

ROBINSON TOWNSHIP PLANNING COMMISSION
August 31, 2016

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

Present	Absent
Shawn Martinie	None
Rich Sibley	
Travis Vugteveen	
Bill Maschewske	
Tom TenBroeke	
Steve Young	
George Schippers	

Also present were Township Attorney Ron Bultje, Zoning Administrator Kathy Kuck, Mark Sloothaak representing S and M Gravel, Nick Jasinski, Jeremie Wilson, and James Fortney representing MDOT, Beth Maschewske, Pat Quiring, Ray Masko, Raymond Masko Jr., Ed Schrotenboer, and several additional members of the public. See attached attendance sheet.

A motion was made by Tom TenBroeke and seconded by Rich Sibley to approve the August 23, 2016 Planning Commission minutes with revisions to the statements made by Steve Young on page 2 and the addition of a response by James Fortney as follows:
 “Steve Young – Thinks that we are missing discussions of the stop log structure. Any hydrogeologic model has a list of assumptions. Was the control structure designed for a 100-year event?”
 “James Fortney – Yes.”

The motion carried unanimously.

Non-Commission Member Inquiries – None

Reports and Communications -- None

Announcements -- None

Old Business

The public hearing for the MDOT Class B Earth Change application was held as scheduled. An introduction was given by Chairperson Martinie and the public hearing

notice was read by Secretary Maschewske. The public hearing was declared open and the rules of procedure were read by Chairperson Martinie.

A presentation summarizing the proposed MDOT wetland mitigation project was made by Jeremie Wilson, Wetland Mitigation specialist for MDOT. He explained the history of wetland mitigation and reviewed other sites in Michigan, in particular, sites in Ottawa, Muskegon, and Kent counties. Mitigation is done by major watershed and the Grand River watershed is the largest in the state. The VanTimmeran site is a bank site, meaning that it is a restoration of wetlands to a site that was historically wetlands. The property was originally intended to be mitigation for M-231, however, the Corp of Engineers directed MDOT to the Rogers property near the bridge for M-231. Later, MDOT received a call from Mr. VanTimmeran offering to sell the property and MDOT was interested in creating a wetland mitigation site now at lower cost for future use. A map was shown of the subject property illustrating where the Earth Change would occur. MDOT was able to get the Ottawa County Water Resources Commission to abandon the headwaters of the Scott Drain so the Earth Change could occur. It was noted that the abandoned part of the Scott Drain only flowed when the pumps on the VanTimmeran property ran. Approximately 50 acres will be disturbed and the goal is to flatten the Earth Change area as much as possible. The Earth Change site currently has about 5 ft. of elevation drop from east to west. MDOT is trying to get at least 10 acres of area with 1.5 to 5 ft. of standing water in which to raise wild rice. They may eventually transfer the subject property to the Ottawa County Parks Department. They will not maintain the water level on the site above the 605 ft. elevation level.

The start of the Scott Drain and the North-South ditches will be filled along with additional ditches per the plan. The Failsafe will be forcing all drainage to the Scott Drain. There will also be an overflow to the Chessman Drain at 605 ft. elevation if necessary. Underground tiles draining into the ditches will be removed. A map was shown illustrating the location of the six earth change cells. The details of the control stoplog structure were reviewed.

Nick Jasinski – Added that the project would be let in December and excavation would start shortly thereafter. They will do annual monitoring of the site.

There were no questions from the Planning Commission.

There was no opposition from the public at this time except for two letters received. One letter in opposition was dated August 18, 2016 and was from Construction Aggregates Corporation. The second letter in opposition was dated August 30, 2016 and was from S and M Gravel. Both letters were read by Chairperson Martinie.

Greg Hutchinson – He is a resident of the area and is concerned about what will happen to the water table and their basement.

Chairperson Martinie – Reviewed the groundwater study and the Lakeshore Environmental Inc. (LEI) report. Chairperson Martinie had contacted a senior official at

Lakeshore Environmental and was assured that the groundwater modeling is based on assumptions and that they are confident there will be no detrimental effect to surrounding properties.

Chairperson Martinie also reviewed email communications dated August 24, 2016 in which he challenged whether adequate information had been supplied by MDOT. Jay Poll of LEI responded and assured that the model was adequate and feels MDOT has supplied the bare minimum to model this project. The stoplog structure is the relief valve for the project.

Mr. Hutchinson – He is concerned that the information supplied is the bare minimum. He wants to know how much his water table will go up. He had water in his basement 3 years ago.

Tammy Hutchinson – Shares Greg Hutchinson’s concerns.

Deb Mulder – She lives on Bass Drive. She recently paid to have the Scott Drain improved. Who will pay to maintain the ditch? She already paid to have the ditch cleaned. She is concerned there will be more water leaving in the ditch and this will require more maintenance and who will pay for this.

Jeremie Wilson of MDOT – They are actually holding more water back, so there should be less water going down the Scott Drain.

Bill Maschewske – If you are in the Scott Drain drainage area, the residents will pay for maintenance.

Mark Sloothaak – What is the natural groundwater elevation on the MDOT site?

Jeremie Wilson – MDOT did not put in wells during the 4 years they have owned the site. MDOT only places wells if they question if there will be adequate water to create a wetland. Since they already knew they had adequate water, MDOT installed no wells.

James Fortney of MDOT – Stated they had to rely on the Soils Survey Map for Ottawa County to determine the water table. For this site and the soils found there, the Soils Survey book states that the groundwater will be 1 ft. above the surface. He stated that he has seen standing water on the site when the pumps are off, but he does not know how deep the water was. Mr. Fortney also stated that Ottawa County has just had the most extensive groundwater study ever done by Michigan State University. There was no new data collected in the field for this study. He reinforced that Lakeshore Environmental Inc. is satisfied with the information submitted. MDOT has done what was requested of them.

Mark Sloothaak – Elevation 607 ft. from the report is an incorrect action level.

Jeremie Wilson of MDOT – Stated the 607 ft. elevation will never be reached by groundwater. The object is to maximize the mitigation area.

Mark Sloothaak – Your gain will be our loss.

Chairperson Martinie – What is the appropriate action level?

Mark Sloothaak – Elevation 605 ft. He stated the lake level on the South Cedar Site is now at 606 ft. elevation. Most of the South Cedar Site is at elevation 609 – 610 ft.

Jeremie Wilson – They are trying to hold water back to get the surface water higher. They cannot hold the water back higher than elevation 605 ft. because of the site design.

James Fortney -- Stated that because of evaporation due to the body of water that will be created, the up gradient groundwater will be lowered.

Steve Young – Suggested a groundwater check. Stated that at 605 ft. elevation of water at the South of the project, the water table elevation at the south property line would be 605.6 ft. by his calculations.

Mark Sloothaak – Is concerned that groundwater on his site could be as high as 609 – 610 ft. elevation.

James Fortney – Stated that the group present tonight disagrees by 5 ft. elevation as to what the final groundwater elevation would be.

Beth Maschewske – How will purple loosestrife and other invasive species be controlled?

Jeremie Wilson – They try to establish natural vegetation. They will seed the site. Noted they do not get credit for mitigation area if invasive species take over.

Chairperson Martinie called for any other questions from the public and there were none.

A motion was made by Rich Sibley and seconded by George Schippers to close the public hearing at 9:10 PM. The motion carried unanimously.

Bill Maschewske – Noted that the model and the assumptions are seriously flawed.

1. The drawdown plots have no units on the scale and no north point.
2. The Scott Drain to the west was not simulated nor was the sheet piling to be located on the west side of the project. These structures will isolate the West end.
3. The supplied water well data is all deep well data and has nothing to do with the shallow groundwater aquifer that we are discussing with this project.
4. The well log data shows that for most wells, the top 10 – 15 ft. is a highly permeable layer of sand and gravel. The closest model submitted used 5 ft. of

- sand as the assumption, which is not close. This model also showed the most groundwater effect on surrounding properties.
5. Elevation 607 ft. is too high for the alarm on the monitoring wells since that elevation of groundwater would put standing water onto adjacent property. The groundwater level on adjacent properties needs to be more than 1 ft. below the surface in order to drive equipment on the ground.
 6. Using a 100 year rainfall event is probably not adequate. I believe this area has seen several 100 year rainfalls in the past 20 years, meaning that the 100 year amount of rainfall needs to be redefined.

Steve Young – Concurs with Bill Maschewske statements. He also feels that the 607 ft. alarm level is too high.

Bill Maschewske – Noted that simulation using modeling is a good tool; however, proper boundary conditions were not input into the model submitted by MDOT.

Rich Sibley – Is familiar with FEA modeling and knows that it gets you in the ballpark. Stated he does not understand the report. He would like actual data instead of depending strictly upon the model. He agrees with Chairperson Martinie in that he has a report based upon the model but no actual data.

Travis Vugteveen – Feels he has to believe the consultants but does have an issue with the same consulting company representing both the Township and Construction Aggregates Corporation.

Steve Young – Is sympathetic to the adjacent business owner that may be negatively impacted.

Travis Vugteveen – Is concerned about the neighbors being negatively impacted.

Steve Young – Stated that the natural groundwater elevation is irrelevant if the project is built.

Travis Vugteveen – Most houses in the area were built after the pumps were installed. Is the site more easily managed as the site exists or if the project is built?

James Fortney – Stated that the current cisterns on the site are at 597 ft. or 599 ft. elevation at the bottom. The stoplog structure can control between 605 ft. and 602.5 ft. elevation. He feels the site is more manageable if the project is built.

Travis Vugteveen – If the project physically does not work and basements get flooded, what assurance will MDOT give.

James Fortney – MDOT has obligations as a good neighbor. Their track record is that they have been good neighbors.

Chairperson Martinie – Is there any pending litigation at any site?

Jeremie Wilson – They have 122 mitigation sites in the state and no litigation.

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

Township Attorney Bultje – Requested comments from Planning Commission review of the draft Recommendation and Report.

The Planning Commission responded that, other than Chairperson Martinie, no one received copies of the document.

Township Attorney Bultje – While the Zoning Administrator was making copies, he verbally reviewed the Resolution and the findings in the Report.

Travis Vugteveen – Inquired if the Township were responsible if issues arose as a result of approving the project.

Township Attorney Bultje – Stated that the Township has presumed governmental immunity as long as there was not gross negligence in making the decision. In this case, the Township has demonstrated due diligence.

A straw vote was taken to determine if the draft Resolution and Report was properly oriented.

Chairperson Martinie – Is relying on the LEI report and conclusions.

Travis Vugteveen – Also is relying on the LEI report but has concerns about the consultant having conflicts.

George Schippers – Is relying on the LEI report.

Tom TenBroeke – Is ready to move forward. Basements will flood in spite of the project.

Steve Young – Is leaning towards approval.

Rich Sibley – Is not comfortable with the lack of actual data.

Bill Maschewske – For the reasons stated previously, is leaning towards a no vote.

Township Attorney Bultje – Noted that Planning Commissioners can suggest additional conditions to the Township Board after tonight.

At this time, copies of the draft Recommendation and Report were distributed to all Planning Commissioners for review.

Steve Young – Item 2. i. (bases of approval) – Questioned if the additional email communication from Lakeshore Environmental Inc. to Chairperson Martinie should be included in the reference here.

Township Attorney Bultje – Yes, we should add the August 24, 2016 communication in addition to the August 17, 2016 findings of LEI.

Rich Sibley – How often will the site be checked? Do the monitors communicate electronically?

Jeremie Wilson – The site will be checked at least once per year. The monitors must be checked manually.

Steve Young – Feels there is ambiguity regarding what constitutes flooding and what is stormwater runoff.

A discussion followed regarding the wording of 3.1. of the Report. It was agreed to change the word “flooding” to “unreasonable adverse impact”.

Township Attorney Bultje – Stated he will correct the inadequate parcel descriptions in the Findings and will include the August 24, 2016 correspondence. The word “flooding” in 3. 1. will be changed to “unreasonably adverse impact” and he will eliminate 3.e. and f. of the Conditions. Additionally, a completion date of the end of 2018 will be added.

Secretary Maschewske requested approval to consult with Township Attorney Bultje regarding the drafting of the minutes of this meeting. The consensus was this was acceptable.

Chairperson Martinie – Inquired if there were any other Conditions to be added or revised. There were none.

A motion was made by George Schippers and seconded by Tom TenBroeke to adopt the Resolution and Report dated August 28, 2016 recommending approval of the MDOT Class B Earth Change application to the Township Board subject to the revisions documented above.

A roll call vote was taken.

Steve Young – Yes

George Schippers – Yes

Bill Maschewske – No

Shawn Martinie – Yes

Rich Sibley – No

Travis Vugteveen – Yes

Tom TenBroeke – Yes

The motion carried.

Chairperson Martinie excused himself from the meeting at this time to join the public. Vice-Chairperson Sibley took charge of the meeting.

At 10:20 PM., the Schrotenboer Class A Earth Change application was again considered.

A motion was made by Travis Vugteveen and seconded by Tom TenBroeke to untable the Schrotenboer Class A Earth Change application.

The motion carried unanimously with one member abstaining.

A review, according to Article IV, Section 1 of the Robinson Township Earth Change Ordinance, was performed to determine if all information identified as missing at the last meeting was now included in the application.

- A. Denny's Excavating address and telephone number was added.
- B. The Schrotenboer home address, parcel number, and current residence were added.
- D. The pond location is now included in addition to the depth of the pond.
- E. 1 and 2. – Topographical maps now supplied.
- F. The bottom elevation and the location of the pond now supplied.
- G. The address for Denny's Excavating is provided.
- K. Work on the project is to cease at 6:00 PM on Monday through Saturday. There will be no Sunday work.

It was determined that all missing information in the application had been submitted.

A motion was made by Travis Vugteveen and seconded by George Schippers to recommend to the Township Board approval of the Schrotenboer Class A Earth Change application based upon the conditions contained in Article V, Section 3 of the Robinson Township Earth Change Ordinance and with the following conditions.

1. Compliance with the Earth Change application and with all representations recorded in the minutes.
2. Compliance with all Federal, State, County, and Township ordinances.

A roll call vote was taken.

Steve Young – Yes

George Schippers – Yes

Bill Maschewske – Yes

Rich Sibley – Yes

Travis Vugteveen – Yes

Tom TenBroeke – Yes

The motion carried with Chairperson Martinie abstaining.

At this time, Chairperson Martinie returned to the Planning Commission from the public.

New Business – None

A motion was made by Rich Sibley and seconded by Tom TenBroeke to pay Planning Commission salaries for the month of August 2016 (2 meetings).

The motion carried unanimously.

The next Planning Commission meeting was scheduled for September 27, 2016.

A motion was made by George Schippers and seconded by Rich Sibley to adjourn the Planning Commission meeting at 10:40 PM.

The motion carried unanimously.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission



SIGN IN SHEET

Planning Commission Meeting

August 31, 2016 at 7:30 pm

PRINT NAME

SIGNATURE

PRINT NAME	SIGNATURE
Elizabeth Maschewski	Elizabeth Maschewski
RAY MASKO	Ray Mascho
Ed Schratensow	[Signature]
PATRICIA QUIRING	Patricia A. Quiring
Deb Mulder	Deborah Mulder
Mark Sloothack	Mr. Sloth
Nick Jasinski	[Signature]
James Fortney	[Signature]
Jeremie Wilson	Jeremie Wilson
Greg Hutcherson	[Signature]
Tammy Hutcheson	Tammy Hutcheson
RAYMOND J MASKO JR	Raymond J. Mascho Jr