

Holly Township
Planning Commission – Regular Meeting
Minutes of February 9, 2009

Call to Order: Chairperson LaLaine Kilbourn called the February 9, 2009 Regular Meeting of the Holly Township Planning Commission to order at or about 7:00 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

Roll Call:

Commissioners Present:

LaLaine Kilbourn, Chairperson
George Barton
Rick Stevens
Steve Ruth
Mark McHalpine

Others Present:

Jesse Lambert, Supervisor
Brian Oppmann, Carlisle Wortman
Attorney Greg Need
Tim Affolder, Genisys Credit Union
Ray Foley, Mulch Express
Larry Garon, Silverman Company
Bob Jacobs, Silverman Company
Jackie Mirasolo
Victoria Gross
Charlie Gross
Harland Hyatt

Others Present (continued):

Larry Lilly
John Arden
Douglas Arden
Pastor Whitaker, Faith Missionary Baptist Church

- **Commissioner George Barton moved to excuse Commissioners Bill Angus and Ted Gurski from the meeting. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Agenda Approval:

Commissioner George Barton noted the Master Plan is still out for review and suggested removing the Master Plan Update from the agenda.

- **Commissioner George Barton moved to approve the agenda, as amended. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Public Hearing:

1. Public Hearing to consider the proposed text amendments to the Township of Holly Code of Ordinances to Chapter 32 Zoning Ordinance, Article IV Supplementary Regulations, Section 32-162 Grange Hall/Fish Lake Overlay District to allow the Planning Commission to approve deviations.
- **Commissioner George Barton moved to open the Public Hearing. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Mr. Brian Oppmann indicated this amendment proposes permitting the Planning Commission to deviate from the overlay district parking requirement that only 40 percent of parking can be in the front yard of a site.

Chairperson LaLaine Kilbourn noted this would give the Planning Commission leeway to approve changes instead of the applicant going to the Zoning Board of Appeals.

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Mr. Larry Lilly, 110 Clarence Street, stated he doesn't believe the amendment should be approved. Commissioner Rick Stevens and Clerk Karin Winchester are on the Zoning Board of Appeals. He doesn't see a problem with the current process. The decision shouldn't be made by the Planning Commission. It should go to the Zoning Board of Appeals, then to the Planning Commission.

Mr. Jesse Lambert, 14413 Hess Road, stated as a resident he believes the Township should be flexible with businesses interested in coming to Holly Township.

- **Commissioner George Barton moved to close the Public Hearing. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Approval of Minutes:

Chairperson Kilbourn indicated on Page 5, Line 15, there should be a space between the words "to" and "what".

- **Commissioner George Barton moved to approve the minutes of January 12th, 2009, as amended. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Communications: No communications.

New Business:

1. Proposed Text Amendments to the Township of Holly Code of Ordinances to Chapter 32 Zoning Ordinance, Article IV Supplementary Regulations, Section 32-162 Grange Hall/Fish Lake Overlay District to add Text to Allow the Planning Commission to Approve Deviations.

Mr. Oppmann referred the Planning Commission to his memo summarizing the proposed text amendment. Four criteria would have to be met in order for the Planning Commission to permit a deviation as part of the site plan review process. This is a cleaner approach than taking it to the Z BA.

Commissioner Rick Stevens noted normally he would agree with Mr. Lilly's previous comments. In this particular case, there was a problem the first time use was attempted to be made of the overlay district ordinance. The Township has a strong ordinance, though the Zoning Board of Appeals felt the parking requirement should be looked at a second time. The ordinance was reviewed to make it more of an asset to the Township, which it was set up to do in the first place.

Commissioner Kilbourn noted her concern regarding taking a responsibility from the Zoning Board of Appeals and giving it to the Planning Commission.

Mr. Oppmann stated he understands Chairperson Kilbourn's concern. The parking requirement is very rigid. When the overlay district language was first created, the implementation of it hadn't been done. The way sites are often laid out and uses which require a certain layouts, working with it could become burdensome. This is almost like a PUD in the aspect it gives you flexibility on parking. It doesn't mean you can allow less parking, even though the ordinance permits that in other areas. This is really designed to give flexibility. It is better handled at the Planning Commission level because the Planning Commission reviews the site plan. It's different for the Z BA. They have to work on whether it meets criteria or not or whether it creates a hardship. With something like parking, it may be difficult to prove that, or some other practical difficulty. It's better placed with the Planning Commission, as the Planning Commission will be reviewing the site plan. It will be up to the applicant to want to use it. If they have to use it to meet these criteria, they have to submit a site plan and the Planning Commission will review it accordingly.

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Commissioner Barton stated his observation is the Zoning Board of Appeals is more set up to look at an existing condition that isn't in front of the Planning Commission where you have a problem that needs to be addressed. The Planning Commission doesn't intend to interfere with the ZBA's area; their areas don't overlap. When looking at an overlay district, a site plan, it's new, it's open land and it makes sense for the Planning Commission to review this. Otherwise not only does the Planning Commission have to get up to speed on all the details, but then the Zoning Board of Appeals has to be up to speed, as well. You would have two learning curves, one after the other. It would be a long, arduous process. This text amendment would avoid that.

Mr. Oppmann stated this is a start of continuing to refine this ordinance as it's put into practice. There will be a lot of practice with the Silverman project as it evolves.

Chairperson Kilbourn questioned whether the credit union would be required to come back to the Planning Commission for the request for the additional spaces if this were approved.

Mr. Oppmann stated once this text amendment gets approved by the Board of Trustees, the credit union would be on the agenda again, asking the Planning Commission to amend their previous motion.

Mr. Larry Garon, Silverman Company, stated he hopes the Planning Commission will amend the ordinance because this will have a far-reaching effect over the entire overlay district and will come up again with other future users. He thinks it's a wise choice to have the Planning Commission have the flexibility. In terms of the credit union, he was hoping if this is approved, this evening's agenda could contain their request to approve their site plan as it was submitted to the Planning Commission, contingent on the Board approving the amendment to the ordinance. The credit union then wouldn't have to wait two months to come back here and they could continue with their plans and save quite a bit of valuable time. He's done that on numerous occasions in other communities and that seems to work.

Attorney Greg Need noted that was not on the agenda tonight and he's not sure the Planning Commission has evaluated the site plan in light of the proposed amendments. If the Planning Commission has, that's fine, they can certainly consider Mr. Garon's comments. They're not required to.

Commissioner Rick Stevens stated thorough discussion was held at previous meetings. It would have to go back before the Township Board. He believes the Planning Commission had conditionally approved the request.

Commissioner Steve Ruth noted the Planning Commission needs to determine whether or not to approve the site plan. The applicant could continue based on the high likelihood the Board of Trustees will accept the Planning Commission's recommendation regarding the text amendment.

Mr. Timothy Affolder questioned Mr. Oppmann whether the Genisys Credit Union site plan would meet the criteria of the overlay district if the text amendment is adopted.

Mr. Oppmann stated he believes it does.

Mr. Affolder noted if the ordinance is adopted and the site plan meets the criteria, it could be handled administratively. The Planning Commission can act tonight.

Commissioner Barton questioned whether Mr. Affolder would need to return to the Planning Commission or it could be handled administratively if the Planning Commission recommends approval to the Board of Trustees and the Board approves the text amendment.

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Mr. Oppmann stated the Planning Commission has a motion on the table that applies to the previous ordinance standard that they have to correct the parking situation. That motion would need to be amended.

Mr. Need stated the Planning Commission has the ability to conditionally amend their site plan approval with the parking that's been presented, but it would not be effective until the Township Board approves the ordinance amendment and publishes it and it becomes effective.

- **Commissioner George Barton moved to approve the text amendment for the Holly Code of Ordinances Chapter 32, Article IV Supplementary Regulations, Section 32-162 Grange Hall/Fish Lake Overlay District to add the text to allow the Planning Commission to approve deviations on parking. Commissioner Steve Ruth supported the motion. A roll call vote was taken. Kilbourn: Yes; Stevens: Yes; McHalpine: Yes; Barton: Yes; Ruth: Yes. The motion carried by a 5/0 vote.**
- **Commissioner George Barton moved to amend the agenda to add on site plan approval for the Genisys Credit Union. Commissioner Steve Ruth supported the motion. A roll call vote was taken. Ruth: Yes; McHalpine: Yes; Barton: Yes; Stevens: Yes; Kilbourn: Yes. The motion carried with a 5/0 vote.**
- **Commissioner George Barton moved to approve the Genisys Credit Union site plan and a deviation to allow additional parking in front of the building as the drawings show on the site plan, subject to the Township Board approving the proposed text amendment. Commissioner Rick Stevens supported the motion. A roll call vote was taken. Kilbourn: Yes; Stevens: Yes; McHalpine: Yes; Ruth: Yes; Barton: Yes. The motion carried with a 5/0 vote.**

Old Business:

1. Rezoning request by Mulch Express, 3323 Associates Drive, Burton, Michigan, 48529 for Parcel Numbers 01-12-251-009, 01-12-251-010, and 01-12-250-001 which are Vacant and Improved Parcels Known as Middleton Sand, Gravel & Nursery, 12166 South Dixie Highway in Holly Township, from AGRE Agricultural Residential to L1 Limited Industrial.

Attorney Need stated at the last meeting the Planning Commission requested his office take a look at the Consent Judgment on the Middleton property to see how it impacts the proposed rezoning. The Consent Judgment is very specific as to only the mining operations on the property. It has extensive regulations. It does not prohibit the rezoning application. There is nothing that prohibits the applicant from pursuing it or using the property in some other fashion as long as they aren't violating the provisions of the Consent Judgment. The Planning Commission can consider the rezoning using the general tests applicable to rezoning applications without taking into consideration the Consent Judgment or even violations of the Consent Judgment, if any exist.

Commissioner Barton questioned what would trigger reclamation of the property if change in ownership and use doesn't.

Attorney Need stated reclamation is governed by the provisions of the Consent Judgment.

Mr. Ray Foley, Mulch Express, stated there are three separate Sidwell numbers. The parcel that the nursery operations are on has been recently reclaimed. It's not part of the current mining permit.

Commissioner Barton questioned whether the parcel with the nursery operation was in complete compliance and has been fully reclaimed, including no side slope issues or anything else. He noted there were complaints a month ago

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that there were significant non-conforming side slopes on the property. He questioned whether any of the concerns are non-existent on the particular parcel Mr. Foley is talking about.

Mr. Foley stated he's not ready to comment on any side slopes. To the extent there are continued issues with reclamation has no regard to whether or not this is zoned light industrial or agricultural residential or anything else.

Commissioner Barton stated two things that should trigger reclamation would be change of ownership and change of use. Both are occurring.

Attorney Need stated he believes what triggers it is termination of the mining operation. When the mining operation is completed, there is an obligation to go through reclamation. Completion of the reclamation would terminate the obligations in the Consent Judgment. Typically at that point the property owner would request written documentation from the Township to that effect and the Consent Judgment could be terminated. The mere transfer of ownership does not trigger necessarily the reclamation obligation. The judgment runs with the land. It can be sold at any time and the new owner would be required to comply with the Consent Judgment.

Chairperson Barton noted the fact that the side slope is almost vertical should have been contingent with regard to the sale.

Attorney Need stated if there is a slope there that is in violation, it doesn't matter whether the sale took place or not. It would be something the Township would need to take enforcement action against.

Chairperson Kilbourn suggested that will come up when applications are submitted for mining permits or a site plan or special land use, et cetera. She questioned whether the Consent Judgment allowed Holly Township's code enforcement officer on the property. The code enforcement officer has the idea he is not allowed to go onto the property.

Attorney Need noted the Consent Judgment allows three inspections during the year by the township engineer or the township building inspector.

- **Commissioner George Barton moved to recommend approval to the Board of Trustees for Mulch Express Sidwell numbers 01-12-251-009, 01-12-251-010, and 01-12-251-001 from AGRE to Limited Industrial. Commissioner Rick Stevens supported the motion.**

Commissioner Steve Ruth noted currently the area south of Belford Road on the zoning map is zoned AGRE. Limited Industrial is north of Belford Road. Is the Planning Commission required to approve a zoning request when the Master Plan indicates otherwise?

Commissioner Barton stated the Township does not have a Research/Office zoning designation. The closest you can come is Limited Industrial. There is another check valve in the system and that is a site plan and mining permits. This is almost an administrative approval because it's hard not to grant a rezoning request. Any change in use you have to come in for a special use or a site plan review.

Commissioner Ruth stated the existing land use shows it as extracting. Future land use shows Research/Office. In the Master Plan, itself, there is something called Light Industrial, which is different. All the other parcels are Research/Office. It seems the Master Plan text suggests it's either Research/Office or leave it the way it is.

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Chairperson Kilbourn stated the Master Plan calls for light manufacturing, office, technology, R & D type uses. However, Holly Township doesn't have the zoning district for that specific category. The idea is in the Master Plan but there is no zoning district for the category.

- **A roll call vote was taken. Barton: Yes; Ruth: No; McHalpine: Yes; Stevens: Yes; Kilbourn: Yes. The motion carried by a 4/1 vote.**

2. Special Use Permit Application by Silverman Development Company for a Planned Development Option in the Grange Hall/Fish Lake Overlay District and Conceptual Site Plan Application Known as the Riverside Commons for Parcels #01-28-301-005, 01-28-101-008, 01-28-101-009, 01-28-101-010, 01-28-101-013, 01-28-101-014, 01-28-126-012, 01-28-126-013, and 01-28-326-002.

Attorney Need stated this is on the agenda by his request to the administration to amend and clarify the approval motion that was made in its December meeting. He has had conversations with Silverman's attorney that possibly this matter should be tabled tonight. He would like to encourage the Planning Commission to do that. He will be at the March meeting and would like to have this on the March agenda. There are issues with regard to language he would like to discuss with Silverman's attorney before it comes before the Planning Commission.

- **Commissioner George Barton moved to table the Silverman special use permit application review included in the Planning Commission packet tonight until the March meeting. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

3. Election of Officers and Bylaws.

Commissioner Kilbourn noted the Planning Commission was considering adding into the bylaws that officers can be reappointed, taking into consideration being in compliance with the enabling act.

Attorney Need stated there is no legal reason officers can't be reappointed, it's just that the bylaws didn't have the language in them when officers were elected in January. You have to give 7 days' notice before you amend bylaws. If the Planning Commission is considering amending the bylaws, they can consider it at the March meeting.

- **Commissioner George Barton moved to add election of officers and bylaws on the March agenda and refer the matter to Attorney Need's office for language review. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Chairperson Kilbourn noted the Planning Commission used to set public hearings. An applicant would come in, the planner would review it, the Planning Commission would take a look at it, fine tune it and then set a Public Hearing. Residents then have a better view of an issue and aren't unnecessarily led astray or upset. Things go smoother for the applicant. In the last six, eight months public hearings have been set administratively, not by the Planning Commission. It runs smoother the other way, with the Planning Commission fine tuning something. Mr. Oppmann has indicated that some communities do things differently.

Mr. Oppmann stated some communities will do an initial review. It works when you have two meetings a month because you don't have an applicant waiting an entire 30 extra days. Some communities will do an initial review, then the next month have a Public Hearing and make a decision if they can. It's a little bit longer of a process.

Commissioner Barton questioned whether an applicant can insist a Public Hearing be held at the next meeting.

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Mr. Need stated the Planning Commission has to act in an expeditious manner. If somebody pays their application fee, they are entitled to a Public Hearing. It doesn't have to be at the next possible date necessarily.

Chairperson Kilbourn stated she would mention to the supervisor parameters could be set where if Joe Blow wants to rezone his five acre parcel next to his house, there shouldn't be a reason of delaying the application. If there is a big development that the Planning Commission needs to review, they should be allowed to review it before a Public Hearing is set.

Mr. Need stated there is also nothing that requires the Planning Commission to make their decision on the night of the Public Hearing. Applications can be tabled for additional investigation. Merely because a Public Hearing is set doesn't force the Planning Commission to do anything prematurely.

Chairperson Kilbourn stated there have been several instances within the last six, eight months where an applicant comes in, there is a Public Hearing and a resident is upset about something being proposed, where the Planning Commission and the planner know that it's not allowed anyway. Had it been fine tuned to begin with by an initial review, the Planning Commission could have told the applicant that's not possible, he would have changed his plans, come back in for a Public Hearing and the residents don't get unnecessarily upset. They also wouldn't have to attend meetings month after month to follow the process.

Mr. Need stated there is nothing in the zoning act that says you must put it on the next possible agenda after the application is made.

4. Green infrastructure draft map review.

Mr. Oppmann stated based on the Planning Commission's request he printed the original draft and the latest draft because there are questions about changes being made to the map. Following Oakland County holding a green infrastructure workshop with the Planning Commission, results were put down on an initial map. Since then Holly Township administration has refined it and made changes. The Planning Commission isn't sure what exactly was changed. In speaking with Building & Zoning Administrator Laura DeVault, he understood the basis for the changes was to include the Michigan Natural Features Inventory. She wanted to include the utility corridor as another connection, as we looked at that in our greenways plan and we're trying to expand that to new safety paths.

Chairperson Kilbourn stated she would request Administrator DeVault to provide the Planning Commission with what changes were made and the reasons behind them. If any Planning Commissioners see any areas they would like to add, they can submit them for discussion next month also.

Public Comment:

Mr. Lilly stated this was a good meeting. He congratulated the new chairperson and noted the whole Planning Commission does a fantastic job. He's unhappy with the mining operation conditions, with no one going to see what they're doing. He's glad the Township attorney is here tonight. He doesn't believe the Township should rezone a hole in the ground.

Mr. Harland Hyatt, 6160 Belford Road, requested the Planning Commission consider having Public Comment following an applicant's comments. Last month the public was allowed to speak before the applicant was heard. He didn't understand what the applicant was requesting because he didn't state it until public comments were heard.

Chairperson Kilbourn noted the planner usually speaks, stating what the applicant is requesting, so the public will know what the application is.

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Mr. Hyatt stated he believed the Mulch Express applicant was requesting three parcels to be rezoned Light Industrial, that they're planning to continue to mine it, but they also want to do a mulching operation. At the end of the meeting last month he thought the Planning Commission was fairly adamant that materials they have brought in be cleaned up because they're in violation of the ordinance.

He spoke with Ms. DeVault the following week, who noted a letter would be sent to Mr. Reeves. It hasn't been cleaned up. He came in and spoke with Ms. DeVault on two occasions and the last time by phone when he asked her whether it was cleaned up. She said she didn't know. He asked if anyone from the Township would verify it, she said it's not the Township's job to go out and verify it, that the Township is limited to three visits a year to a site and that's not to go out to verify if they're still in violation of the ordinance. If the Township can't protect residents, who will?

Ms. DeVault also said there is a lady by the name of Patricia Huddas at the Michigan Department of Environmental Quality, Waste and Hazardous Materials Division, who was handling a citizen complaint regarding this and the state would take care of it. Ms. DeVault gave Mr. Hyatt the lady's name and phone number. Mr. Hyatt called Ms. Huddas and he questioned whether Ms. Huddas would verify it and she would not. Ms. Huddas indicated she had corresponded with Mr. Reeves and he said that it would be cleaned up by the 13th of February. Even though this was known about back in mid October, the stuff is still there. It has not been addressed and no one will go out and verify it; even the State won't go out and verify it. He doesn't understand what's going on when we know someone is in violation but we won't go out and see if they're continuing this.

Mr. Hyatt indicated he has a letter that Ms. DeVault sent to Mr. Reeves on January 14th. What really bothers him is Ms. DeVault has effectively coached Mr. Reeves on how to side step a site plan eventually. It says a nursery is a permitted use in an agricultural residential zoning district and does not require a site plan by exception to the rules. However, the storage and processing of wood is beyond the scope of a nursery operation and is not a permitted use in an agricultural residential zoning district. Will a site plan be required to do his mulching operation?

Chairperson Kilbourn stated if the Board approves the motion that the Planning Commission recommended, Mulch Express will need to come back into the Planning Commission for a site plan approval. If he says he will continue to mine part of it, they also have to come back in for a mining permit. There is a current mining permit for the site which will need to be renewed soon.

Commissioner Ruth stated he believed Ms. DeVault had indicated the DEQ person said in a letter that the materials stored there do not create an environmental hazard. If you think about it, railroad ties are all over the country with runoff going into swamps.

Mr. Hyatt stated the runoff may be going into swamps, but not aquifer.

Chairperson Kilbourn stated this matter has been recommended to the Board of Trustees for approval. If the applicant comes in for site plan, these issues can be addressed at that time, including what they're dumping there now, what needs to be cleaned up, possible runoff. All that will be addressed when they come in for site plan.

Mr. Hyatt stated he needed guidance who to contact. Is it a Holly Township issue or a County or a State issue to determine if the material they will be using on the site is hazardous or not. He questioned who he should contact because so far no one will even go out there to determine what's there, except at some point an engineer went out.

Chairperson Kilbourn indicated currently the engineer or the building department inspector can go out three times a year. She will discuss it with the supervisor and see whether somebody can go back out there. When the applicant comes in for a site plan is when the Planning Commission will look at what materials will be used there and what effect it will have.

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Mr. Hyatt questioned who he could approach to determine if the Township enforcement officer could be added to the list and make it three different people.

Supervisor Lambert stated he would discuss this matter with the Township engineer.

Commissioner Barton suggested having the State of Michigan visit the site also. If there's toxic waste or anything that's a problem, MDEQ is going to own that. If you can get DEQ to go with you, there's no possibility of an issue not being addressed.

Chairperson Kilbourn suggested the Township should look at whether they want to add the code enforcement officer as someone who is able to go out on certain issues.

Mr. Oppmann stated typically a code enforcement officer in any community in the State of Michigan cannot trespass. Unless it's specifically stated in the Consent Judgment, all he can do is go up to the edge of the right-of-way and peek in. It's very difficult for code enforcement when you can't see into the site. You either have to fly over it or climb up a tree. This has been tested in court and communities have lost every time.

Mrs. Jackie Mirasolo, 12230 Dixie Highway, stated the mining operation is right in her backyard. She believed if they came to the Township and until everybody was satisfied, the Township wouldn't okay the rezoning. As neighbors, they're depending on someone and not getting any answers. That's their drinking water. She questioned whether anyone was concerned about the drinking water out there. Material is being brought in by the truckloads. What defense do residents have? She's very upset. She feels there is no place to go and nobody who will listen. If it was in somebody else's backyard, she bets somebody would listen.

Chairperson Kilbourn stated the Planning Commission is listening. Sometimes they have to approve things that they don't necessarily want to approve, but they have to legally and refer it on. She suggested going to the Township Board of Trustees when this is on their agenda.

Mr. John Arden stated the excavations are now at the westerly boundary of his property and within four feet of the northern boundary. Mrs. Marisolo's property has already collapsed into Mr. Middleton's pit. The land abutters filed suit because they have no other choice than to take the next step because no one is going to make them put support barriers up. There is 835 feet of support Mrs. Marisolo needs and about 170 feet that Mr. Arden's family needs just to take care of the embankments created and to put the grade back. It will require maybe 55, 60,000 cubic yards. That doesn't speak about the 80 to 100 foot cliffs that are next to Dixie Highway, which is 210 feet of filling back away from the road.

You have a Master Plan that speaks to protecting groundwater and protecting against contamination. He doesn't see the Township is protecting it. They're going to dig into the aquifer. When he was on the property in 1951 growing up as a young man, there was a hill there that was 125 feet higher than where his parents' house sits. It's now 70 feet or more below grade. They're into the water.

South Flint Gravel has got six or seven huge ponds. They know what the laws are. As long as they keep them less than 5 acres each, no one will regulate them. They could have 20 holes in the ground under 5 acres and no one will say a word about it. The Township is not following the Master Plan. They're not even talking about groundwater protection here. You might as well throw the Master Plan in the trash.

Chairperson Kilbourn stated if it were any other parcel, the Township would be able to look at it, review it and get them in compliance. This parcel is under a Consent Judgment that was set by a judge years ago and somewhat restricts the Township as to what they can or cannot do.

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Mr. John Arden stated the mining operation is creating their own issues here and the Township is letting them get out of it. They made it a gravel pit, they made it a hell hole, they raped it and now the Township is saying here's the exit plan, go ahead.

Chairperson Kilbourn stated eventually the property will have to be reclaimed. They will have to come back in for a site plan and for mining permits. There are other processes that have to be gone through.

Mr. John Arden noted he practiced law in Massachusetts for 25 years. Mining operations there have to store all the topsoil to the side. You can't bury topsoil in Massachusetts. It has to be saved and set aside on the site. It is verboten to bury topsoil in Massachusetts and you cannot go into the water.

Mr. Douglas Arden, 12248 South Dixie, stated he is opposed to a blanket L1. Most of that land you could not put any kind of sewer system in. There is no leach barrier between that and the aquifer. The issue for all of us is groundwater. It's the mandate under the Master Plan that you protect the groundwater. He doesn't know who puts out the mining permits. Mulch Express said they were going to dig 40,000 cubic yards of gravel per year. Where are they going to get the gravel? Aquifer. There is no gravel. Aquifer. Our drinking water.

Chairperson Kilbourn noted the Planning Commission can hear Mr. Arden.

Mr. Douglas Arden insisted the Planning Commission didn't hear last time residents were here, obviously. They can't put sewage in there, so how can you give L1 on land that won't perk? It's on top of the aquifer. You have a little strip at the Dixie, a landlocked piece in the back. Those are the only ones that might perk. All of the other pits have illegally made ponds digging out of the aquifer too. He would like Mulch Express to have their mining permit revoked on the basis that they want to dig into the aquifer. He would like the other pits to be forced to berm all of their holes which they can see runoff is going into the aquifer. The Planning Commission has the duty to watch over and take care of the water. You want to pass stuff because it looks good, fix the Master Plan. Do what the Master Plan tells you're supposed to do for residents. He hopes the Planning Commission heard him.

Ms. Victoria Gross, 6499 Lahring Road, stated she has been out of the state since November 11th. She came home two weeks ago and found that they're digging in her neighborhood. She dealt with the Planning Commission 15 years ago regarding the Renaissance Festival. The Planning Commission stated then it should have been this phase in the plan, that we can't put it in now, we'll have to add it. She questioned why the Planning Commission didn't do their homework. The Planning Commission promises they will do this and see that that's done. Nothing's been done in 15 years. She came back home and found out now they want to dig her into a pit. The Planning Commission is not protecting their neighbors.

She questioned whether anyone on the Planning Commission lived around the area where they were digging into the aquifer. Let it be in a Planning Commission member's backyard or neighborhood. The Planning Commission stated the Renaissance Festival had to put trees in. There isn't a tree there yet. Now the Township will do the same thing regarding this issue. She has no trust in any of the Planning Commission and doesn't believe anything they say. The Planning Commission doesn't live there, they don't have their kids and family drinking the water. It's amazing how you pay and try to buy and live in a neighborhood and there are promises and the Planning Commission sits behind the desk and doesn't even get a report which they should have had before they even spoke to the applicant. Do your homework. Some of you have been on the Planning Commission for 15 years. There are other permits the Planning Commission has considered. She doesn't know if the Planning Commission doesn't have the intelligence to do it or whether they're just not capable of planning anything where people live.

Mr. Charlie Gross, 6499 Lahring, couldn't attend the meeting last month. He's concerned that the Planning Commission has passed this application. He wanted to be here beforehand. He wants to know where he can go before they get this. This impacts their drinking water. Every company he knows never follows whatever they are

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supposed to do. If they're doing something illegal, you can't approve it if you know it's illegal. They can't put something in our drinking water. If this company comes in, what will they do five years from now? Another company could be there and the drinking water will be messed up. The Planning Commission should think about that and make sure you got all your Is dotted and Ts crossed before you accept it. The Planning Commission would like to see businesses come in. Everybody would like jobs. But they don't want businesses to come in and cause the loss of lives of them or their kids.

Pastor Whitaker, Faith Missionary Baptist Church in Holly, stated he understands the Planning Commission may be locked in as far as rules and regulations as someone comes in and they have done their work and at the same time you're handling what you have with what you have. He came because he was concerned about the community and the residents he pastors here. They have enough problems with iron in the water. That's just iron. He's concerned because he knows that money talks no matter where you go. Other land has been contaminated. Fisher Body contaminated land. They have lawsuits against them as far as some of the people haven't gotten their money. He understands that and he knows that money talks. But when do we look at human beings? The aquifer we know is effected. It's so effected that even in California they're arguing about AIDS and HIV victims' bodies. If they don't burn those bodies, that is going to come through the aquifer and the aquifer is all around and it's going to eventually come our way. He's concerned about people. He knows the Planning Commission has responsibilities. He has responsibilities, everyone has responsibilities. But we're all human.

From what he gathers, a retirement center could be put on the church's 3.6 acres. With your ordinance that 40 percent has to be land, that would pose a problem. He sees where the Planning Commission is tied up, he sees where residents are in a fix, people are getting money and they have lawyers. It's rough. It is rough to be in between. But when do we get to the point of when we want to be human? He would like to see the application, he would like to have copies of everything else so he can look at it and he can study it for himself so that he knows where he's going. He could sell that church in two weeks. They are hounding him every month do you want to sell it, Taco Bell and others. He told them don't bother us; if we're ready to sell, I'll contact you.

There is too much cancer already. He's never seen as much cancer in any area than he has here. And he's been in Kansas and there is a lot of cancer in Kansas. He doesn't know what's going on, he's just studying. He's here trying to help the community. And when people are hurting, he hurts. He knows that the Planning Commission is hurting. He knows everyone in here is hurting and he hurts because there is a better way. He is listening and he will be praying about it and see what's going on.

He knows that money talks. He has some relatives that have 2,000 acres in Texas. They've been drawing oil off that land since 1927. They're not getting anything. 1/5th of the oil and gas out of Texas comes from that land. When it rains, the oil and the gas comes out of the ground. They haven't hardly got a penny out of it. It's sad that still they have not even touched the resources there. Politics is involved. When you get to a certain level, they can't even get the best lawyers to represent them. When you get to a certain level, the mafia is in it. The mafia is in Flint.

Chairperson Kilbourn thanked Pastor Whitaker for his opinion.

Reports:

Commissioner Stevens: No report.

Commissioner Barton observed the new chairman is doing a wonderful job.

Commissioner McHalpine agreed with Commissioner Barton.

Chairperson Kilbourn indicated the Planning Commission will keep an open issues list. At times the Planning Commission has ideas they want to continue on or look into eventually. Sometimes they end up getting lost on the wayside. She will start an open issues list and carry it forward every month to try to work on it.

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Chairperson Kilbourn recommended when applicants are speaking or paid experts or residents, that the Planning Commission refrain from any side chitchat. As long as anyone is speaking, they should be given the respect of being listened to.

Chairperson Kilbourn reported the engineering firm that's moved into the Evans building is putting ads in for local people for employment.

A Holly police officer helped to save the life of a child up in Frankenmuth. The child fell from a third floor balcony. There happened to be an off-duty Holly police officer there who assisted with CPR. She knows police services issues will be coming up in the township and it's really nice one of Holly Police Department's officers helped with that rescue.

Commissioner Ruth reported Clerk Karin Winchester has requested an annual report. The Planning Commission noted they are working on it and will get that to her.

Adjournment: Chairperson LaLaine Kilbourn, hearing no other business, adjourned the meeting at 8:49 p. m.

Zo Turner, Recording Secretary
Holly Township