

**MINUTES OF THE GAINES CHARTER TOWNSHIP PLANNING COMMISSION  
FOR THE SPECIAL MEETING HELD ON  
JULY 11, 2019  
AT THE GAINES CHARTER TOWNSHIP OFFICES  
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

**I. CALL TO ORDER AND ROLL CALL**

Chair Giarmo called the meeting to order at 7:05 p.m. A quorum was present.

**MEMBERS PRESENT:** Brad Burns, Talimma Billips, Connie Giarmo, Tim Haagsma,  
Lani Thomas, Ronnie Rober, Brad Waayenberg

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Matt McKernan, Assistant Planner  
Dave Jirousek, AICP- Township Planning Consultant  
Jeff Gritter, P.E.-Township Engineer  
Cliff Bloom-Township Attorney

**II. CONSIDERATION OF MEETING AGENDA**

No Changes

**III. CONSIDERATION OF MEETING MINUTES**

**Motion:** By Member Haagsma, supported by Member Waayenberg to approve the meeting minutes for the June 27, 2019 Regular Planning Commission Meeting.

**Discussion:** None

**Ayes:** Burns, Billips, Giarmo, Haagsma, Thomas, Rober, Waayenberg

**Nays:** None

**Abstain:** None

**Motion:** Passed

**IV. INQUIRY OF CONFLICT OF INTEREST**

Member Waayenberg stated that he works for a contractor that likely buys gravel from Stoneco on occasion. Waayenberg is not involved in purchasing and will be able to make an impartial decision. Member Haagsma stated that he works as an engineer with the Kent County Road Commission. Haagsma is not involved in purchasing and is not aware of whether or not the Road Commission purchases gravel from Stoneco. Haagsma will be able to make an impartial decision for the request.

**IV. PUBLIC COMMENT ON NON-AGENDA ITEMS**

None

**V. New Business**

**1. Advertised Public Hearings**

**a. Stoneco, 1856 100<sup>th</sup> Street SE (A-B)**

*Continued public hearing for a request to rezone 43 acres at the southeast corner of Kalamazoo Avenue and 100<sup>th</sup> Street from A-B to PUD-MR for the purpose of expanding Stoneco's mineral removal operation*

Chair Giarmo explained that although the public hearing for Stoneco's request had been closed on June 27, 2019, the Planning Commission would allow residents a courtesy comment period prior to their deliberation on the rezoning.

Chair Giarmo opened the public comment period at 7:05pm.

**Robert Vandermeer, 10241 Eastern Avenue**

Vandermeer claimed that he spoke at the April Planning Commission meeting but did not appear in the meeting minutes. Vandermeer lives across the street from Stoneco's main crushing operation on Eastern Avenue. Vandermeer claims the noise and dust from the site is a nuisance.

**Doretta Anema, 10388 Kalamazoo Avenue**

Anema had to procure a special use permit from the Township to construct the large barn on her property. Anema felt that Stoneco should be subjected to the same standards she was for her special use permit. Anema read the special use permit standards to the Planning Commission.

**Ken Vermuellen, Attorney for Stoneco**

Vermuellen stated that the resolution of approval that was considered in January prohibited stripping from occurring during summer months. Vermuellen asked that any potential resolution of approval be amended to allow stripping to occur during the summer/fall following the rezoning.

**Nicholas Gumina, Attorney for Doretta Anema**

The neighbors of the proposed mining operation have shown that noise/dust remediation measures are insufficient. Ms. Anema has submitted numerous documents in support of her case. Recommends that the Planning Commission recommend denial of Stoneco's request.

Chair Giarmo closed the public comment period at 7:22 pm and began deliberation on the rezoning request.

Chair Giarmo explained that Stoneco had been mining in the Township for a long time. Giarmo stated that she felt it was reasonable to restrict Stoneco to a single 6-year approval window if the Planning Commission chose to approve the request. Member Haagsma concurred.

Member Billips agreed that Stoneco should be limited to a single 6-year approval window and asked whether or not the existing operation had received any recent complaints. Assistant Planner McKernan explained that there had been only one complaint he could remember since the existing operation began mining in 2016. Billips explained that this alleviates some concern that the proposed mining operation will pose very serious consequences to neighboring properties.

Planning Consultant Jirousek gave a summary of the reports he had drafted for Stoneco's request. The latest report was based on the materials submitted by Ms. Anema and Stoneco, as well as visits to

Stoneco's existing operation and Ms. Anema's farm. Staff visited Stoneco's existing site during overburden stripping several months prior to ascertain noise levels at their absolute peak. The sound on the site during stripping was equivalent to loud traffic. Sound levels near the "pre-crusher" were equivalent to human conversation levels and were without sudden spikes in volume. Any approval resolution for the project will contain strict noise/dust control measures. It is Staff's opinion that Stoneco's request meets the standards of the PUD-MR chapter of the zoning ordinance and Michigan's very serious consequences standard.

Chair Giarmo explained that state/federal laws bind the Planning Commission's decisions. Michigan's very serious consequences test places the burden of proof on those opposing a gravel mining operation to prove that nuisance/ill effects caused by the operation outweigh the benefit of the materials being mined. Giarmo explained that dust mitigation will be an important concern for this development.

Member Waayenberg stated that the "pre-crusher" was measured to be as quiet as normal conversation levels during the June visit to the existing site. Waayenberg explained that the noise was a consistent, quiet hum.

Member Haagsma agreed that the neighbors had not proven that Stoneco's operation would create very serious consequences. Haagsma explained that gravel is a limited resource that is necessary for the large amount of construction taking place in the Grand Rapids area. The very serious consequences test is in place to ensure that gravel can be mined with reasonable restrictions.

Member Thomas explained that she was empathetic to the concerns of neighbors and that the decision on this request would be difficult.

Member Rober concurred and explained that she would carefully weigh the arguments and evidence presented by both sides.

Member Waayenberg explained that he had read the lengthy report on horse respiratory issues submitted by Ms. Anema. The report actually states that silicosis is very rare and easily preventable. The report recommended steps like spraying hay with water and keeping the stable as clean as possible. It was heartening to hear that Ms. Anema is likely already taking the steps that needed to prevent silicosis. Waayenberg explained that he conducted his own research on the respiratory issue and couldn't find evidence to support that silicosis as a serious concern for horses. Waayenberg has been on dusty jobsites and found that the problem can be quickly solved by spraying water in the location you are working in. Waayenberg is confident that Stoneco can quickly address any dust issues that arise.

Township Attorney asked Assistant Planner McKernan to explain the annual review process. McKernan explained that the Planning Commission conducted a yearly review of Stoneco's mining operation in February/March of every year. The zoning ordinance does not require public hearings for these reviews but that the Planning Commission has had courtesy public hearings in the past.

**Motion:** By Member Waayenberg, supported by Member Rober to tentatively recommend to the Township Board that it approve the planned unit development ("PUD") rezoning request and site plan by applicant Stoneco for a mining operation contingent upon Township staff and the Township Attorney drafting a resolution to that effect and the resolution being adopted by the Planning Commission hereafter.

<b><u>Discussion:</u></b>	None
<b><u>Ayes:</u></b>	Burns, Billips, Giarmo, Haagsma, Thomas, Rober, Waayenberg
<b><u>Nays:</u></b>	None
<b><u>Abstain:</u></b>	None
<b><u>Motion:</u></b>	Passed

Township Attorney Bloom explained that he would begin work on the resolution of approval and plans to have it ready for review prior to the Regular Meeting on July 25, 2019.

**VII. UNFINISHED BUSINESS**

**1. Site Plan Review**

**a. Hideaway, Site Condominium Development (A-B)**

*Continued review of plans for a 34 lot single-family residential development on approximately 113 acres of land. Development will utilize rural open space preservation provisions of Chapter 22.*

Assistant Planner McKernan explained to the Planning Commission that the Township Board conducted their initial discussion pertaining to the Township's willingness to partner with the developer on a community septic system for the Hideaway Development. McKernan explained that the Township Board found the discussion helpful in clarifying what the Township's role would be in the maintenance of the system. McKernan explained that the Board took a "straw" vote to indicate their initial willingness to participate in the maintenance of the community septic system if a well drafted agreement can be put in place. McKernan stated that there were two firm no votes and 5 tentative yes votes. The majority of the Board members who indicated a potential yes vote, did so because participating with the developer would allow the Township to protect themselves from the very beginning and prevent future Boards from dealing with a mess if the State decided to force the Township to intervene on a failed system.

Member Haagsma, the liaison to the Township Board, reiterated McKernan's comments. Haagsma explained that the presentation greatly improved his comfort with the project. The most promising aspect of participation would be the ability for the Township to set up a special assessment district at the outset for the Township to utilize if the Hideaway home owner's association were ever to fail to maintain the system on their own.

Chair Giarmo gave an overview of the changes made to the plans in the past several months and asked Planner McKernan to explain what the Planning Commission was voting on. McKernan explained that they were voting to approve the "rural open space" component of the development and making a recommendation to the Township Board on approval of the site condominium as a whole.

Haagsma expressed his overall discontent with the design of the proposed development. Haagsma explained that the intent of the rural open space option was to create communities with homes clustered in one area with the rest of the site preserved. Member Rober concurred that the developer's proposed layout did not meet the spirit of ordinance.

**Jarid Halverson, Halverson Engineering on behalf of the Hideaway Developers**

Halverson explained that he understood the Planning Commission's concerns but implored them to understand that the developer bought the property in good faith thinking that it could be developed under the ordinance as written. The ordinance only requires 35% of the site to be set aside as open space and

gives bonus lots after 40% is set aside. This development has set aside approximately 45% of the site to be preserved from development. The ordinance does not specify a maximum lot size. The developers think there is a market for large homes on 2-2.5 acre lots. The developers would not have made an offer on this property if they believed the Planning Commission was going to require them to keep 3/4 acre lots clustered off in the corner. The Hideaway development was designed to take advantage of the natural features and topography of the site. The development should be approved.

Assistant Planner McKernan responded to Halverson's comments. McKernan concurred that the ordinance's language leaves too much up to interpretation. The Master Plan has illustrations and explanations for "cluster" developments that didn't make their way into the zoning ordinance. The lack of a maximum lot size is also a weakness in the ordinance that should be addressed. McKernan expressed his belief that despite the shortcomings of the rural open space development chapter, there were enough directives in the ordinance that a motion of denial would be defensible. McKernan recommended that if the Planning Commission were inclined to deny the request, they should instruct staff to draft a resolution explaining the decision.

Member Burns explained that he felt the proposed development was similar to nearby developments such as Woodview Hills a half mile north on Hanna Lake, and Bridle Ridge Estates, located a half mile south on 108<sup>th</sup> Street. Member Billips concurred and explained that she would have a hard time voting no on something if it met the technical requirements of the ordinance.

**Motion:** By Member Burns, supported by Member Billips to approve the site plan for the Hideaway residential development and recommend approval of the site condominium to the Township Board of Trustees.

**Discussion:** None

**Ayes:** Burns, Billips, Giarmo, Haagsma, Thomas

**Nays:** Rober, Waayenberg

**Abstain:** None

**Motion:** Passed

#### VIII. GENERAL DISCUSSION

None

#### IX. ADJOURNMENT

**Motion:** By Member Haagsma supported by Member Rober to adjourn the meeting.

**Discussion:** None

**Ayes:** Giarmo, Rober, Waayenberg

**Nays:** None

**Abstain:** None

**Motion:** Passed

Meeting adjourned at 8:25 pm.

**CERTIFICATION**

I hereby certify that the above is a true copy of the minutes from the July 11, 2019 Special Meeting of the Gaines Charter Township Planning Commission held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,



Lani Thomas, Secretary  
Gaines Charter Township  
Planning Commission

Dated: July 25, 2019