

MINUTES OF THE 534TH REGULAR MEETING OF THE
WEBSTER TOWNSHIP PLANNING COMMISSION
WEDNESDAY, APRIL 19, 2023

The Meeting was called to order at 7:03 p.m. by Tom Neil, Chairperson, in the Township Hall and the Pledge of Allegiance was recited.

WTPC Members Present: John Westman, Paul Zalucha, Kay Stremler, Tom Neil, Rick Kleinschmidt, Julie Nixon,

WTPC Members Absent: George Goodman

Also Present: Martha Zeeb, John Kingsley, Sri Komaragiri, and 11 citizens

I. Approval of Agenda: John Westman moved, 2nd by Julie Nixon, to approve the agenda as presented. Motion carried.

II. Approval of Minutes:

A. Paul Zalucha moved, 2nd by Rick Kleinschmidt, to approve the minutes of the March 22, 2023 meeting as submitted. Motion carried.

B. Paul Zalucha asked to amend the minutes to add “area” and remove “width” of the parking spaces... near the bottom of page 5. Julie Nixon moved, 2nd by Paul Zalucha, to approve the April 5, 2023 Special Meeting minutes as amended. Motion carried.

III. Public Participation:

A. Ryan Nixon said he is a 5th generation farmer in Webster Township and their farm is in the greenbelt. They have had a produce stand on Joy Rd for over 25 years, a corn maze for 12 years, tree farm for over 20 years and now his daughter Jenna wants to continue farming as she has an Environmental Science degree from MSU. They would like a Christmas tree sale and Christmas walk thru but Sri Komaragiri has denied this. He asked the Planning Commission to discuss this.

B. Janice Arp Prundeanu said she liked the proposed Zoning Ordinance text amendment to require buffers around the lake. There are resources for new lake lot owners to deal with a shore front. She passed out a magazine “Shoreline Living”, with her front yard on the cover, that lists some resources.

C. David Burnell said there is a State definition of ordinary high water mark. Baseline Lake is dam controlled which affects the high-water mark. He asked if the proposed definition is for all Webster Township. If we change the ordinary high-water mark there is the riparian rights act for the land in front. He asked if the buffer zone needs a land use permit. He asked who pays for the new survey of the property and who designates how the land is distributed between landowners.

IV. Zoning Administrator Report was given by Sri Komaragiri.

V. Township Board Report was given by John Westman

V. ZBA Report was given by Rick Kleinschmidt

VI. PDR Report was given by John Westman

VII. Public Hearing on Text Amendment: Article 16 Environmental Regulations (22-ZTA-04)

A. Public Comment opened at 7:33 pm.

1. Keith Gallagher asked for the science behind the proposed setback changes as this is the rights of individuals vs. the needs of the community. The 25 foot buffer seems like a lot, plus the 75 foot setback from the water reduces the lawn for kids to play on. He asked if the existing lawn between the house and lake is gently sloping, and not fertilized, do they still need a strip.

2. As there were no further comments Tom Neil closed the public comments at 7:40 pm.
- B. Sri Komaragiri said she will send resources for the reasoning behind these proposed changes.
 1. She can add to the definition of high-water mark that the applicant is responsible to obtain professional opinion if they do not agree with her use of lot line, county resources, the DNR, and Inland Lake and Stream Act.
 2. 100 ft. is the national standard for surface water protection setback. Lots with sewer connection will have a 75 ft setback but can apply for a waiver to reduce the setback by 25 feet to 50 feet. It seems reasonable that if the septic field is in the front yard, there should be a waiver option.
- C. The Commissioners added to 16.20 F (1) “or front yard septic field” after the first comma. The Commissioners will also update the diagram at D and the table on page 17 and the chart on page 18.
- D. To Article 2 Section 2.10 Definitions The Commissioners revised the Ordinary High-Water Mark to “As part of the determination the Zoning Administrator may refer to definition used for administration of Inland Lake and Stream Act or established water level by a public agency or direct the applicant to establish ordinary high water mark by a surveyor or similar professional”.
- E. Kay Stremler moved, 2nd by Julie Nixon, to note the changes indicated about comment of adding septic field in front yard and we note revision Sri Komaragiri proposed to Article 2 and give her more time to investigate and come back to us with another version. This means postpone indefinitely. A roll call vote was taken, and it carried unanimously.

VIII. LaFontaine Development Draft Agreement

- A. The Commissioners reviewed the document in the packet, plus the stapled Agreement with revisions from John Westman and the page 6 of 13 Item C Form from LaFontaine (the last two items were distributed at the meeting tonight). They made the following revisions:
 1. Article 1 Site Improvements B. Modifications: Modifications to the approved Site Plan shall require review and approval in accordance...
 2. Article 1 Site Improvements C. Amended Site Plan add “Article 8” after “listed” and before “in the Zoning Ordinance”...
 3. Article IX Authority and Responsibility of the Township: Remove item B Time is of the Essence so item C then becomes item B Minor Changes. Add 2nd sentence to new Item B “Minor changes are defined in Section 8.05 L 2.” In last sentence add “manner” after “timely” and before “subject”...
 4. Article X Maintain Improvements becomes “The Proprietor shall be responsible for maintaining the existing structure, storm water, landscape parking, and other improvements depicted on the Site Plan during the period of construction and will maintain the Site thereafter in accordance with Webster Township Zoning Ordinances in perpetuity.
 5. Article XVI Severability was discussed and could have unintended consequences. Rachelle Cress of LaFontaine said their attorney would review the document and they would ask to add a clause on Severability.
 6. As the Zoning Ordinance does not tie construction to the Development Agreement Sri Komaragiri was ready to issue the preliminary zoning compliance if the Commissioners agreed. Rachelle Cress said they are ready to start construction tomorrow. As the Commissioners only recommends approval to the Township Board

the Board can stop construction at any time.

7. Kay Stremmer moved, 2nd by Julie Nixon, in matter of La Fontaine Vehicle storage lot, a motion to recommend approval of site development agreement to the Township Board based on the revised draft distributed at meeting and additional changes discussed and noted at the meeting on April 19, 2023. A roll call vote was taken, and it carried unanimously.

IX. Planning Commission Annual Report

- A. Kay Stremmer said this was not in the packet so it is the 1st time the Commissioners have seen it. Storm water Management was missing from page 2 Zoning Ordinance Text Amendment of the report. It was reviewed in October 2022 and it is not finished yet. Also, it should be added to the Status Update on 2022 Goals.
- B. On page 2 Nuisance Ordinance Text Amendment: Amendment effective should be dated 2/25/2022. Also, Zoning Ordinance Text Amendment Zoning Administrator adopted in 2022 not 2023.
- C. In Status Update on 2022 Goals item #3 is completed except for stormwater management. The Item #5 Zoning Ordinance Review is completed. Items # 1, #2 and #4 are okay as is.
- D. In Draft Goals for 2023 for Planning Commission Discussion
 1. Item #1 Consider Accessory Structures and Uses, and Zoning Compliance Permit zoning ordinance revisions as high priority items from the Zoning Ordinance Health Check.
 2. Strike item #2 as is it included in the Master Plan
 3. Item #3 is okay.
 4. Item #4 change to Consider any items designated for 2022 and 2023 on Master Plan Implementation Matrix and complete the 2 that are selected.
- E. Sri Komaragiri will send updated version to Paul Zalucha and Tom Neil for review.

X. By Laws 2nd Amendment: After discussion John Westman moved, 2nd by Paul Zalucha, to postpone further discussion of updating the ByLaws indefinitely. A roll call vote was taken, and it carried unanimously.

XI. Section 2.10 Definitions: Intent and applicability: Sri Komaragiri asked for the Commissioners input on maximum building height in the Ag District AS THE ORDINANCE REVISION MADE PREVIOUSLY TO THE HEIGHT MEASUREMENT METHOD HAD THE UNINTENDED CONSEQUENCE OF REDUCING THE MAXIMUM BUILDING HEIGHT as there are unintended consequences for the ZBA. The Commissioners asked to put this topic on the list of revisions to be considered for Section 2.10 definitions (items noted in the Zoning Ordinance Health Check). This was suggested to be added to the Annual Report as a 3rd priority for zoning ordinance revisions.

XII. Keeping of Animals Section 13.25: The Township Board will discuss the proposed Zoning Amendment on May 16, 2023. The Commissioners asked to change item E.(3) v 0-1.99 acre to 13.25.E.(3). ii thru iv

XIII. Storm water Management Regulations Update: As these are outdated Sri Komaragiri suggested we get County approval and expand on it. The next step is to meet with the Township Engineer and WCWRC to understand what is and what is not reviewed by the County.

XIV: Next Meeting Agenda: Storm water drain tile update; Tiny Houses?; Article 16; St Joe revised site plan; Methodist Church development agreement; Agri Tourism

XV: Public Comment: None

XVI: Informational Items: Discussed Webster's website item "How Do I?"

XVII: Rick Kleinschmidt moved 2nd by Paul Zalucha, to adjourn. Motion Carried. The meeting

adjourned at 10:07 pm.

NEXT MEETING DATE:

Regular Meeting: May 17, 2023 at 7:00 p.m.

Respectfully Submitted,

Kay Stremmer, Secretary

KS:mlz

Copy to: J. Kingsley

B. Calleja

S. Komaragiri