



"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. brd. rep.

Thomas Lewis

Molly Wade

Marty Runlig

Bob Nester

Commissioners

Kimberly Jordan  
Recording Secretary

### REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, April 24, 2012

Present: Molly Wade, Chair; Ken Tappe, Vice Chair; Mary Adams, Secretary; Tom Lewis; Marty Ruhlig and Bob Nester.

Also present: Patrick Sloan, Director of Planning and Zoning & Pat Kelly, Supervisor

Absent: Vickie Kooyers.

The meeting was called to order at 7:01 PM.

**I. Approval of Agenda** - Motion by Lewis, supported by Ruhlig, to approve agenda as submitted. **Carried 6-0.**

**II. Approval of the Meeting Minutes** - Motion by Tappe, supported by Nester, to approve the minutes, for March 27, 2012, as submitted. **Carried 6-0.**

### III. Public Comment –

1) Doug Houk, 14005 North Territorial Road, Dexter- Wanted to know why the Township was not enforcing its Anti-Noise and Nuisance Ordinance. He went on to say that he is knowledgeable in the field of measuring sound and has taken his own sound meter test with an approved precision sound level meter. He handed out a graph for the Commission's review. He asked that the record state that the Inverness Inn has not always been a bar. It was a small business in the beginning and his parents helped run it.

2) Ray Howe, 13796 Rustic Drive, Gregory – Reiterated the noncompliance issues with the seating capacity and the signage. Additionally, he noted that the owners have not and currently are not operating in good faith. He said that the Park Lawn Beach Homeowners Association paid for Washtenaw Engineering to inspect and review the plan prepared by Boss Engineering and found discrepancies. Their review noted that soil borings are needed to give a better depiction of the permeability basin.

The Washtenaw Engineering review memo, dated April 23, 2012, can be obtained for review at the Township Hall during normal business hours.

3) Bob Frayer, 13720 Rustic Drive, Gregory – Said that the Southwest corner does not drain to the pond and that the parking lot needs to be re-graded.

4) Scott Padden, 11829 W. Shore Dr, Pinckney – Noted for the record that boring samples were done and gave the commissioners various picture of the drainage for their review and

records. Additionally, he noted that they have been taking and logging their own “sound meter test” and it has never been over a .55 db (A) at the property line.

#### IV. Action Items –

##### 1) Review Inverness Inn’s, Conditional Use Application –

Sloan said that at the Planning Commission’s last meeting on March 27, 2012, concerns and comments were compiled and forwarded to Matt Parks, Township Engineer and that Parks is here tonight to address the public and take any additional questions. Sloan additionally noted that the applicant's engineer is here this evening as well.

Sloan gave a brief history of the applicant’s site plan. In 2007 the site plan was approved with conditions. One of the conditions was the storm water retention. In this application, the Planning Commission is asking for a design that would capture as much runoff as possible. The design they approved in 2007 was better than what was in place at the time, and the conditions were warranted. The neglect of maintenance since then has been a contributing factor in the runoff.

Matt Parks, OHM Engineer for the Township, noted that their review in August 2007 addressed proposed dry wells and additionally noted that the site plan contained pre-existing structures and no major additions were proposed at the time. The site was evaluated normally for its age and its size back in 2007.

Tappe asked Parks if the initial storm water design in 2007 had been maintained properly would it have worked as intended.

Parks said that the design was meant to capture basically roof drainage and minimal run-off. He commented that the non-maintenance and lack of vegetation contributed to the quick erosion. However, the design itself was better than what was previously in place.

Wade asked why we didn’t make the site meet the standards of the Washtenaw County Water Resources Commissioner.

Parks replied that they were not required to at that time. This is a small pre-existing lot that had no additions and/or major changes in 2007. However, smaller older sites like this tend to be a bigger issue in the long run.

Sloan cited Section 24.06(A) of the Zoning Ordinance, supporting Parks comment.

Tappe commented that we are starting from ground zero again. He does not believe we are moving in the right direction and/or getting anywhere. He said there has to be a happy middle ground. He said that the residences of Park Lawn Beach will not get complete resolve nor will Inverness Inn. This has been a long ongoing issue. The engineers need to work with one another and find a happy alternative.

Nester asked if the site had retained water in the past.

Scott Padden replied, yes.

Ruhlig asked for clarification of Inverness Inn's history. He said that, before 2007, there was no water being retained on the site, minimal water retention after site plan approval in 2007, and that the new proposed design before us today would only retain more.

Padden replied, yes.

Wade stated that the proposed site plan before the Planning Commission is for a Special Land Use. Major issues have been with the drainage in which we need to address them independent of some of the other factors related to the site.

Brent LaVanway, Boss Engineering, and engineer for the applicant noted that the parking lot was in before the new owners purchased the property. The main issue is to bypass the basin and look at an alternative to the slope design that would capture more runoff.

Lewis said he has concerns with the conflicting engineering calculations between Boss Engineering and Washtenaw Engineering.

Kelly interjected for clarification. In 2007, this was a pre-existing structure, a legally non-conforming site, and there wasn't a strong stormwater management ordinance in place at the time of the application. The conditions set forth for stormwater management in 2007 was a better solution than what was in place at the time and approval was reasonable at the time.

Tappe said he is opposed to the site plan as it is presented tonight. The engineers and Association need to come to some kind of alternative compromise and the ongoing violations need to be addressed.

When asked about the infiltration, Parks commented that the soil on the site is good for groundwater filtration.

Nester said he has driven through the Park Lawn neighborhood and noted that Bramble Brae is not crowned and leans to the east. He noticed a lot of erosion and commented that the subdivision has its own issues with drainage.

Paul Seelbach, 13815 North Territorial Road, Gregory – Stated that he is a professional Aquatic Scientist and helped write the Washtenaw County water guidelines. He is the present road commissioner for the Park Lawn Beach Homeowners Association. The water retention goal is to manage your own water in your own space. He has issues with the Park's comments and Sloan's. He doesn't feel the Township has Park Lawn Beach Homeowners Association's best interest at heart. The Planning Commission should be looking out for the residents of Dexter Township.

Scott Robertson, 13753 Bramble Brae, Gregory – Noted that he was the previous road commissioner for Park Lawn Beach Homeowners Association. The Association has spent thousands of dollars on road maintenance ever since Matt Hintzen owned the property. Robertson had no faith in the previous design and does not have any faith in the proposed one. He is opposed to the plan.

Seelbach stated that the association did grade Bramble Brae to the east to help the drainage issues, particularly with the Taylor property (7560 Lake Shore Dr.) that is most affected.

Seelbach said they are aware that this site is not able to accommodate a 100-year storm. However, they want the site to retain as much water as possible. Their association is dedicated, serious, and adamant about getting some resolve. He reiterates again that he doesn't feel the Township has taken them seriously or has their best interest.

Doug Houk reiterates the sound device he used is a precision sound meter that is to code.

Howe stated we are only petitioning that the Planning Commission look at the proposed site plan. He would like them to review and consider the errors found by Washtenaw Engineering in its report dated, April 23, 2012. He noted for the record again that the existing stormwater design has never functioned properly.

Padden noted that they have re-graded that retention pond three times.

Sloan noted that civil infraction tickets were issued for maintenance neglect. Because the pond maintenance was neglected, it eroded to the point of no longer appearing or functioning according to the approved 2007 site plan.

Wade asked if the commissioners had any further questions.

Nester said that it appears most of the concerns and comments with this site plan have been with the stormwater runoff. We need a middle ground because a 100-year storm volume is not feasible. If there is no middle ground, then there will be no resolve to some of the issues raised.

Lewis re-capped the ratio and dimension on the site plan for his clarification. He asked the engineers whether or not an all gravel parking lot would be an improvement for the runoff problem, assuming the Zoning Board of Appeals approved an all gravel parking lot.

Parks said, yes, it would.

Ruhlig said he agrees that the drainage issue needs to be addressed and that a 100-year storm volume is not going to be attained. We need to have an alternative middle ground.

Adams asked Robertson if these water issues existed prior to opening the Inn.

Robertson replied, yes. They have been ongoing for years.

Adams asked if the runoff has worsened or has it stayed the same?

Robertson replied that it hasn't gotten any better.

Robertson noted that on the southwest corner of the lot there is one handicap parking space that encroaches into the Bramble Brae right-of-way.

Sloan said he would recommend the commissioners defer final action until their next meeting at the earliest so as to allow for a resolution to be drafted.

Wade suggested that the engineers meet with one another and go back to the drawing board to see if further improvements can be made or if there is an alternative design that would work.

Wade stated for the record that the Planning Commission's job is to make decisions with regard to the Zoning Ordinance and the Master Plan. It is not their job to re-design a site plan.

Tappe said he feels nothing new has been brought to the table this evening. It is disappointing. The commissioners need an acceptable plan and the ongoing violations really need to be addressed before moving forward.

A motion was made by Tappe, supported by Ruhlig, to defer this item to Tuesday, May 22, 2012. Ruhlig requested that the applicant come back to the Planning Commission with additional provisions and/or alternatives to increase the holding capacity of the detention pond.

Commissioners discussed.

Roll Call Vote: Yeas - Adams, Nester, Tappe, Wade, Lewis, Ruhlig; Nays- None; Abstain – None; Absent- Kooyers.

Motion was carried, with amendment per Ruhlig's comment. 6-0

## 2) Review Proposed Village of Dexter Master Plan –

Commissioners discussed Sloan's review memo, dated April 17, 2012, for the proposed Village of Dexter Master Plan.

Commissioners concurred with Sloan's review and comments. They asked him to forward his report to the Village of Dexter with their support and concurrence of his findings.

A motion was made by Lewis, supported by Ruhlig, to forward Sloan's report to the Village of Dexter. **Carried 6-0**

Sloan's report can be obtained at the Township Hall during regular business hours.

## V. Township Board Update –

At the April 17th Board Meeting the following action was taken:

Approval by resolution to grant to Consumers Energy a franchise for a five (5) year term.

Authorization to spend up to \$400.00 for a new sign at the Hudson Mills Cemetery, to waive zoning and the ZBA fees, and to call a special meeting of the ZBA to hopefully enable the completion of the work for the new sign prior to Memorial Day.

Approval by resolution for a twelve (12) month extension of the temporary moratorium on the use of property and structures in the Dexter Township for the dispensing and cultivating of marihuana.

Approval by resolution to amend the Township Floodplain Management Ordinance 39 to include an explicit prefix and suffix to each map panel pursuant to FEMA requirements.

Approval by resolution to issue a new Small Wine Maker License to Rebel Jack, LLC. Sloan,

Director of Planning and Zoning, issued a Home Occupation Permit for a micro-winery to LLC member Charles Durbin in July of 2011.

There is now a page on the Township website with information for property owners about the new FEMA Flood Insurance Rate Maps.

**VI. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary- None**

**VII. Public Comment – None**

**VIII. Future Agenda Items –**

Tuesday, May 22, 2012

1) Review Inverness Inn's, Conditional Use Application

**IX. Adjournment – Wade declared meeting adjourned at 9:48 PM**

Respectfully submitted,

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Kimberly Jordan, Recording Secretary

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Mary Adams, Secretary