

Port Sheldon Township Planning Commission
January 24, 2018

Van Malsen called the meeting to order at 6:05 p.m.

PRESENT: DeLeeuw, Monhollon, Petroelje, Stump, Timmer, Van Ginhoven, Van Malsen

STAFF: Davis, Moore

Motion by Van Ginhoven to approve the minutes of December 6, 2017 with the following changes:

Page 2, paragraphs 1 and 5, change spelling of applicant last name from “Sol” to “Sal”.

Page 2, paragraph 6, first line, insert the words “recently new” before “customers”

Page 3, paragraph 2, first delete the words “supported by Timmer” as they appeared twice

Motion was supported by Monhollon and carried.

PUBLIC HEARINGS:

1. Application from Ottagan Excavators for Special Use to dig a pond and remove sand from parcels 70-11-25-300-013 and 70-11-25-300-014, owned by Craig and Susan DeVries and Matthew DeVries. Van Malsen stated the request; to complete a pond that was previously approved August 2015. Moore reviewed the application: the pond was for irrigation and was to be completed by August 2017. The project is not finished. Van Malsen asked how much more needs to be done, how long do they anticipate it taking. Davis stated he had one complaint about truck traffic. Applicant stated that a large project was cancelled and that the pond will be deeper, not larger. They are not asking to make it larger than what was originally approved. Van Malsen opened the public hearing.

Stump read a letter from neighbors Manuel and Stacey Campins stating concerns related to noise and asking if trucks could also head south on 152nd.

Neighbor Paula Collins asked if the pond will affect her water table. Moore responded that removing sand for small ponds generally does not affect the water table. Collins also asked if the pond was going to be enlarged.

Moore advised that the commission can set or modify the haul route. Commissioners discussed 2 seasons of digging and different haul routes to address concerns from those to the north. Collins said she thinks the amount of sand has already been removed. Moore responded that the applicant was not requesting anything larger than what was originally approved, the applicant is only asking for more time.

Van Malsen closed the public hearing. **Motion by Petroelje to approve the request with the same conditions as the original approval, except omit original condition #1 concerning the haul route to allow the haul route to go either north or south:**

- 1. The written application narrative from Matthew De Vries is incorporated into this approval.**
 - 2. All standards of Section 4.23 and 4.24 of the Zoning Ordinance and all other applicable Township Ordinances shall be met.**
 - 3. Hours of operation shall be Monday-Friday 8AM-5PM, Saturday 8AM-12PM, no Sunday operations.**
 - 4. Applicant shall maintain Ottawa County Road Commission permits and meet all applicable Ottawa County Road Commission standards.**
 - 5. Pond to be completed by 11-1-19.**
 - 6. Township Zoning Administrator shall determine the amount of the performance bond.**
 - 7. The surety bond provided by the applicant for roads, expiring 12-31-15, shall be extended to encompass the life of the excavation.**
 - 8. No additional extensions will be given.**
- Supported by DeLeeuw and carried.**

2. Application from DC Land LLC for Special Use to dig phase 1 of a pond and remove sand from parcels 70-11-01-100-005 and 70-11-01-100-017. Moore recapped the process and explained where things are.

Kelly Kuiper from Nederveld explained the request. She stated that the project will result in the excavation of 570,000 cubic yards of material, 100,000 of which will remain on-site and 470,000 of which will be hauled off site. She stated the goal is for this to be a continuous project, with phase 1 complete in early 2020 and second phase completing in late 2022. She noted that the haul road has been moved to the west to keep it as far from the Tradewinds as possible. She also said that they are working on obtaining permits from the Ottawa County Soil Erosion and Sedimentation Control (SESC), Michigan DEQ, and National Pollutant Discharge Elimination System (NPDES). Kuiper stated that the NPDES permit requires weekly inspections. Kuiper proposed that the hours of operation be 7am-6pm M-F and 8-12 Saturday.

Van Malsen opened the public hearing.

Doug Dykstra of 9345 Windward appreciates that the road is being moved to the west but has concerns about blowing sand and asked who will patrol and control it, is also concerned about noise, the daily hours excavating will be done and what happens if the project drags on.

Van Malsen asked if stockpiles will be irrigated if needed to address blowing sand. Kuiper said they would do so as needed.

Another neighbor questioned the location and what roads are around it. Kuipers said the sand mining would use Fillmore and that the pond is located as far from neighbors as possible and a berm will be built as a barrier.

Van Malsen asked if a 4 year timeline is realistic. Moore responded it can be challenging to enforce a time line since special land uses typically run with the land. Petroelje commented that he felt better that this will be watched closely by the community and monitored weekly by other agencies. That should be reassuring to neighbors.

Van Ginhoven asked to begin discussion on hours of operation; he suggested 8:00 a.m. to 5:00 p.m. and stated that 4 years is a lot of noise. Monhollon commented that noise from building the new houses will be noisier than digging for the pond, the township does not restrict hours for home-building other than what is in the noise ordinance and that the township already restricts noise for mining operations further than what the noise ordinance does to address it that concern.

Petroelje asked if longer hours per day would get the pond done faster.

Doug Dykstra responded he wants quiet time, shorter hours, wants some peace and quiet.

Brad Vander Zwaag, one of the property owners, expressed concern about shorter hours, they want to get the project done quickly, they want start time of 7:00 a.m.; it should be less noisy with the haul road moved and stated that the highway is noisier than the pond trucks will be.

Van Malsen stated he agrees that the highway noise is louder than the trucks will be.

Vander Zwaag said shorter hours will slow down the project.

Van Malsen closed the public hearing. Monhollon stated he thinks hours 7 a.m. – 6 p.m. is restrictive and cuts out a lot of daylight. De Leeuw stated that longer hours are usually only in the summertime. Timmer does not think 7 -6 is unreasonable. Petroelje commented that if you ask construction guys they would say they need more time, maybe we allow 7-6, and asked about a 4-5 foot berm on the east side. Stump stated she is ok with 7-6. Van Ginhoven is sympathetic but thinks applicants are doing a good job to accommodate neighbor concerns and the township requirements.

Commissioners agreed that the hours of operation will be Monday- Friday 7 a.m. to 6 p.m. and Saturday 8:00 a.m. to 12:00 noon. Moore handed out updated Findings of Fact and reviewed with commissioners.

Motion by Timmer, supported by Petroelje to approve the final site development plan and planned unit development, earth change special land use, pond special land use, and preliminary site condominium approval request by DC Land, LLC for “Ventura Shores,” a proposed residential development located on parcels 70-11-01-100-005 and 70-11-01-100-017, based on the following facts (attached). By means of adoption of these findings of fact, the Planning Commission approves the final Planned Unit Development Plan, Earth Change Special Land Use, Pond Special Land Use, and further recommends approval of the proposed Site Condominium Preliminary Plan to the Port Sheldon Township Board. Motion carried 6-0 (DeLeeuw abstained).

The 2017 Planning Commission Annual Report was distributed.

Meeting dates for 2018 were set; February 28, March 28, April 25, May 23, June 27, July 25, August 22, September 26, October 24 and December 19.

Election of Officers: **Motion by Van Ginhoven to re-nominate current officers to same positions; Van Malsen Chair; DeLeeuw Vice-Chair; Stump Secretary; supported by Timmer and carried.**

Van Malsen adjourned the meeting at 7:34 p.m.

Lori Stump, Secretary