



"A Community For All Seasons"

Dexter Township

Planning Commission

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John Shea
Chair

Kenneth Tappe
Vice-Chair

Mary Adams
Secretary

Vickie Kooyers
Twp Board Rep.

James Korcek
Thomas Lewis

Molly Wade
Commissioners

Kim Jordan
Recording Secretary

REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, May 24, 2011 7:00 PM

Present: John Shea, Chair; Ken Tappe, Vice Chair; Mary Adams, Secretary; Vickie Kooyers, Township Board Representative; Molly Wade; James Korcek and Tom Lewis.

Also present: Patrick Sloan, Director of Planning and Zoning

The meeting was called to order at 7:05 PM.

I. Approval of Agenda - Motion by Wade, supported by Kooyers, to approve agenda as amended. **Carried 7-0.**

II. Approval of the Meeting Minutes - Motion by Lewis, supported by Tappe, to approve the minutes, for April 26, 2011, as submitted. **Carried 7-0.**

III. Public Comment – None

IV. Action Items –

1. Master Plan –

Shea stated that the Planning Commissioners were here tonight to consider taking final action on the Master Plan, which was distributed last week with the red-lined revisions. However, a memo was submitted late Monday night, May 23, 2011, from Bill Gajewski outlining a number of concerns he believes should be addressed in the Master Plan.

A copy of Gajewski's comments/memo can be obtained at the Township Hall and a copy will be attached to the approved minutes.

Shea asked the members how they wanted to proceed now that they have received this new information.

Mr. Gajewski was present and the members concluded that they would like to hear his comments.

Lewis commented that from what he has reviewed in Mr. Gajewski's memo this evening, he felt that his concerns did not pertain to the Master Plan. Lewis stated that the Master Plan is a general guide of what the Township wants to see happen in the future and that Mr. Gajewski's concerns before the commissioners tonight are related to zoning characteristics.

Gajewski disagreed with Lewis and said that he believes that these are issues that need to be outlined in the Master Plan first and then again addressed in the Zoning Ordinance. He asked that the Planning Commissioners further review these issues and re-evaluate them accordingly.

Kooyers asked Gajewski where specifically in the Master Plan did he think these concerns would be best addressed.

Gajewski commented that he wasn't sure and asked that maybe Sloan could help him decipher that better.

Lewis asked Gajewski if he would summarize what his specific areas of concerns were.

Gajewski noted briefly some of his biodiversity and habitat control issues. He mentioned water resource issues such as: ground water recharge areas, wetlands, overlays and floodplains. He said that the Township dictates and creates an overkill of regulations and believes we should regulate less.

Shea reiterated that these are issues and concerns that should be addressed in the Zoning Ordinance and not the Master Plan. Shea also stated that, when it comes to amending the Zoning Ordinance, the Planning Commission is only the recommending body and not the final approval body.

Lewis asked Shea what the next procedural step would be.

Shea said that the Planning Commissions approval of the Master Plan is the final step of the process. The Board of Trustees had the opportunity to review and forward their comments and concerns back to the Planning Commission, which they previously did. Additionally, a Public Hearing was held on April 26, 2011, where comments and feedback were heard from the public. The Master Plan is before the commissioners this evening for possible final action.

Tappe commented that he would like to hear more detailed specifics as to how and why Mr. Gajewski's issues pertain to the Master Plan.

Korcek stated that any and all public input is valuable and welcomed by the members no matter when it is presented. However, he also feels that these concerns before the members this evening are more Zoning Ordinance related versus Master Plan related.

Shea suggested that the commissioners consider allowing Mr. Lesser and Mr. Gajewski time to bring forth their written concerns and annotate where they think these concerns should be best noted in the Master Plan. Additionally, they should explain where and how they feel that the Township is over-regulating and what they would propose instead.

Shea asked that they submit their written concerns to the Township at least one week prior to the next scheduled meeting on June 28, 2011. This should give the commissioners sufficient time to study and review the issues to be addressed.

Shea said that he and the commissioners have dealt with many developers in the past and he cannot remember any developer complaining about over-regulation. Mostly everyone he has spoken too and/or heard comments back from have commented on how open-minded, reasonable, and fair the Township is. However, the commissioners are open to better ideas and/or suggestions and always encourage public input.

Shea suggests they work with Sloan and collate their concerns to the section(s) they feel they should pertain to. These concerns need to be submitted in memo form to the commissioners prior to the June 28th meeting.

The commissioners will revisit the Master Plan for possible action at their next scheduled meeting on June 28, 2011.

Commissioners discussed Sloan's memo, dated May 23, 2011, Significant Changes Made to the Draft Master Plan.

There were no major concerns. However, Shea noted that the commissioners were still a little uncomfortable with leaving in SEMCOG's 2035 Regional Projections. Shea suggested that perhaps we should include a bold foot note under the table stating that the 2035 projections were made in 2005 and are made mostly obsolete by the 2010 Census data.

Sloan will draft the language and insert it.

Wade suggested taking out the word "lawn" so that the phosphorus and pesticide language applies to all applications.

Shea suggested, and commissioners agreed, to change the Agriculture parcels in Section 36 to Rural Residential in both the Future Land Use map and Zoning Plan map.

Other minor edits were made. These edits were not substantive.

A copy of the proposed Master Plan can be obtained at the Township Hall during regular business hours.

No further comments.

Shea suggested they move up item number six (VI.) Public Comment so as not to hold up those that came tonight to discuss the Master Plan.

Commissioners agreed to proceed with public comment.

Public Comment –

Carl Lesser and Bill Gajewski shared their views and bits of history with the commissioners regarding how things have evolved through the years. They are concerned with what they perceive as over-development in the Township and the environmental issues that have developed along the way with some of those developments. In their view, the Township has and is over-regulating.

Lewis said that these are private opinions we are hearing and zoning-related issues that would have been recommended by the Planning Commission and forwarded to the Township Board for its review and final approval.

Shea reiterated again stating that the Master Plan is only a tool and guide for the development of Dexter Township and the Zoning Ordinance, on the other hand, is a document that encourages the use of lands and natural resources in accordance with their character.

V. Township Board Update –

Kooyers updated the members on items that were addressed at the following Board of Trustees meetings.

At the May 4th Special Board Meeting with Members of North Lake United Methodist Church (NLUMC):

Church members expressed additional concerns about the expenses associated with the construction of their desired steeple. Specifically, the preparation of a site plan, the estimated fees associated with the review process and the need for the review process at all. NLUMC member Honbaum stated that he had found a 2006 plot plan showing the location of structures existing at that time. Director of Planning and Zoning (DPZ) Sloan was not able to attend the special meeting but had stated in his memo, dated April 29, 2011, that since the Church's site and structure had existed continuously as a recognized Special Land Use since its inception in the late 1800's, that a site plan application would be classified as an Amended Site Plan with a \$1,000.00 fee and \$2,000.00 refundable deposit. I stated that the Planning Commission (PC) would try to accommodate the application and review process in as timely manner as possible; however, the PC would review the site plan the same as it would for any other applicant. A NLUMC member asked about the Administrative Review process to appeal DPZ Sloan's decision to the Zoning Board of Appeals (ZBA) and subsequently an application has been received by the Township and NLUMC is on the ZBA agenda for its June 7th meeting.

At the May 17th Regular Board Meeting:

A presentation was made by representatives from the Washtenaw Area Transportation Study (WATS) and the Ann Arbor Transit Authority (AATA) on a governance model for a proposed Countywide Transit Authority transitioning it from AATA - the current city transit authority. The county wide board would consist of fifteen (15) members representing communities throughout Washtenaw County. Dexter Township would be in the West District along with the city of Chelsea. The townships of Bridgewater, Freedom, Lima, Lyndon, Manchester, Sharon, Sylvan, the village of Manchester, and the West District would have one (1) representative on the county wide transit authority board. The Dexter Township Board agreed to participate in the first phase of this process by entering into an interlocal agreement with these other municipalities for the purpose of determining the process to select and the selection of the representative from the West District. The interlocal agreement would not bind any of the municipalities to participate in the county wide authority and would not require any expenditure of funds. Supervisor Kelly and I agreed to represent Dexter Township in these initial discussions.

Action was taken to establish scheduled office hours of six (6) hours one (1) day per month for the Township Engineer Matt Parks of Orchard, Hilts, and McCliment to confer with storm water management plan and site plan applicants. This monthly meeting would be contingent upon having sufficient applications to review.

Resolution 11-320 was approved to execute a cooperative agreement for participation in the Washtenaw Urban County program through the Community Development Block Grant and Home Investment Partnership Programs.

Resolution 11-321 was approved to extend for twelve (12) months the temporary moratorium on the use of property and structures in the Township for dispensing and cultivating marihuana.

Action was taken to approve the 2011 Washtenaw County Road Commission local road projects on Noah, North Lake, and Toma Roads.

VI. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary-

Sloan handed out a memo from the Village of Dexter Planning Commissioners regarding their upcoming public hearing, on Monday, June 6, 2011, to field public comment on Medical Marihuana regulations and proposed amendments to the Village of Dexter's Zoning Ordinance.

Sloan informed the members that a re-zoning application will be coming before them in June and that he is anticipating Hartman Farms will be submitting for their final site plan in the coming months.

VII. Public Comment – moved up on the agenda.

VIII. Future Agenda Items –

Tuesday, June 28, 2011

- 1) Master Plan (Possible Action)

IX. Adjournment – Chair Shea declared meeting adjourned at 8:50 PM

Respectfully submitted,

Kimberly Jordan, Recording Secretary

Mary Adams, Secretary

MEMO

To: John Shea, PC Chair
From: Bill Gajewski, ZBA
Re: Master Plan Comments

Anybody that knows me ... knows that I am pro-environment and pro-green development. I've been a member of almost every environmental group. As the Chair of The Friends of Stinchfield Woods, we sponsored many environmental events for the community. We were even on the front page of the Ann Arbor News for our "Night Walk on Peach Mountain," where about 500 people attended. Before each environmental event, I'd always tell people: *"We sponsor these environmental events to encourage good land-use planning and to heighten human awareness, understanding, & appreciation of the natural world."*

The natural world is important and it can be protected by the use of LID-Conservation Design. However in preserving the natural world, the Master Plan moves too far to the left. The problem with the Master Plan is that it's not balanced. We're taking so much from the policies of the professional left (*the Huron River Watershed Council*) that we'll discourage green development and encourage large lot sprawl. Large lot zoning with no preserved open space and no site plan review will become the predominant land pattern across Dexter Township rather than open space, conservation design.

I've also been a member of the Huron River Watershed Council. The Watershed Council is part of the professional left ... and therefore their goals are definitely not in harmony with the goals of farmers.

Environmental groups as the HRWC are not fans of farmers or development. They say that farmers drain our wetlands, pollute our groundwater, over-plow the land causing erosion & sedimentation of our surface waters, and destroy bird biodiversity because of farming practices. They say that there are low numbers of breeding birds associated with Michigan farmlands. *The left also says that "Michigan farmers feed an ever-growing population that should be reduced from 10 million to 2 million people." They want less people and less development.* I am not that extreme, I believe man and nature can live in harmony.

Farmers and environmentalists as the HRWC have always been at odds. According to the Atlas of Breeding Birds of Michigan: *"Destruction of wetlands in recent decades has come primarily from agricultural development (87% on a national level)."* In the Master Plan we talk about adding a wetland ordinance even though Michigan is one of only two states in the entire nation with a wetland ordinance more restrictive & more encompassing than the federal government and wetlands can legally be used for farming.

Unfortunately, our Master Plan draws too heavily from the policies of the Huron River Watershed Council. For example they want to protect *watershed wildlife* via Bioreserves. This term is an abbreviation for Biodiversity Reserves. And its goal is to protect indigenous flora & fauna *with the exclusion of man.* (*This is also the written policy statement of the Sierra Club i.e. the preclusion of overt human interference to preserve biodiversity.*) To accomplish this goal, the HRWC wants the PC to downzone those areas.

Bioreserves is a term the HRWC copied from The Nature Conservancy (TNC). It's a term that was coined by The Nature Conservancy (TNC) more than 20 years ago. I have been a member of The Nature Conservancy for more than 15 years and my membership dues have gone to purchase Bioreserves and thus to protect indigenous Biodiversity. The irony here is that I've already paid for Bioreserves and the now the HRWC wants to downzone others property (*and mine*) without paying a penny for it. TNC does not use confiscation through regulations, we pay for Bioreserves outright.

Mandating *Conservation Design with LID techniques* i.e. requiring *OSC's* in those areas is a much better way to protect biodiversity and water resources ... because you end up with *managed Open Space* versus wild, invasive species reserves, which are detrimental to farming & will create a sustainable nuisance. According to nationally recognized planner Randall Arendt: When updating a master plan, one of the best and most cost effective ways to protect sensitive natural areas and natural resources is by the use of Conservation Design. (*Not by burdensome over-regulation*).

Effective July 8th, 2011 the Michigan DNRE signed an order making feral swine/wild boars an *invasive species*. They have been found in the Ann Arbor area as well as in the Pinckney Recreation area. This is very troubling. Experts told the NRC that there are no practical or economical management techniques that can adequately control the spread and negative impact of feral swine. Through aggressive breeding and high adaptability, feral swine are quickly to establish populations in a variety of climates and ecosystems. They said the state lacks the financial and human resources needed to control this species. Other states have spent millions of dollars to control them and have admitted it's a losing battle.

Some estimates suggest that invasive feral swine damage to agricultural crops & the environment conservatively total \$1.5 billion in the United States. And... that does not include damage by overpopulations of deer, raccoons, sandhill cranes, etc. due to lack of management. With no management, nuisance & invasive species destroy biodiversity, take over ecosystems, and destroy crops. For example Deer eat everything in sight including our State Threatened White Lady Slipper Orchids. According to the "*Biodiversity Recovery Plan*," an American Planning Association plan of the year for 2000 ... "*Deer populations can do permanent damage to ecosystems (and farm crops) at densities of 10-15 per square mile.*" I've had 10 deer just in my own backyard on a regular basis!

Autumn Olive trees are another invasive species that have overtaken our canopied hardwood forest areas and choked off the native understory, destroying indigenous biodiversity. They are extremely difficult to kill. You must dig up & destroy all the roots ... it's very labor intensive & very expensive to eradicate. Thus you need *managed* open space that an OSC can provide and bioreserves cannot. (*Our property incorrectly has a biodiversity rating in the 900's by HRWC. It has turned into an invasive autumn olive forest. I fight a losing battle every year to cut them down and eradicate them. Also the deer population exceeds more than 30 deer/sq mi. As the former Chair of The Friends of Stinchfield Woods, I know more about it's biodiversity than the Ann Arbor based HRWC.*)

I fail to see a case for Bioreserves or the policies of the HRWC when our township is spanned from east to west with a massive band of public lands. We have a enormous and contiguous wildlife corridor and habitat for flora and fauna, but unfortunately these are *unmanaged lands* ... and we do not want to add more of the same with overpopulated invasive and nuisance species.

From east to west we have:

Hudson Mills contains 1700 acres, Peach Mountain less than 1000 acres, the Pinckney Recreation Area 10,000 acres, which is the 2nd largest state park in the lower peninsula of Michigan. And next we have the Waterloo Rec area of 18,000 acres. *All in all a massive wildlife habitat area of over 30,000 acres for flora & fauna.* **Why do we need more bioreserves?** The reason is that the HRWC definitely push their *anti-development* policies to preserve watershed wildlife. For example in the Master Plan we will adopt their Pot-Hole ordinance from their guidebook: **“How Much Development is Too Much? (Transportation Policies, Strategies sec 2.3 in MP) Thus we can downzone people’s property on gravel roads too.**

Again, the problem with the Master Plan is that it’s not balanced. We’re taking so much from the policies of the left (the HRWC) that we’ll discourage green development and encourage large lot sprawl. Large lot zoning with no preserved open space and no site plan review will become the predominant land pattern across Dexter Township rather than open space, conservation design.

In the Master Plan, we seem to be throwing up every environmental roadblock possible to block development plus we’ve added a slew of costly new development regulations. For example a small farmer or landowner can’t afford to pay for expensive hydrogeo studies (*Environmental Policies, Strategy 2.3*) as well as pay an attorney and engineers to negotiate through all the new development red tape. They’ll simply have to choose large lot zoning via simple land splits. That’s very troubling since I’ve always been a proponent of *green development* and worked since the early 90’s to get OSC’s into our ZO.

Our survey said that people want green development to protect our surface and groundwater but that’s not going to happen by being overly restrictive and moving toward a very authoritarian government. Also does Dexter Township have the resources, the personnel, and the money to enforce all these new burdensome regulations?

In conclusion, when considering all these new Master Plan regulations we should be cautious that we do not create a costly and complex regulatory maze that will push people to select simple land split *large lot zoning* versus going through the zoning ordinance. People take the path of least resistance. **Land Hog Zoning** results in sterile, cookie cutter developments that destroy our natural features, increase impervious surfaces, degrade water quality, carve up natural ecosystems and destroy **biodiversity** *which ironically is what the PC is trying to protect.* So ... “Be careful what you wish for.”

The Master Plan seems to be antidevelopment. For example you can’t build on hills i.e. it adds even more restrictions for building on hills (*most of the twp has steep topography & our ZO in section 24.02 C 1, already addresses this issue in a less restrictive manner. And it can be done with LID-OSC’s*). You can’t build on gravel roads (*downzoning via a pothole ordinance*). You can’t build in a bioreserve (*downzoning to protect watershed wildlife*) etc, etc. The Master Plan is a blueprint for more and more regulations that will put more restrictions on design flexibility to design with the natural environment. This takes design control away from the planning commission and places it with rigid regulations. Thus we lose out on exemplary innovative & creative OSC’s because the PC has its hands tied by rigid burdensome rules.

Nancy Moss, the Senior Planner of the Washtenaw County Metro Planning Authority said that I was spot on with my comments on our 2003 ZO. Even Dave Millar of the PC said that the WCMPA mimicked and agreed with all my comments about that ZO. So I think I am accurate again with my assessments today. It's always hard to be critical of what you've created.

The Master Plan does a good job of protecting wetland and watershed wildlife yet we fall short in our Master Plan about how to specifically protect and provide for our most vulnerable, our aging senior population. (*Residential Policies, Objective #3*) Semcog predicts that Dexter Township seniors may reach 25% of the population by 2035. Thus we need to better address ageing in place and accessory senior housing by making the zoning ordinance less restrictive. For example by allowing accessory units, also called carriage units or granny flats as a place for elderly parents. Some communities permit accessory garage apartments as well as front porches that extend beyond the front yard setback.

Also according to the textbook, *Green Development*, "In Municipalities that are struggling to provide affordable housing, permitting accessory units is a good way to turn things around." (*Residential Objective #4*) It further states: "Building just one accessory unit per 1,000 single family homes in the United States each year would produce an additional 48,000 rental units annually. Best of all, the increase would be created through simple zoning changes rather than expensive public housing programs or regulatory measures."

The Chief Economist for U of M has stated that it will be **20 years** before Michigan's economy return to what it once was. So instead of thinking up new ways to hinder development we should focus on promoting unique green development that has the potential to stimulate our economy & our property values for the following reasons:

At recent Master Citizen Planner seminar they said that in this New Economy – people no longer follow jobs, jobs follow people. These are innovative & creative entrepreneurs.

Thus MSU stated that it's our job to attract these creative entrepreneurs who are looking for creative & innovative places to live with a *sense of place*. And with very creative, Conservation Designed Communities i.e. OSC's ... we can do this as well as protect the environment.

