Kilgore with more information about the lack of emissions. Kilgore said he would look over the new information. Bob Scheerhoorn said he was also considering purchasing a parcel next to his son and combining parcel to get up to the 3-acre limit. However, they would like to know before they purchase the parcels if there is a possibility of the ordinance being revised.

5. Public Hearings:

- a. Private Road # 72 – Gibson Farms Drive, 08-14-024-001-00
  - i. Applicant Presentation – Jared Halverson stated that he was at the site plan meeting and walked the site to review the topography with the committee and the placement of the private road. Halverson explained the road was designed with a curve and has a natural hill and sag in it which will help slow traffic as it

enters the street. He also explained the asphalt road is planned to be 24 feet wide instead of the required 22 feet width.

1. Staff Introduction – Getty & Boerman – Getty stated she had worked with the applicant to maximize the land division and had been to the site with Wandrie, Finkbeiner and Boerman. Boerman reviewed the comments on the memo written to Getty regarding the project. He stated they would need a private road agreement in place to maintain the road. The applicant has worked with the Barry County Road Commission on all the requirements needed for approval. There are 4 conditions that need to be met for approval of the private road permit.
2. Public Comments - None
  - a. OPEN: 7:20 P.M.
  - b. CLOSE: 7:20 P.M.
- ii. Commission Questions and Deliberation – Finkbeiner and Wandrie both agreed that the drainage is minimal, and the plan is good. Rairigh asked if there was an island in the cul-de-sac. Halverson said there was not. Rairigh asked if the Fire Chief had approved the plan. Getty said the private road requirements were approved by the Fire Chief and that the applicant’s plan had met the requirements.

**MOTION** by Denton, **SUPPORT** by Gasper to approve Private Road #72 – Gibson Farms Drive, 08-14-024-001-00. With the following 4 conditions:

1. Twelve inches of sand subbase is proposed. Existing soils may be adequate to serve as the subbase and should be evaluated by the design engineer.
2. A private road maintenance agreement and easement must be prepared and recorded with the Barry County Register of Deeds.
3. Applicant is required to provide at least a 2-foot shoulder to achieve the required 42-foot radius.
4. Soil erosion control measures shown on the plan should be observed during construction.

**Roll Call Vote:** Finkbeiner-Yes, Denton- Yes, Gasper-Yes, Hansson-Yes, Kilgore- Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 7 yes votes and 0 no vote.

- b. Special Use #159/Mineral Extraction – Busch Drive Concrete LLC.
  - i. Applicant Presentation – Don DeGroot explained the plan to operate a Mineral Extraction operation at 2185 Payne Lake Road. Phase 1 plan is to mine an area of about 9 acres and the entry would be placed at the southeast corner of the parcel. Trucks would travel south on Payne Lake Road and turn west on Bass Road toward Patterson Road. The permit requests extraction with some screening, but no washing or crushing. The plan calls for a 1:4 slope and for the topsoil to be replaced once the mining is complete.
  - ii. Staff Introduction – Getty & Boerman – Getty stated she had visited the site with Finkbeiner, Wandrie and Boerman. Getty also said she had included Section 19.53 “Mineral Extraction and Processing” from the ordinance which explain the standards required for operation. Getty has included comments as it applies to this request. Boerman reviewed the 15 points sent to Getty in a

memo dated 10-14-2022 and included in the packet. He acknowledged that the plan was to stay above the water table so that ground water would not be impacted in any way. He said storm water management is not an issue as the water would flow toward the pit floor rather than off the site. He said the final use of the reclaimed land should be considered. He said the applicant listed agricultural use as the plan for after the mining is complete but with a 1:4 slope this would not be likely. If the applicant continued using it for residential use this would be possible. They would need a gate to limit access to the site. The applicant has requested a 4 ft. berm be used rather than a fence. Boerman recommends the applicant work with the Barry County Road Commission on maintenance of Payne Lake Road as it is gravel. It will likely need dust abatement and repairs over time. Section 19.53 does require a mining operation have a paved approach to the road. However, because Payne Lake is already gravel, the Planning Commission could reasonably waive this requirement. Boerman recommends the slope be restored as soon as possible after the pit floor is established to minimize erosion. Boerman recommends a performance bond be put in place \$6,000 per acre for Phase 1 (8.8 acres.)

iii. Public Comments

1. OPEN: 7:37 PM
2. CLOSE: 8:14 PM

- a. Kevin Smith – 343 Lloyd Ct. Village of Middleville Council Member – Smith stated that he is opposed to the township approving the Special Use Permit to allow for the mining operation at 2185 Payne Lake Rd. for several reasons. He is concerned there are already several operating mines in the area and doesn't feel it is necessary. He said property owners have the right to live in quiet and enjoy their property as much as other businesses have the right to operate. He compared this to the Village of Middleville's decision to only allow a few marijuana businesses in the village. He said residents will see their property values decrease by 25-30 % near the gravel pit. His other concern is that there is no long-term plan for after the mining and that nothing could be grown after they are done.
- b. Aaron Head – 2180 Payne Lake Rd. – Head stated that her driveway was straight across from the proposed entrance. She objects for the following reasons: safety, damage to road, limited sight at the intersection, DNR snowmobile trail (route 59), noise, property values decrease, not enough benefit to the public, no viable long-term plan- agricultural use isn't an option, several other mines are already operating in the area.
- c. Nick Tape – 11923 Sapling Dr. – Tape stated he is opposed to the mine operation for several reasons. He said he lives there for the quiet atmosphere, there will be a lot of noise from screening and the backing up of trucks and equipment, there will be an increase in road traffic, safety of kids driving their quads and bikes on road, negative impact on community, dust factor (silica is a carcinogen.) Tape spoke a second time to say

- that Patterson Road is set-up for this kind of traffic, but Payne Lake Road is not.
- d. Brian Smith – 11924 Sapling Dr. – Smith stated that he is opposed to the mining operation because of the traffic concerns. He stated that he has lived there for over 20 years and has seen a lot of accidents over the years at the Payne Lake Road and Bass Road intersection. He is also concerned about the road damage. He said 3 days after it has been graded, there are potholes from regular traffic. Trucks will cause even more damage.
  - e. Ivan Head- 2180 N. Payne Lake Rd. – He said it will be impossible for him and his family to get out of their driveway. He stated that he drives truck and knows they will have to swing out to get onto Payne Lake Road.
  - f. Dennis Postema – 2185 N Payne Lake Rd. – He stated that his father used to farm the property 40 years ago and now it is wooded and that it isn't good for farming, but it does have sand and gravel that could be mined. He said his father passed away this past year and he now oversees care for his sister who is mentally disabled. He needs to set up a trust fund to pay for the expense of her care. He stated that the plan will leave numerous trees in place and that the 1:4 slope will allow for mowing so that the parcel will be maintained. His father requested that his sister continue to live there. He stated he had done some research and found that the dust does have some positive effects on farming. He said after caring for his dad and living there for an 8-month period he believes the pedestrian and bike traffic is less than is being presented. Postema spoke a second time to say that the special use permit is only for a two-year span and not for the lifetime of the neighbors.
  - g. James Dykema – Busch Drive Concrete LLC. (Proposed operator of mineral extraction) – Dykema stated that he doesn't mean to minimize any concerns that were voiced at the meeting. However, he does believe there is a need for gravel and sand from this location. This would be a smaller operation with one proposed access and believes this is the only possible location given the set back. He said the 1:4 slope would allow for mowing but that you wouldn't be able to grow hay. He understands safety is a concern to residents, but the Barry County Road Commission did not find a safety concern with the sight distance. He believes that not maintaining the roads causes more damage to a gravel train than to a small car so it will be in their best interest to maintain the roads. He didn't think it would be 50 trucks, five days a week but more when there is a project and at other times there could be no screening operating. There will be noise when they are mining, but the berms and trees will help make that quieter. Silica has been

found to be cancer causing but they follow all regulations to protect their operators and drivers and they have not had a problem with this in the past.

- iv. Commission Questions and Deliberation – Denton asked Dykema about phase 2 shown in blue on the site plan. Dykema said that is only a possibility at this point but is not planned. Gasper asked Getty about state laws regarding mining operations. Getty summarized the law that municipalities are allowed to regulate the operation to some degree, but still allow them to be mined where the material is found. Gasper asked if the road commission had commented regarding the location of the driveway from the mine onto Payne Lake. Getty stated that she had left to retrieve an email response from the Barry County Road Commission. Getty gave copies to the commissioners to read. Getty offered to read Jake Welsh's response to the public. Kilgore allowed Getty to read the email. It stated that Welsh looked at the site and measured the sight distance and does not have concerns about the location of the driveway. Welsh wrote that his previous experience with mining operators is that they are easy to work with regarding maintaining good gravel roads and does not have concerns regarding the maintenance of Payne Lake Road. He wrote that the township may have to work with the mining operator to have more gravel placed on the road though. Also, they have often paid the road commission directly for the cost of dust abatement which helps the surrounding neighbors as well as their own operations. Getty mentioned that there is another mining operation on a gravel road. It is maintained on a complaint basis, and they do come out to treat it quickly. Finkbeiner stated that the Oetman/Janose Mine is not a very busy operation, so the traffic is minimal. Gasper also mentioned the pit on Adams Road and that there were concerns about sight distance there as well. Gasper said she has not experienced any issues since it opened. Gasper asked Dykema if there was a lot of demand for gravel at this time. Denton asked if the driveway could be located elsewhere. Hansson asked how many trucks would be coming and going daily. Dykema said it depends on the demand. Some days it could be 50, but other days there may not be any. Kilgore asked members if they would like to table the discussion and vote. Finkbeiner and Denton agreed that would be a good idea. Getty asked if there was any specific information that they would like to receive before returning to the issue. Getty suggested having a representative from the Barry County Road Commission present to speak to the traffic concerns. Kilgore agreed that he would like to hear from them. Rairigh said she also would like to hear from them regarding the maintenance of the road. Hansson asked to hear from Finkbeiner and Wandrie who were on the site plan committee. Finkbeiner stated they had walked the site and the proposed driveway was straight across from the Head driveway and that the trucks would need to swing out to make the turn.

**MOTION** by Finkbeiner, **SUPPORT** by Hansson to table the vote on Special Use #159/Mineral Extraction – Busch Drive Concrete LLC until the 11-28-2022 Planning Commission Meeting.

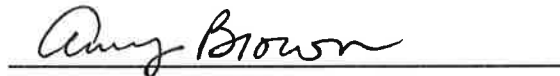
**Roll Call Vote:** Finkbeiner-Yes, Denton- Yes, Gasper-Yes, Hansson-Yes, Kilgore- Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 7 yes votes and 0 no vote.

- 6. New Business: None.
- 7. Unfinished Business: None.
- 8. Committee Reports: None.
- 9. Administrator's Report:
  - a. Zoning Activity Report – Getty reported there are two new buildings that have started.
  - b. Code Enforcement Report – Getty stated that Code Enforcement officer Brad Williams was at the meeting earlier but had to leave. Getty asked commissioners if they had any questions on his report. Gasper asked for more information on the loose waterfowl complaint. Getty explained that Williams had gone to look for them, but nothing was found at the time. A neighbor had called to complain.
- 10. Adjournment:

**MOTION** by Gasper, **SUPPORT** by Rairigh to adjourn at 9:02 PM **MOTION CARRIED** with 7 yes voice votes.



Sandra Rairigh, Secretary



Amy Brown, Recording Secretary

Approved 11-28-2022