

ROBINSON TOWNSHIP PLANNING COMMISSION  
March 28, 2017

The special meeting of the Robinson Township Planning Commission was called to order at 7:30 PM at the Robinson Township Hall.

Present	Absent
Shawn Martinie	George Schippers
Rich Sibley	
Travis Vugteveen	
Bill Maschewske	
Tom TenBroeke	
Steve Young	

Also present were Township Attorney Ron Bultje, Zoning Administrator Brian Werschem, Phillip Johnson of Resource Planning and Design and Mark Sloothaak, both representing the MME pending Class B Earth Change application, Lynnelle Berkenpas of Holland Engineering and Nate Koella of Lakeshore Environmental, both representing the Grow Blue pending Class B Earth Change application, and twelve additional members of the public. The attendance sheet is attached.

A motion was made by Tom TenBroeke and seconded by Rich Sibley to approve the February 28, 2017 Planning Commission minutes with the correction on page 2 of Troy Young to Steve Young.

The motion carried unanimously with one member absent.

Non-Commission Member Inquiries -- None

Reports and Communications

Travis Vugteveen reported the following from the Township Board.

1. A new Ottawa County park being discussed is located on the Vollmer property on Stearns Creek.
2. Both the Dykstra Class B Earth Change renewal and the Ochoa Migrant Housing applications were approved.
3. A one-time application fee of \$25 was approved for home occupations.
4. Eric Hayward was appointed as the citizen representative to NORA. Supervisor Kuck is the Township Board representative.

Announcements

1. A new wage schedule was approved by the Township Board.
2. Monitoring well data has been submitted for the Emerald Lakes Earth Change.

Old Business

At this time, the supplemental information requested last month by the Planning Commission for the Grow Blue LLC Class B Earth Change application was reviewed and checked for completeness. References are to portions of the Robinson Township Earth Change Ordinance.

Article IV, Section 1

- c. The address was corrected to correspond to the parcel upon which the earth change was requested.
  - e. 1. The pre-excavation topography has been added.
  - e. 5. The parcels to be irrigated in addition to a second parcel that may be irrigated have both been identified.

Article IV, Section 2

- b. 1. Adjacent uses have been stated.
- b. 5. Drawdown data has been supplied.
- b. 12. The existing sock well has been addressed.
- c. 2. The method of earth change progression has been described.

Bill Maschewske – Will excavation follow the sequence of cell numbers?

Lynnelle Berkenpas – Yes.

Bill Maschewske-- Is the plan to take two years to complete the pond?

Lynnelle Berkenpas – It may take as much as three to five years depending upon the demand for sand. It was noted that dewatering will not occur during excavation.

Bill Maschewske -- Requested an explanation of the last two pages of the Hydrogeological Report that appear to contain conflicting data regarding withdrawal rate and drawdown.

Lynnelle Berkenpas – Satisfactorily explained the drawdown rates.

Bill Maschewske -- What is the threshold to require a DEQ water withdrawal permit?

Lynnelle Berkenpas – 70 gallons per minute.

At 8:00 PM, an introduction was given by Chairperson Martinie to the public hearing for the Grow Blue LLC Earth Change application. The public hearing notice was read by Secretary Maschewske and the public hearing for the Grow Blue LLC Class B Earth Change was declared open. The rules of procedure were reviewed by Chairperson Martinie.

A presentation was given by Lynnelle Berkenpas of Holland Engineering for the applicants. The applicants have a 10 acre parcel upon which they wish to create a 4.96 acre pond from which they intend to irrigate blueberries. The pond will contain approximately 27 million gallons of water. The subsoil removed from the pond excavation will be removed from the site and sold. The topsoil will remain on site. The applicants are currently using well water to irrigate, however, the iron content of the water is high and the blueberries get stained from the iron. The pond will allow the iron to settle out of the water to eliminate staining of the blueberries. The existing well also only has a capacity of 1800 gallons per minute, requiring intermittent irrigation in an attempt to prevent frost damage. The pond will provide 3600 gallons per minute during frost events. The surrounding areas are all agriculture in use and the excavated soil will be stockpiled near the south boundary of the parcel. They have submitted a hydrogeological report to support that there will be no adverse effect upon surrounding wells.

There were no questions or comments from either the public or the Planning Commission.

A motion was made by Travis Vugteveen and seconded by Tom TenBroeke to close the public hearing.

The motion carried unanimously with one member absent.

Chairperson Martinie outlined possible actions to be taken.

1. Take the matter under advisement for action at a later date.
2. Make a recommendation.
3. Any other appropriate action.

The factors to be considered in Article V, Section 3 of the Earth Change Ordinance were reviewed in the draft recommendation and report.

Rich Sibley – Inquired about a required DEQ permit.

Township Attorney Bultje – Stated this was covered the in recommendation and report.

Bill Maschewske – Suggested connection of the pond parcel with the blueberry parcel to insure the continued use of the pond for irrigation. It was agreed this would be added as condition w. in the Report.

Mike Wabeke – Representative of the applicants. Stated the applicants would combine the parcels.

Township Attorney Bultje – Noted that the combination of parcels must occur before excavation can begin.

Condition k. of the Report was discussed and it was agreed to insert 3 years as the time for completion unless otherwise provided.

Condition d. was discussed and the draft hours of operation were accepted as written.

A motion was made by Rich Sibley and seconded by Tom TenBroeke to adopt the resolution and report with draft date of 3/28/17 for the Grow Blue LLC Class B Earth Change with the correction of the address in both documents, the inclusion of 3 years in condition 3. k., and condition 3. w. added to require the combination of the pond parcel with the adjacent blueberry parcel.

A roll call vote was taken.

Tom TenBroeke – Yes

Steve Young – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes

Rich Sibley – Yes

Travis Vugteveen – Yes

The motion carried unanimously with one member absent.

At 8:35 PM, the requested additional materials for the MME Development Company LLC Class B Earth Change application were reviewed. References are to portions of the Robinson Township Earth Change Ordinance.

#### Article IV, Section 2

- b. 1. Adjacent uses are now identified.
- b. 7. The area on the north end of the project north of the berm will not be disturbed per the applicant. This is now documented on Figure H.
- b. 10. A statement is now included regarding adverse impacts.
- b. 12. Alternatives are stated.
- c. 2. The reference to Figure F has been deleted.

Letters of consent were now submitted from the adjacent property owners regarding berms less than 50 ft. from the property boundary.

It was determined that the requested information was complete.

At this time, the public hearing notice for the MME Development Company LLC Class B Earth Change was read by Secretary Maschewske. The public hearing was declared open by Chairperson Martinie at 8:45 PM and the rules of procedure were briefly reviewed.

Phil Johnson of Resource Planning and Design and representing the applicant, made a presentation of the proposed Earth Change project. The project includes 3 lots with total area of 28.5 acres. The applicant proposes to create a 12.5 acre lake through a sand mining process. The end use proposed is two residential lots which would include ownership of the lake. The duration of the project is less than five years with an end date of December 31, 2021. A hydrogeological analysis of the project has been submitted. There will be no dewatering and no adverse impact to surrounding wells. They plan to dig 17 feet to the water table and then 12 feet deeper to the clay layer for a 29 foot total depth.

Dave Pinder of 11030 N. Cedar – How far will you dig to the water table?

Phil Johnson – 17feet to water and then another 12 feet in the water for a total of 29 feet.

Dave Pinder – This will be a 5 year project?

Phil Johnson – They will be done by 2021.

Leslie Nesbitt -- The applicants have a pit at 108<sup>th</sup> Ave. When will it be complete?

Phil Johnson – They plan on 2022.

Chairperson Martinie – Noted that a completion date depends largely upon the demand for aggregate.

Amy Stringham 10830 N. Cedar St. – She lives between the existing pit and the proposed pit. She is concerned about truck traffic and wants to know the hours of operation.

Chairperson Martinie – Monday through Friday 7 AM to 5 PM and Saturday as needed.

Amy Stringham – Was unaware the strip of land next to her property was for an access to the residential parcel.

Peter Smith of 11046 N. Cedar St. – This project will impact all of those present. They have submitted a petition to oppose the project. He is worried about property values and their water wells.

Chairperson Martinie – Sympathizes with the surrounding landowners.

Township Attorney Bultje – Explained Earth Changes under the State Zoning Act. Under state law, it does not matter what the zoning is of the property. The project can only be denied if there are serious adverse impacts. Equipment noise does not qualify as a serious adverse impact per state law.

Dave Pinder – Does not agree with the state law.

Amy Stringham – What is the time frame for completion of the Clark Farm excavation?

Phil Johnson – It is a long term project.

Nancy Davis of N. Cedar St. – Has an environmental study been done? Are there any endangered species present? Who did the study?

Phil Johnson – Yes, a study was done, there were no endangered species found, and Resource Planning and Design did it. The hydrogeological study was done by Lakeshore Environmental.

Nancy Davis – Noted the project was originally presented to the surrounding residents as a small lake and residences.

Dave Pinder – Stated the applicants will take down a huge amount of woods and then burn the trees and create a very large nuisance.

Amy Stringham – Inquired about the proposed berms.

Chairperson Martinie – Stated the names of the signers of the agreements to place the berms less than 50 ft. from the property lines.

Peter Smith – What recourse do the residents have if they oppose the project?

Township Attorney Bultje – After the Township Board acts, it would be Circuit Court.

Chairperson Martinie – Noted that this is not a site plan for the end use of the parcels. The applicant only has to demonstrate that the parcel is usable after the mining operation is complete.

Dave French of 14993 108<sup>th</sup> Ave. – What does the south property line of the project line up with? What about access to the lake for existing surrounding landowners?

Phil Johnson – Explained the location by referencing the access road at the south of the project lines up exactly with the entrance to the S and M site. He also explained that the lake will be owned by the two residential parcels.

Peter Smith – Will one of the accesses go between two houses?

Chairperson Martinie – The area north of the berm will not be disturbed.

There were no more questions or comments from the Planning Commission or the public.

A motion was made by Tom TenBroeke and seconded by Travis Vugteveen to close the public hearing.

The motion carried unanimously with one member absent.

At this time a draft resolution dated March 28, 2017 was distributed by Township Attorney Bultje. Possible issues with water well number 19 in the application were discussed. It was noted that from the hydrogeological study, it was predicted that there would be a 3.29 ft. drawdown at the subject property boundary and a 1.74 ft. drawdown at well number 19.

Bill Maschewske – Is well number 19 adequately protected in the resolution?

Township Attorney Bultje – Yes, with condition 3. r. in the Report.

Additional items in the Resolution and Report were discussed.

1. Section 3. d. –The hours of operation were set at Monday through Friday 7:00 AM to 5:00 PM and Saturday 7:00 AM to 4:00 PM.
2. Section 3. p. – Setbacks were conditioned “except as allowed by the Earth Change Ordinance.”
3. Section 3. k. – The duration was set for 3 years.

Peter Smith – Voiced objection to the project.

A motion was made by Tom TenBroeke and seconded by Rich Sibley to adopt the resolution and report on the MME Development Company LLC Class B Earth Change with draft date of 3/28/17 with revisions as follows.

1. Section 3. d. –The hours of operation were set at Monday through Friday 7:00 AM to 5:00 PM and Saturday 7:00 AM to 4:00 PM.
2. Section 3. k. – Duration set at 3 years.
3. Section 3. p. – Setbacks as written “except as permitted by the Earth Change Ordinance”.

A roll call vote was taken.

Tom TenBroeke – Yes

Steve Young – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes

Rich Sibley – Yes

Travis Vugteveen – Yes

The motion carried unanimously with one member absent.

#### Any and All Other Business

Attorney Jim Rabaut, representing the Diocese of Grand Rapids, and two other church representatives, were present to inquire about a parcel of land near the corner of 120<sup>th</sup> Ave. and Fillmore St. The subject property would be across the street from the Ottawa County Complex. It was stated the church is looking for a new parish location and has an option on a 29 acre parcel of property zoned A-1 at this location. They would like to purchase the property now at lower cost for development in 5 to 10 years. Since churches are not a permitted use in the A-1 zoning district, they anticipate requesting rezoning to RR in which churches are permitted as a special use. They would like to know if the Township would look favorably upon such a rezoning request.

It was verified that the subject property is zoned A-1 and is Master Planned for Agriculture.

Bill Maschewske – Expressed concern that if the property were to be rezoned to RR, nothing would prevent the property from being sold and used as residential.

Township Attorney Bultje – Stated that contract zoning may be an option and explained how contract zoning works.

Attorney Rabaut – What is the next step?

Township Attorney Bultje – They will need to talk since the request for contract zoning and the conditions must come from the applicant.

New Business

Travis Vugteveen inquired about updating the Master Land Use Plan.

Township Attorney Bultje – Noted that a major effort was put forth in creating the M-231 Overlay District and incorporating it into the Master Land Use Plan and felt this qualified as the required five year review.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to pay salaries for the month of March 2017 (one meeting).

The motion carried unanimously with one member absent.

A motion was made by Rich Sibley and seconded by Steve Young to adjourn the Planning Commission meeting at 10:45 PM.

The motion carried unanimously.

Respectfully submitted,

Bill Maschewske, Secretary  
Robinson Township Planning Commission



**SIGN IN SHEET**  
**Planning Commission Meeting**  
**March 28, 2017 at 7:30 pm**

PRINT NAME

SIGNATURE

PRINT NAME	SIGNATURE
Mark Sloathack	Mark Slothack
Phil Johnson	Phil Johnson
Joel Ryder	
Lestey Ryder	Lestey Ryder
Joel Ryder	Joel Ryder
Amy Springham	Amy Springham
David Pinder	DAVID C. PINDER
Dave French	
Clare Nesbitt	Clare Nesbitt
Julie Schoonveld	Julie Schoonveld
Doug Schoonveld	Doug Schoonveld
Nate Koelln	Nate Koelln
Michael Wabke (Brown Blue Farms)	Michael Wabke
Nance Davis	Nance Davis
Echo Davis ECHO DAVIS	