

Minutes

Watersmeet Township Planning Commission

Meeting of August 14th, 2013

Meeting called to order by Chairman Dennis Snyder at 7:00 PM.

The Pledge of Allegiance was given.

Members Present: Members Present: Chairman-Dennis Snyder, Secretary-Greg Garlock, Pete Peterson, Jeff Wasson, Jeff Zelinski, Larry Potter, Roy D' Antonio and Township Board Liaison-Rich Henriksen were in attendance. Vice Chairman-Fred Reimer was excused. A quorum being present, business could be officially conducted.

Members of the community present: Several members of the community were present including Mike Rogers-Township Supervisor, Dave Neumann-Township Zoning Administrator, Craig and Lisa Hesse, Greg Wenzel, Kathy Pirk, Mary Congdon, Julie Mathiesen, John Cutts, Jessica Ryden and about ten other folks.

June Regular meeting Minutes: The minutes of the June regular meeting were approved contingent upon correcting the spelling of the last syllable of Jeff Zelinski's last name from "sky" to "ski" on a motion by Jeff Zelinski with support from Rich Henriksen. Voice vote: All in favor.

June Public Hearing Minutes: The minutes of the June Public Hearing were approved again contingent upon the spelling correction to Jeff Zelinski's last name (l not y) upon a motion by Larry Potter with support from Jeff Wasson. Voice vote: All in favor.

Zoning Administrator's Report: David Neumann received requests for two dwellings, one addition (denied), three additions approved, plus two garages. Two land division requests (one disallowed one approved) were acted on by the Zoning Administrator. Several "use by special approval" requests were submitted to the P-C for future action at the September meeting.

Zoning Board of Appeals (ZBA): No Report

Chairman's Report: Chairman Snyder reported on the serious health concerns of Vice Chairman, Fred Reimer. Fred has missed a number of meetings but hopes to regain his health to continue serving the Planning Commission in the future. Therefore, Chairman Snyder asked for volunteers to serve as temporary Vice Chairman. Ultimately, Roy D'Antonio accepted the nomination by Chairman Snyder, on a motion by Jeff Zelinski supported Jeff Wasson. Secretary Garlock initiated a roll-call vote with a question/observation that we will have both the chairman and vice chairman position occupied by realtors – from the same office and was concerned that it could be perceived a conflict under certain conditions. Chairman Snyder and Roy D'Antonio vehemently defended their personal integrity and objectivity on Planning Commission matters. A roll call vote followed with Roy D'Antonio abstaining and everyone else voting yea.

Public Comments: Chairman Snyder asked for public comments. Note that public comments were accepted prior to and following distribution of proposed modifications to language in the zoning ordinance, as presented under “Old Business” and “New Business”. Julie Mathiesen of Cisco Lake stated she had a question and a comment. The question originally had been asked during the public hearing to change the dock ordinance. At that time, Ms. Mathiesen asked for the history behind the proposed change to the ordinance. Chairman Snyder stated that several lake owners could not reach sufficient depth for their boats with the current 40’ length restriction. Ms. Mathiesen then asked what percentage of the lake owners requested dock extensions and what number would trigger a zoning ordinance change? As there was no clear response to those questions, she was asking the question again at this meeting. Ms. Mathiesen also noted a “several” lakefront property owners were a very small percentage of the total number of lakefront properties in the township. She further noted that the Zoning Ordinance stipulates that proposals for amendment or supplements may originate with the Township Board, the Watersmeet Township Zoning Board of Appeals, the Township Zoning Administrator, and the Township Planning Commission or by written petition signed by no less than six (6) property owners in the Township. Based on that language, Ms. Mathiesen asked the following: Was there a written petition to change the ordinance? Was there input from the Township Board? What in fact were the procedures used to determine that a change to the ordinance would be appropriate to consider? Roy D’Antonio explained that he brought the request for Dock Ordinance relief, personally. Pete Peterson explained that many low- water lakes exist in the Township, and the Planning Commission members knew that the problem existed without a petition being circulated. Chairman Snyder said that our mission is to protect property values and property owner’s rights, and when the P-C sees a need, the P-C will respond.

Ms. Mathiesen segued to her statement which focused on potential conflicts of interest and the need for procedures to address them. She read language from the MI Chapter of the American Planning Association defining conflict of interest. She also noted that Attorney General Opinions have indicated the appearance or potential for conflict of interest is as significant in the planning process as is an actual conflict. She further noted that she had documented her concerns in a letter to Supervisor Rogers and Chairman Snyder in March 2013. Chairman Snyder requested examples of conflict of interest on the part of P-C. Ms. Mathiesen provided three, focusing on recent changes to the dock ordinance and the proposed changes to language regarding to the guest house rental and keyhole access, noting that all originated from two realtors working in the same office. Ms. Mathiesen further noted that, absent sufficient documentation to the contrary, it **appeared** two P-C members were initiating changes that could benefit their business. Several members of the audience echoed the concerns stated by Ms. Mathiesen. Chairman Snyder and Roy D’Antonio vehemently defended their personal integrity and objectivity on Planning Commission matters.

Roy D’Antonio asked the Secretary, Greg Garlock about the potential of conflict with himself sitting on the Planning Commission and his “wife” questioning the commission from the floor. Mr. Garlock stated she was a member of the public and could comment as such. The discussion regarding conflict of interest continued, with several members of the audience echoing the concerns stated by Ms. Mathiesen. Roy D’Antonio again suggested to Secretary Garlock that he had a conflict of interest. Greg Garlock resigned as secretary and left the proceedings. (Supervisor Rogers subsequently asked Mr. Henriksen to serve as secretary pro-tem and author these meeting minutes in Secretary Garlock’s absence.) Ms. Mathiesen repeatedly emphasized her concerns were based on lack of documentation and procedural issues, summarizing procedures required by the State of Michigan, the Zoning Enabling Act and the Michigan Township Association.

Marty Draeger of Long Lake presented a letter from his neighbor, Arnold (Arnie) Domanus regarding the history of and potential changes to the anti key-holing ordinance. This letter was collected by Chairman Snyder, and is included below:

TO: Watersmeet Planning Commission (PC)

August 14, 2013

In anticipation of a change in the Keyhole Ordinance 5.03 and the PC policy of not allowing public input after the "Public Comments" period I would like to mention the following facts. In September of 2000 Marty Draeger and I saw a need for and sought input from Michigan Lake & Stream Associations (ML&SA) regarding keyhole ordinances that were in effect throughout the state of Michigan. Based on documents obtained from ML&SA and input from ML&SA Attorney Cliff Bloom, Watersmeet Attorney Michael Pope, Supervisor George Peterson and Supervisor Kathie Thrall we were able to develop and produce a "Keyhole Ordinance Document". The ordinance was approved by the Planning Commission Chaired by Dennis Snyder in 2003 and subsequently by the Township Board. It has been in effect for the past ten years and was actually strengthened and improved under Supervisor Kuchevar.

I question the PC as to why something that has worked so well over the past ten years and was actually improved needs to be changed at this time. It has served in the best interest of the lake property owners investment and the citizens of Watersmeet Township in maintaining a valuable tax base.

I respectfully request that this letter be entered into the minutes of this meeting and as a public record.

Kathy Pirk of Cisco Lake stated that the appearance of conflict is a serious matter, well worth the time spent in discussing it. Ms. Pirk also noted that the Township should be interested in having good documentation supporting its decisions, as it protects the Township.

The Chairman passed out the documents containing the language that he wishes changed in the anti-key-holing ordinance. He claims that the current restriction to only "fee-simple owner" means grandpa could be cited for a violation if his kids or grandkids were found wading in the water in front of grandpa's lake house. He also admitted that has never happened, but the lawyers, Michael Pope and Steve Tinti have stated that it could and would be indefensible under the current language. Therefore the ordinance must be "loosened up". Ms. Mathiesen and Mr. Draeger stated the current ordinance language was drafted by Attorney Pope. They further noted that Attorney Pope had offered a prior opinion that provisions regarding Keyhole development do not prohibit owners from allowing relatives or guests permissive use. The prohibition is charging a fee for use. The current ordinance would only present a problem if Grandpa was charging the grandkids a fee to go wading. Chairman Snyder indicated that Attorney's Pope and Tinti have had several conversations regarding Keyhole access language, which prompted additional questions from the audience, e.g. "Did Mr. Tinti also serve as the Township Attorney" and did the request to change the Keyhole language originate from either attorney? Chairman Snyder said that loosening the keyhole ordinance is an essential first step to permitting any guest/caretaker house rental.

Craig Hesse of Thousand Island Lake asked if public comments could also be allowed at the end of the meeting. Ms. Pirk asked if the current owner must have owned the property for ten years or just the

structure has had to exist for ten years prior to rental consideration. Chairman Snyder stated that the 10 year requirement applies only to the structure.

Greg Wenzel of Poor Lake asked if voting on the old and new business items would come at a subsequent meeting. Answer: This meeting simply presents the language to be considered. Action on these items is to be determined at a future meeting(s). Chairman Snyder indicated the language would be reviewed, discussed and finalized during the September regular meeting of the P-C, with a public hearing on the final text likely occurring in October.

Mr. Henriksen reported that several uninhabitable dwellings on Blair Street (R-1) have been condemned by the Township building inspector. This is a good thing, to be sure. Several other abandoned structures are posted as county owned, and they just sit there and slowly dissolve. There are illegally abandoned vehicles present on some of these properties. This is detrimental to health, welfare and property values of the families that live in this R-1 district, within walking distance of the school. Mr. Henriksen also commented on the presence of the "Road-kill Bar" on Blair Street which is a private ersatz drinking club that does not sell alcohol but permits "carry-in" of same. Hence, there is no liquor license involved. This facility exists smack in the middle of a residential neighborhood. Minimal complaints by residents may mean there are no problems, and or no one cares **OR** there is neighborhood intimidation by the perpetrators; which experience shows to be pervasive in decaying neighborhoods. Tribal police can only enforce disturbance complaints, but the continued existence of the "Road-kill Bar" is in violation of R-1 zoning parameters, and therefore squarely on the Township's plate.

Agenda Changes/Additions: None.

Old Business:

Proposed Language for Guest House Rental: Chairman Snyder distributed copies of the proposed language to allow guest house rentals, to be discussed in detail at a future meeting, as follows:

5.01E Short term rental of caretaker or guest house

Short term rental of guest house is permitted, provided:

- 1. Guest house has existed for at least ten years.*
- 2. Property owner must reside in the principal dwelling residence where the guest house is located during the period of guest house rental.*
- 3. All federal, state and local requirements are met for occupancy.*
- 4. A "use by special approval" permit is required for short term rental of guest house, pursuant to the provisions of 7.09*

New Business:

Proposed Language for Key-holing/Funneling/Pyramiding

Chairman Snyder distributed copies of the proposed language to revise the language of section 5.03 which regulates Key-holing/Funneling/Pyramiding to allow guest house rentals, to be discussed in detail at a future meeting, as follows:

Section 5.03 Key-holing/Funneling/Pyramiding

The following restrictions are intended to limit the number of users of Lake Frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all lakes within the township. It is intended that keyhole development or funnel development not be a permitted use on privately owned lands abutting all lakes.

The effect of Key-holing/Funneling/Pyramiding is to funnel back lot development from off shore lots or residences via a parcel of Riparian Land to provide access to the water.

Said practice in any form, directly or indirectly, is prohibited.

Note: Contiguous properties that run from lake to back lots, such as L-1 and L-2 properties joining Recreational and Forest (R&F) properties must also abide by Section 6.01B of this ordinance (Buffer Zone).

Motion to adjourn at 8:45 PM by Rich Henriksen and supported by Jeff Pete Peterson. Voice vote: All in favor.

Respectfully submitted by,

Richard T. Henriksen – Planning Commission Secretary - pro tem

Approved: 09/11/2013