

Clearwater Township
Planning Commission
Regular Meeting of July 10, 2017
As approved August 7, 2017

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:02 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Eldridge, Fields, Parzych, Von See.

Township officials: Zoning Administrator Molby

Public: Gianine A. Casassa, Mary Beth Kazanski, Jule Moore, Larry Rademacher, Kim Weir Snyder, Kevin Ponder, Julia Ponder, Carol Backers, Nestor Decker, James Gleason, Jack Graham, Wes Umolr, Judy Umlor, Luke Popiel, Daniel Popiel, Cecilia Schaefer, Jeffrey Knox, Darin Mcleskey, Bill Check

Approval of Agenda:

MOTION by Backers, second by Von See, to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair called for commissioners to disclose any real or potential conflicts of interests. All commissioners declared they had none.

Approval of Minutes:

MOTION by Parzych, second by Von See, to accept the minutes of June 5, 2017, as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

There were none.

Comments from Commissioners for Matters Not on the Agenda:

There were none.

Ongoing Permanent Business:

Definition of STRUCTURE - The first item of business was to consider the proposed new definition of "structure" for Article V of Ordinance 22 the Zoning Ordinance. Then, to set a public hearing date for the new definition, since it would represent a change to the ordinance.

The current definition of STRUCTURE in Article V, of Ordinance 22, is: "any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, mobile homes, signs and sign boards, towers, poles, antennae, stand pipes or other like objects, but not including fences."

Pertinent excerpts from the ordinances of several other jurisdictions (Kalkaska Township, Helena Township, Milton Township, and Traverse City), were considered during the meeting of June 5, 2017. All included a consistent concept of “structure” as something “the use of which requires a location on or beneath the ground, or attachment to something on or beneath the ground.”

Discussion proceeded with input from the public, to consider what further modification was needed to the definition proposed at the June 5, 2017 meeting. That proposed definition was: “anything constructed or erected, the use of which requires a permanent location on or beneath the ground, or attachment to something on or beneath the ground, but not fences or well-heads.”

Many ideas were introduced, including exemptions for such things as irrigation systems and permeable patio surfaces, as well as a concept of exempting decks that covered no more than some specific percentage of available yard area. Differences of opinion were openly discussed.

The following motion was made:

MOTION by Eldridge, second by Von See, the definition of STRUCTURE shall be: “anything constructed or erected, the use of which requires a permanent location on or beneath the ground, or attachment to something on or beneath the ground, but not fences, well-heads, irrigation systems, or patio pavers 18” x 18” or smaller.” Motion carried.

Roll call vote:

- Backers – no
- Von See – yes
- Parzych – yes
- Eldridge – yes
- Fields – yes.

The public hearing date is set for the next regular planning commission meeting August 7, 2017.

Waterfront setback language – Because of the very long discussion on the definition of STRUCTURE, the discussion on waterfront setback language is moved to August 7, following the public hearing. The language that was proposed by the ZBA will be considered, along with the ideas raised during this meeting of July 10. At our last meeting (June 5), we acted in too great a haste, and pulled out something that is actually already in the ordinance and did not cover all of the suggested language, which would have included the provision of a walkway. The proposed language addressed Sections 4.03 and 9.02 and was included in the packet for this meeting.

Old Business:

Medical marijuana - No news. There is a seminar on the topic, August 16, in Cadillac. Len Von See and Adam Parzych plan to attend.

Report of Township Representative:

Clerk Eldridge - announced that Pat Gray has sold her home and has resigned as deputy clerk. Jule More has been appointed the new deputy clerk, and has, therefore, resigned her position as an alternate for the ZBA.

Work began on Baggs Road June 26, and on Wilhelm Road the week of July 4.

The July 4 holiday was relatively quiet. The strong presence of law enforcement helped to maintain order. The Torch Lake Protection Alliance and the ad-hoc sandbar task force were recognized for their contribution to the success.

Report of Zoning Administrator:

Zoning Administrator Molby – distributed his report for June 2017, which is hereby incorporated into the record by reference, and a copy of which is attached to the permanent copy of these minutes as [Att A].

New Business

There was no new business to bring up, but Commissioner Backers commented that he would like the Commission to revisit the question of the M-72 corridor, in light of the public input received thus far. While this was not a topic of deliberation at this meeting, he urged us not to forget.

Closing Public Comment:

People comment on the proceedings -

There was discussion on the noise coming from the sandbar, particularly a “battle of the bands” that occurred on the Saturday of the July 4 weekend. Members of the public stated that they had called for assistance from the police and were told that the police had no authority to ask the boaters to turn down the noise.

Reference was made to language in **Ordinance 20 (Clearwater Township Road Ending, Public Access Site and Parks Ordinance)**, which does have a prohibition against unreasonable noise.

- Under **Section 4 – Regulations**, It does say that no person shall
 - (c) Use a road ending, public access site or township park in any manner that:
 - (2) Causes or creates any loud noise or sound that endangers or injures the safety or health of humans or animals or that annoys or disturbs a reasonable person of normal sensitivities, including but not limited to:
 - (A) Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such manner or with such volume as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
 - (B) Yelling, shouting, hooting, singing or making other noise that because of its volume, frequency or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

Members of the public stated that there were boats with generators powering speakers; the revelers set up the music, then got off the boat. It was commented that all the boats have registration numbers and that the registered owner of the boat is responsible for

the way it is used. The compelling question was whether the ordinance was enforceable.

One young lady inquired what might be done to deal with the geese that overstay their welcome and leave their droppings on the docks. The gathering agreed with her that that is distressing.

A gentleman asked what the law was with regard to fireworks. Chair Parzych said he believed they were permitted the day before the holiday, the day of the holiday, and the day following the holiday, and that they were to be over by midnight. Several people commented that fireworks had been set off way outside that specified timeframe.

Adjournment:

MOTION by Backers, second by Eldridge, to adjourn. Adjournment at 8:40 p.m..

Assignments:

- Fields to see to the notice publication of the public hearing August 7, 2017.
- Fields to notify the township board of the actions.
- Waterfront setback language to be on the agenda for August 7, 2017.

Next Meeting: August 7, 2017

Respectfully submitted,



Tina Norris Fields
Secretary

Zoning Administration Monthly Report June 2017 Clearwater Township

3 Land Use Permits

Garages, Sheds

1 Residences 6451 Gilbert Rd.

Residences with Attached Garage

1 Pole Barns 5255. Rapid City Rd.

Resident Additions

1 Decks, Porches, etc. 1440 Downery Rd.

Miscellaneous, Other Buildings

12 Field Checks

1 Attorney Contacts Castle & Rowe

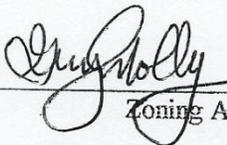
1 Planning Commission Meetings 7/10/17

13 Contacts with Public, Home and Land Owners *BERNARD, SCREWING, LEASE PROP. ZONING QUES, FENCE LINES, PERMIT QUES. SHED SIZE, SEPTIC FLD, LOT SIZE, ETC.*

2 ZBA Meetings and/or Township Board Meetings *7/17 ZBA 7/19 Twp. Bd.*

— Training Sessions

— Zoning Violations


Zoning Administrator