The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 2, 2020, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285
(Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Governor’s Executive Order 2020-15)

PLANNING COMMISSION MEMBERS PRESENT:
Don Walker, PC Rep to ZBA
Don Gross, Commissioner
Kim Urbanowski, Commissioner
Scott Reynolds, Vice Chairman
John Steimel, BOT Rep to PC

PLANNING COMMISSION MEMBERS ABSENT:
Joe St. Henry, Secretary
Justin Dunaskiss, Chairman

1. OPEN MEETING
Chairman Dunaskiss, opened the meeting at 7:00 pm

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Mark Landis, (Township Engineer) of OHM Advisors
David Goodloe, Township Building Official
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Sara D’Agostini
Gene D’Agostini

3. MINUTES
A. 8-5-20, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Urbanowski, to approve the minutes as presented.

4. AGENDA REVIEW AND APPROVAL
Moved by Trustee Steimel, seconded by Commissioner Walker, to approve the agenda as presented.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2020-20, F&D Silverbell Company LLC, Wetland Application and tree inventory waiver requests, for a vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Roads.

Building Official Goodloe read through his review dated August 20, 2020.
Building Official Goodloe stated that the applicant submitted an Ordinance #99 and a soil erosion application. The soil erosion application was sent to our Engineer at OHM for their review and it was pointed out that there is a need for a wetland permit. Upon reviewing the ordinance, the Building Official is responsible for the review of tree and woodland permits. The applicant has requested a waiver, and as pointed out in his review letter, he did not believe a permit is necessary for his review. This did not exempt the applicant from submitting the inventory. It provides options and may save costly time and money. He stated that he will know more when he sees the engineering requested by our consultants.

Engineer Landis read through his review date stamped August 27, 2020.

Acting Chairman Reynolds asked if there were any questions from the Planning Commissioners?

Trustee Steimel thought that it was tough because they didn’t get to see anything else other than a wetland permit. They didn’t get to see the grading plans would be given as part of a site plan, then they could have seen some of that. Trustee Steimel added that regarding Engineers Landis review, he felt that the most concerning item was wetland “B”, it’s fairly large but it’s low-grade wetland almost for stormwater management, right now. Trustee Steimel asked Engineer Landis if they are going to, as part of the earth balancing plan, are they going to put in the drainage retention pond on the NE corner? Does that mitigate the one emergent wetland they have there? Engineer Landis replied exactly. Engineer Landis stated that further down and buried into the wetland permit there are grading plans, and stormwater management plans that were in there. Those show the detention basin, 100-year detention basin, per township requirements, up in the NE corner. Engineer Landis added that part of their review will make sure that they are accounting for, not only their site but also some properties to the south that drain across this parcel. They will make sure that all that drainage is picked up and accounted for in the sizing of the pond, that was something they had to do at a later date and should be conditioned with any kind of approval.

Trustee Steimel noted that he knew it was not usually part of the wetland permit, but that was all they had. He added that he knew that corner had a lot of drainage problems and they did some work in the area, the drain underneath Silverbell is clear and functions because it was backing up and Silverbell Rd., and it would flood. He wanted to make sure that what they were doing here wasn’t going to impact that negatively, of what is already there, or it might even improve it as part of their grading plan. He noted that it was not part of the wetlands permit but was part of the grading plan. He said he was going to count on the Engineer and Building Official to keep an eye on. He noted that they have had issues there in the past so that NE corner is a little sensitive as far as what they are doing there. Engineer Landis agreed and remembered that there was some flooding just west of the site. Engineer Landis said that the applicant may need to also seek approval from MDOT and or the Road Commission because they have jurisdiction over the stormwater system.

Acting Chair Reynolds noted that because this was not a site plan approval, it was a recommendation that required approval from the Board of Trustees. They will be recommending the Wetland Permit, but the tree waiver was something that they would be granting or denying.

Trustee Steimel asked regarding the phragmites on the site. He said that if they are doing land balancing and filling, there are processes they follow if they are doing a site, that they file for proper disposal of the phragmites because they don’t want to spread when they are disturbing and digging it up.
Trustee Steimel asked Building Official Goodloe if this was going under Ordinance #99? Building Official Goodloe replied yes. Trustee Steimel thought that some of those things would fall under his approval that they have to keep an eye on that. Just for general reasons, they want to keep an eye on that. Building Official Goodloe replied absolutely and said he would make a note of that. Trustee Steimel said that that is something they do with PUD’s and site plans, they make sure that they take care of it, and that they are aware of it so there is a plan and that they properly handle it. Because it is not a typical site plan, he wasn’t sure where it comes in, but it was a concern that they take care of it while they are doing it.

Trustee Steimel said that most of the land doesn’t have any trees left on it, except for the little bit along Lapeer Rd., and thought most of it was just brush. He said they took the old barn out of there, and it looked like one of those little wetlands is what was left when they dragged the barn out of there years ago. He thought it would be nice to have something there since Stuart Franco had a site approval there but had been a few years. He appreciated that they were trying to attract something, realizing it is at a gateway type location, and hopefully they will be able to attract something good there.

Commissioner Walker said that there were references in the Engineers report about the applicant will not be proposing any type of mitigation for that wetland. He noted that Engineer Landis mentioned, the detention pond was sort of the set off for that. He questioned if there were other things that could be done by the applicant to help that? Engineer Landis replied that he could answer one part of the question. He believed that the wetlands were storing stormwater and that the detention pond would be the mitigating factor to measure that since they are proposing to fill those. He added that there were other things that they could do on the site to help mitigate the fill. He left it up to the petitioner to speak to that.

Gene D’Agostini with D’Agostini Companies presented.

Mr. D’Agostini stated that it was their intent to clean up the site. He was sure that many of them were aware of the fact that some of the site was mined for sand and gravel at one point and time. There were piles of dirt, a mix of topsoil, sand, and gravel. His goal was to clean up and window dress the site so that they can attract that desirable end-user a headquarters type user, 400,000-500,000-sq. ft. user, to come on-site. He added that part of what they have to do, and it is a substantial undertaking, is the land balancing. In addition to the land balancing, that has already been indicated, they are going to have to provide detention to offset not only the wetlands area that is somewhat of a detention area, but they are also going to have to be considerate of the runoff from the property to the south a lot of the runoff is from south to north. He added that they are going to also clean up the stormwater issue that he thought had probably exacerbated, what was the flooding at Silverbell. They were hoping that is a contribution that is recognized, and that is what they hoped to do.

Acting Chairman Reynolds thought it seemed straightforward for him regarding the wetland permit. He knew that there were some wetlands on-site but thought that the mitigation that they were choosing to do, some land balancing to improve the site, and prep it for something better to come, he was good with that. He added that the tree inventory in general, and Building Official Goodloe walking the site, and making his statement, he agreed with the need to waive that requirement.

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission recommends to the Board of Trustees the approval of the wetland permit for PC-2020-20, F&D Silverbell Company LLC, for a vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Roads for the application date stamped received August 12, 2020, and
August 24, 2020. This recommendation of approval is based on the following findings of facts: that the action will not pollute impair or destroy a wetland; since this proposed project consists of land balancing and filling in on-site wetlands, designated as wetlands A, B, C, & E, which accumulate a combined area of 3.03 acres and retains wetland D, a 5.32 acres of which a major portion of that is located off site; the construction of a stormwater management system will function as the mitigation of the wetlands; further the approval is consistent with the public interest in light of the stated purpose of the ordinance; and as the findings of the Township Engineer, the requirements of the Wetland Protection Ordinance have been met; the following conditions apply that were identified in the Engineer's report; 1) that the wetland permit application be revised to reflect the 3.03 acres of wetland fill; 2) the grading plans be updated to reflect the wetlands limits as delineated, indicated on the proposed fills; 3) the applicant apply for separate engineering approval of the proposed grading storm water management SESC plans, and obtain a SESC permit from the township.

Discussion on the motion:

Trustee Steimel noted that SESC stands for soil erosion and sediment control.

Acting Chairman Reynolds asked Engineer Landis regarding the four conditions, would that prompt the application or the further engineer review to go back to them as their concern that he had spoken to earlier, or does that need to be an additional motion? He thought that Engineer Landis was asking for a further engineering review on the next set of plans, is that going to actually occur, does that need to be an item that will occur or something that they make sure they call out? Engineer Landis stated that it was included in the motion as a condition, so they will do that administratively as part of the Soil Erosion Permit and then also an engineering review of the stormwater plans.

Trustee Steimel stated that he thought that the gravel that they were seeing on the site was not from mining but thought it was from the Eagle Valley Landfill, they used it to temporarily store their top-fill. They would bring dirt over there and then haul it back to top off their stuff. He thought that it may be, some leftover from when they were piling stuff over there.

Roll call vote was as follows: Steimel, yes; Reynolds, yes; Urbanowski, yes; Walker, yes; Gross yes. Motion carried 5-0. (Dunaskiss and St. Henry absent)

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission grant a waiver from the detailed tree inventory because it has been demonstrated by the Building Official, who has walked the site, that the removal will not impact woodland areas as identified on the woodland map.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Walker, yes; Steimel, yes; Reynolds, yes. Motion carried 5-0. (Dunaskiss and St. Henry absent)

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
Planning & Zoning Director Girling stated that the township has enrolled in an all-inclusive opportunity and education program through MTA and provides free classes that the Commissioners’ can take from home.

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
None

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None

14. CHAIRMAN’S COMMENTS
None

15. COMMISSIONERS’ COMMENTS
Commissioner Urbanowski stated that she will look into the online classes from MTA.

16. ADJOURNMENT
Moved by Trustee Steimel, seconded by Commissioner Gross to adjourn the meeting at 7:38 pm. Motion carried.

Respectfully submitted,

[Signature]

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion  

October 7, 2020
Planning Commission Approval Date