

# Watersmeet Township Planning Commission

March 8, 2017

## Regular Meeting

### And Public Hearing Minutes

Location: Watersmeet Community Center

**Meeting called to order** by Chairman Pete Peterson at 6: p.m.

**Pledge of Allegiance was given.**

**Roll Call: Members Present:** Jeff Zelinski, giiwegiizhigookway Martin, Jeff Wasson, Michelle Hazen, Pete Peterson, John Cestkowski, Paul Kempainen, Roy D'Antonio.

**Members Absent:** Michelle Hazen and Mark McGrath arrived during the course of Public Hearing.

**Recess Regular Meeting and enter into Public Hearing:** Motion by Jeff Zelinski, 2<sup>nd</sup> by John Cestkowski. All in Favor. Approved. Moved into Public Hearing at 6:05 PM

**Northeast Asphalt Special Use Permit:** No comments were expressed.

**Rescinding of Marijuana Ordinance:**

Dave Sherrill expressed concern that we should have a written legal opinion from our attorney before action being taken. Steve Roth felt that we should wait and see what comes up in the near future because there could possibly be a financial opportunity to the Township.

**Pachmayer Special Use Permit:**

Steven Tinti, an attorney from Crystal Falls, MI, spoke on behalf of concerned property owners on Duck Lake. The principal concerns were that all residents on Duck Lake should be considered as residing within 300' of the proposed Special Use permit area, by considering the area under the water as a person's property and should therefore have been notified by mail of the request; several references were made to sections in the Zoning Ordinance (5.02A, 11.09, 5.02B8 and 11.02) to dispute the fact that the property would meet the definition of a single family dwelling and not designated for commercial use. Dave Sherrill felt that the Zoning Administrator had not provided a written recommendation and whether the application had been changed from its original form or whether the application had been considered complete. Diane Hornung read a letter from an attorney representing the interests of the Cascarno family and objections to the permit request. Noise and safety concerns for residents was expressed by Karen Ghinazzi, Marilee Redmond and Jan Halbeck. The impact on the present milfoil problem and possible new environmental impact was expressed by Cathy Floriano, Marilee Redmond, Ursula Charaf, Mike and Jill Brennand. People expressing that the property would really be commercial were Dave Sherrill, Russ Diethert and Jack Martin. Diane Hornung and John Larsen commented a survey conducted by Mrs. Hornung in which 75% of the lake owners responded and that 98% were against the issuance of the permit. The physical demand placed on the lake by increased usage was expressed by Scott Ghinazzi and James Holbrook. Mary Dunbar asked the residents in attendance to stand up and demonstrate their opposition to the Special Use Permit being granted. Chairman Peterson addressed Mr. Tinti

concerning a previous Special Use Permit from two years ago in which Mr. Tinti had defended the use of a residence for short-term rental and made no mention of informing all residents within the 300' feet distance using the underwater rights of ownership that he had cited earlier. Mike Rogers asked Mr. Tinti if the 300' feet requirement that he was recommending as having not been met were applied to Lake Gogebic, which encompasses about 20 sq.mi., would all residents on the entire lake have to be informed of the permit application and Mr. Tinti said he felt that to be conservative all the residents would have to be informed as part of the application process. Mr. James Pachmayer made an effort to alleviate some of the concerns being expressed against the application, namely, no groups would be larger than 24 people; used only for residential purposes (family use); all required documents had been submitted and the document was complete.

**Return to Regular Meeting:** Motion made by Paul Kempainen, and 2<sup>nd</sup> by Jeff Zelinski. All in favor. Approved. Went back to regular meeting at 7:00 PM.

**Approval of Minutes of February 8, 2017.** Motion made by Jeff Wasson to approve, 2<sup>nd</sup> by Paul Kempainen. All in favor. Approved.

**Approval of Agenda:** Motion made by Roy D'Antonio and 2<sup>nd</sup> by Mark McGrath, to add Pestka request for Special Use Permit as item #11 with subsequent items moved down. All in favor of new revised agenda. Approved.

**Northeast Asphalt Special Use Permit:** Motion made by Jeff Zelinski and 2<sup>nd</sup> by Jeff Wasson to approve with the stipulation that hours remain from 6:30 AM to 6:30 PM and that this permit would be effective for five years unless circumstances change as to use and operation times. Roll Call vote: Jeff Zelinski yes, Jeff Wasson yes, Roy D' Antonio yes, John Cestkowski yes, Pete Peterson yes, Giwee Martin yes, Michelle Hazen yes, Mark McGrath yes, Paul Kempainen yes. Approved

**Medical Marijuana Ordinance:**

Roy D' Antonio suggested that members of the commission attend the M.T.A. meeting concerning Medical Marijuana in Bessemer on Wednesday, March 23, 2017. He also suggested that we get a written legal opinion from the Township attorney as to how we should proceed at this point. A motion by Paul Kempainen, 2<sup>nd</sup> by Roy D'Antonio to table this item until April 12, 2017 meeting. All in favor. Approved

**Pachmayer Special Use Permit:**

Paul Kempainen read the basis for his decision not to vote in favor of the issuance of the permit. Due to concerns as to whether the permit application process, notifying all neighbors within 300', had been completed correctly it was recommended that we have our attorney to determine what our next course of action should be. A motion by Jeff Zelinski, 2<sup>nd</sup> by Mark McGrath, to table the decision on the permit until we have our attorney's recommendation and address the application at the April 12, 2017 regular meeting. Roll Call Vote: Jeff Zelinski yes, Jeff Wasson yes, John Cestkowski yes, Giwee Martin yes, Michelle Hazen yes, Mark McGrath yes, Paul Kempainen yes, Pete Peterson yes. Abstaining: Roy D'Antonio Vote 8 yes and 1 abstaining. Tabled

**Master Plan – Updates:**

Special meeting to complete work on Master Plan scheduled for Tuesday, March 28<sup>th</sup> 2017 at 6:30 PM at the Watersmeet Community Center.

**Recreation Plan – Updates:**

Nothing new at this time until completion of the Master Plan

**Zoning Administrator’s Report:**

Cisco Lake land division was approved. The request by Norm Pestka for a special use permit for a temporary asphalt plant needs to have the adjoining neighbors contacted by mail to see if there any objections to fulfill the requirements.

**Public Comment:**

Pete Peterson clarified that the vote on Pachmayer Permit was tabled in order to be fair to the parties concerned to ensure that correct procedures had been followed according to our attorney.

Julie Mathieson wanted to know if Roy D’Antonio had recused himself on the Pachmayer vote and was assured that he had.

**Adjournment:** Motion by Jeff Zelinski, 2<sup>nd</sup> by John Cestkowski. All in Favor. Approved Meeting adjourned at 7:45 PM.

**Next regular meeting on Wednesday, April 12, 2017**

Submitted by: Paul D. Kempainen – Planning Commission Secretary.

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