

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, MARCH 2, 2009**

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 p.m. by Chairman Zimmerman.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Dailey.

MEMBERS PRESENT: Marsha Zimmerman, Bruce Keilen, Dale Dailey, Terrie Shively, Kim Smelker, Steve Gobbo and Jason Flower.

MEMBERS ABSENT: None.

VACANCY: One.

STAFF PRESENT: Jim Foulds, Planning Consultant, Linda Parkinson, Recording Secretary, Rodney Taylor, Township Manager and Diane Mosier, Township Clerk.

APPROVAL OF AGENDA: Chairman Zimmerman requested that Items 1 through 3 under Correspondence be moved under Item III. of Unfinished Business.

Keilen moved that the Agenda be approved with the amendment to remove Items 1. through 3. under Correspondence and place them under Item III. of Unfinished Business. Supported. MOTION CARRIED.

APPROVAL OF MINUTES: **Keilen moved to approve the minutes of the February 2, 2009 Regular Meeting as presented. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: Ron Clark, representing E.T. MacKenzie Company, 4248 W. Saginaw Hwy., Grand Ledge, MI 48837, briefly reviewed the nature of the requests for Special Use Permits 09-990002 and 09-990003 from E.T. MacKenzie Company. Basically, the intent of the requests is to eliminate the required 50 foot setbacks between two existing mining operations and allow the mining of an additional 250,000 cubic yards of sand and gravel resulting in the connection of two bodies of water.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Update the DeWitt Charter Township Comprehensive Development Plan to add the South Central Area Plan.

A. Open Public Hearing. **Gobbo moved to open the Public Hearing at 7:05 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Township Planner Jim Foulds briefly reviewed staff's memorandum dated February 26, 2009 advising that the allotted time period to receive comments on the Plan has passed. The Planning Commission now has the authority to adopt the South Central Area Plan and incorporate the document into the DeWitt Charter Township Comprehensive Development Plan. The Plan will then be sent to the Board of Trustees for their endorsement of the Planning Commission's action.

Foulds went on to describe the goals and objectives of the proposed South Central Area Plan.

There were no Commissioner questions or comments.

Chairperson Zimmerman invited public comment.

C. Close Public Hearing. **Hearing no public comments, Keilen moved to close the Public Hearing at 7:09 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

Ross moved that the Planning Commission approve the resolution adopting the South Central Area Plan, adding it to the Comprehensive Development Plan and further recommend that the Board of Trustees endorse the adoption of the South Central Area Plan. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0

MOTION CARRIED.

II. PUBLIC HEARING - Request for Special Use Permit 09-990001 from Consumers Energy Company for property located at 13603 S. Turner Road, DeWitt, MI 48820, on the southwest side of Turner Road at the intersection of Wellman Road and Turner Road, in the southwest ¼ of Section 16 and southeast ¼ of Section 17 of DeWitt Charter Township to be allowed to construct a 1,170 sq. ft. meter/regulator building and a 144 sq. ft. orderizer enclosure on the site.

A. Open Public Hearing. **Gobbo moved to open the Public Hearing at 7:10 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Foulds briefly reviewed staff's memorandum dated February 24, 2009 advising that the request is for approval of a Special Use Permit to permit the construction of a public service installation, specifically a gas regulator station. This would develop and enlarge an existing gas regulator building and a gas odorizer building located on a 1.93 acre site.

The site is located north of I-69 at the intersection of Turner Road and Wellman Road, in the southwest ¼ of Section 16 and the southeast ¼ of Section 17 of DeWitt Charter Township. The site is zoned A Agricultural. Surrounding zoning consists of A Agricultural and a strip of R5 Residential Single and Two Family to the northwest. Surrounding land uses are residential in nature. The surrounding Future Land Use designation is Residential. However, there is an acknowledgment in the Comprehensive Development Plan for the provision of reasonable and necessary utility services to support the development pattern proposed in the Plan.

Foulds further advised the following: there are no public utilities proposed to service the site, other than electricity; there are no sidewalks proposed; there will be no permanent employees on site; no signage is proposed; the construction will require the issuance of a soil sedimentation and erosion control permit by the Clinton County Drain Commissioner's Office; a modified commercial driveway permit will be required by the Clinton County Road Commission; lastly, the proposed structures will require the review and issuance of building permits by the Township Building Department.

Gobbo asked for clarification on existing facilities and proposed projects.

Foulds advised the gas regulator and odorizer buildings currently exist on the subject site, and are operational. The upgrading of buildings proposed in this request is in combination with the proposed pipeline extension planned for implementation this summer.

Chairperson Zimmerman invited the applicant to speak.

Jeannie King, representing Consumers Energy, Real Estate Department, One Energy Plaza, Jackson, MI 49201, stated she is available for questions. Also present are Chris Thelen, Community Services Manager and Jeremy Willett, Project Engineer.

Ross questioned if the applicant still expects to complete this entire project by sometime in August of 2009. In addition, was the proposed landscaping discussed with the surrounding property owners?

Jeremy Willett, Project Engineer, representing Consumers Energy, One Energy Plaza, Jackson, MI 49201, advised that a completion date of August 2009 is reasonable. He further noted that there would be two signs placed on the fencing of the site. The signs relate to a no smoking warning and a contact number to call in case of an emergency. With respect to landscaping, the outer perimeters of the site are not necessarily an issue. However, one has to be very cautious about the type of landscaping that is placed directly over a gas pipeline.

Chairperson Zimmerman invited public comment.

Rick Nalett, 14052 Meyers Road, DeWitt, MI 48820, read a portion of his prepared written statement (Attachment 1) expressing his concerns related to this project.

Howard Shooltz, 13620 Turner Road, DeWitt, MI 48820, questioned what materials would be used to construct the proposed buildings and if landscaping is proposed. In addition, he questioned if alternative locations on the site for the buildings were considered. In closing, he suggested that the entrance driveway be moved further west for safety purposes.

Willett advised that the buildings would be constructed of metal with a pitched roof similar to a pole building. Landscaping is proposed on the plans. There is no practical alternative location for the buildings due to the existing underground pipeline.

Kim Metzger, 13543 Turner Road, DeWitt, MI 48820, advised that the driveway of the site is a bus stop for school children. She suggested that the applicant notify the school district of their construction plans so that an alternative site can be determined for the bus stop.

Steve Metzger, 13543 Turner Road, DeWitt, MI 48820, stated he understands the constrictions regarding placement of the proposed buildings due to the underground pipeline on the site. He requested to see a copy of the actual site plan to review the placement of buildings, landscaping, etc. (copy of site plan provided to Mr. Metzger by staff).

Rick Nalett, 14052 Myers Road, DeWitt, MI 48820, read the remainder of his statement expressing issues and concerns he has regarding the pipeline project.

There were no further public comments.

- C. Close Public Hearing. **Gobbo moved to close the Public Hearing at 7:30 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Shively asked if the applicant could address some of the concerns expressed by Mr. Nalett.

Chris Thelen, representing Consumers Energy, 530 W. Willow, Lansing, MI 48906, advised that the staging area related to the pipeline project is located at the intersection of Myers Road and Clark Road and is not directly connected to the Special Use Permit request before the Planning Commission tonight. The hours of operation Mr. Nalett refers to pertain to the staging area rather than the Special Use Permit site. His concerns are related to the staging area, not the regulator station.

Thelen advised that he has been in discussions with Township representatives and Mr. Nalett relating to his concerns. He is still negotiating with Mr. Nalett to address his concerns. Further, during the construction phase of the pipeline project Consumers Energy intends to have weekly meetings with Township representatives to discuss any

issues or concerns expressed by the residents.

Ross noted that the construction schedule for the regulator station indicates a completion date of approximately August 19, 2009. He questioned what the intended hours of operation would be.

Willett advised that the typical work schedule would be six 10 hour days. However, on some previous projects the hours of operation have been 7:00 a.m. to 5:00 p.m. It is somewhat difficult to say with certainty because Consumers has not yet negotiated with contractor.

Gobbo noted that the Turner Road site would generate approximately 2 vehicles per week to check on the equipment. He questioned if the Township had additional information regarding the actual pipeline construction and related staging area.

Foulds advised that the Township Manager's office has a site plan of the mobilization site and plans indicating the location of the proposed pipeline project.

Gobbo stated that it would be helpful for the Planning Commission to review the entire project.

Gobbo moved that the Planning Commission table Request for Special Use Permit 09-990001 from Consumers Energy until all public testimony can be reviewed by the Commission and staff, and that the Planning Commission have an opportunity to review the entire scope of the pipeline project prior to making a recommendation on this Special Use Permit request. Supported.

**ROLL CALL vote on motion:
AYES: 8 NAYES: 0
MOTION CARRIED.**

III. Review and discussion regarding Clinton County Site Review Committee recommendation on the proposed Capital Region International Airport Incinerator Project.

Chairperson Zimmerman read into the record staff's memorandum dated February 26, 2009 (Attachment 2) outlining what has transpired regarding this request since it was first before the Commission at their January 5, 2009 meeting.

Jim Foulds, Township Planner, advised that the Planning Department has received written correspondence from the following individuals expressing their concerns regarding the proposed incinerator project: February 8, 2009 from Gail Miller and Steve Kulesia; February 19, 2009 from Michelle Crook; and February 23, 2009 from Ken Pung. In addition, staff received verbal comments in opposition of the proposed incinerator project from Rick L. Curtis, Bath Township Trustee.

Cara Clore, Waste Management Coordinator, Clinton County Department of Waste Management, 1307 E. Townsend Road, St. Johns, MI 48879, briefly reviewed her memorandum dated February 20, 2009 addressing the questions raised by the Planning

Commission at their January 5, 2009 meeting (Attachment 3).

Randal Telesz, representing MDEQ, Constitution Hall, 525 W. Allegan Street, Lansing, MI 48909, conducted a modeling exercise to better demonstrate what the air pollution impacts from the proposed incinerator unit might be. When developing the modeling project Mr. Telesz made projections as if the unit were operating at a full capacity of 67.7 pounds per hour all day, everyday of the year. The airport estimates firing the unit between five and ten times per month. His presentation concluded that the largest impact to property outside of the airport boundaries is 43.21 micrograms per cubic meter of particulate matter. This is below the federal health standard for particulate matter generated over a 24 hour period, which is set at 150 micrograms per cubic meter. In addition, confidence was expressed that the proposed activity meets all air quality standards including air toxics.

In closing, Telesz stated for simplicity, it has been determined that one hour of emissions from the proposed incinerator would be equivalent to a single family residential fireplace burning one six pound log of wood. However, the incinerator has a cleaner level of dispersion.

Brief discussion followed regarding issues raised with allowing international trash to be processed at the proposed site.

Chairperson Zimmerman invited the applicant to speak.

Mike Daigle, Deputy Executive Director of Operations and Maintenance, Capital Region Airport Authority, 4100 Capital City Blvd., Lansing, MI 48906, stated he would like to clarify the point that the Airport Authority will stand by any agreement they enter into with DeWitt Charter Township or Clinton County. He would be glad to answer any questions.

Zimmerman questioned to what extent the airport recycles waste products.

Daigle stated that the airport currently recycles any materials allowed and will continue to do so. However, any trash that comes into contact with aphs material will be incinerated.

Shively questioned what type of emission testing would be done after the project was operational.

Daigle stated that the State is required to monitor the facility. The airport will fully comply with everything required to comply with an air quality permit.

Zimmerman questioned if the applicant would like to touch on any positive points related to the proposed incinerator project.

Daigle advised that he anticipates approval of foreign trade zone status in the near future. This will allow the airport to continue to provide economic opportunities for the airport, as well as the entire community.

Gobbo questioned if the airport was interested in entering into an agreement stating that the waste processed on the site would only be from Capital City Region International Airport. In addition, he asked for clarification of the process used to secure possible contaminated material

prior to it being incinerated.

Daigle advised that the proposed request would allow the airport to receive trash from six other facilities. This is a means to generate revenue to pay off what has been invested in the facility. He stated that any material coming into the site is sealed and would come within a secure fenced area. The transporters of this material are also certified to meet customs and border protection rules and regulations.

Chairperson Zimmerman invited the public to speak.

There was no public comment.

Commissioner Shively expressed concern regarding the importation of trash from other airports. The residents near the airport are already exposed to emissions from the airplanes. In a time when people are trying to create a more ecologically safe society it concerns her to think that the airport is considering an incinerator facility that would create more emissions. In closing, she stated it was her understanding initially that the facility would service only Capital City Region International Airport.

Flower stated that, after hearing the precautions proposed and the stringent regulations required, he feels comfortable with the project moving forward.

Gobbo noted that the airport representatives have tried to work very closely with the Township Planning Commission and Clinton County. Based on the minutes of the Site Review Committee and tonight's discussions he is satisfied that due diligence has been done.

Dailey stated that he has been provided enough information to be confident that this project will not be a detriment to residents of the Township.

Shively referred to page 7, paragraph 2 of the February 9, 2009 Site Review Committee minutes (Attachment 4). She expressed concern that the only way to limit activity from other ports of entry in Michigan and from outside of the state would be if the airport voluntarily agreed to limit these activities.

Discussion followed regarding concerns with trash being brought in from outside of the state. It was the general consensus of the Commission that such concerns were addressed under condition five of the Site Review Committee's recommendation for approval which states: "The airport agrees to limit commercial use of the incinerator to five airports which include those located in: Flint, Bay City, Kalamazoo, Saginaw (Tri-County), Grand Rapids, and Pontiac."

Ross moved that the Planning Commission concur with the Site Review Committee's recommendation for approval of the siting of an incinerator at the Capital Region International Airport, including the five conditions that the Committee identified. Supported.

ROLL CALL vote on motion:

AYES: 7 NAYS: 1 (Shively)

MOTION CARRIED.

NEW BUSINESS:

- I. Request for Special Use Permit 09-990002 from E.T. MacKenzie Company (Major Amendment to SUP 07-990005),** for property located at 14788 Boichot Road, Lansing, MI 48906, on the north side of Stoll Road, east of US-127BR, west of Boichot Road, in the SW ¼ of Section 22 of DeWitt Charter Township, to allow the applicant to eliminate the 50 foot setback along the north property line so the existing excavation and lake can be connected to the applicant's excavation project and related lake located on property to the north.

Keilen moved to receive Request for Special Use Permit 09-990002 from E.T. MacKenzie Company and set for a Public Hearing to be held on Monday, April 6, 2009. Supported. MOTION CARRIED.

- II. Request for Special Use Permit 09-990003 from E.T. MacKenzie Company (Major Amendment to SUP 07-990007),** for property located at 1300 E. Clark Road, Lansing, MI 48906 and 14700 Boichot Road, Lansing, MI 48906, on the west side of Boichot Road, east of S. US-127BR, south of Clark Road, in the west ½ of Section 22 of DeWitt Charter Township, to allow the applicant to eliminate the 50 foot setback along a portion of the south property line so the existing excavation and lake can be connected to the applicant's excavation project and related lake located on the property to the south.

Keilen moved to receive Request for Special Use Permit 09-990003 from E.T. MacKenzie Company and set for a Public Hearing to be held on Monday, April 6, 2009. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

- I. Trustee:

Trustee Ross presented a brief report on business conducted and action taken at the regularly scheduled Board of Trustees meetings held on February 9, 2009 (cancelled) and February 23, 2009.

- II. Zoning Board of Appeals:

Gobbo advised there was no Zoning Board of Appeals meeting held in the month of February.

- III. Committees: None.

- IV. Staff: None.

DISCUSSION:

Brief discussion followed regarding economic development in the Township and the implementation of the revitalization of the South Central Area.

There was further discussion suggesting that Township representatives meet regularly with the Capital Region Airport Authority to increase communications on future projects they may be planning.

ADJOURNMENT: Smelker moved to adjourn the meeting at 8:55 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Dale Dailey, Secretary