

**Minutes:**  
**Watersmeet Township Planning Commission**

**Regular Meeting of September 10, 2014**

Watersmeet High School Library

- 1) Meeting called to order by Chairman Roy D'Antonio at 6:30 PM.
- 2) Pledge of Allegiance was given.
- 3) **Roll Call:** Members Present: Chairman Roy D'Antonio, Vice Chairman Dave Sherrill, Secretary John Neumann, Township Board Liaison-Rich Henriksen, Jeff Wasson, John Cestkowski, Larry Potter and Jeff Zelinski were present. Pete Peterson absent. Township Supervisor, Zoning Administrator and several community members were present.
- 4) **Approval of Agenda/Changes:** A motion to accept agenda was made by Dave Sherrill, 2<sup>nd</sup> by Jeff Zelinski. Unanimous yes vote to approve agenda.
- 5) **Public Hearing (Square Footage Proposed Changes:** Dave Sherrill made a motion to enter into Public Hearing, 2<sup>nd</sup> by Rich Henriksen. All in favor. Arnold Domanus from Long Lake read a comment from Greg and Yvonne Clark of Long Lake strongly protesting lowering the square footage building requirement. (see attached) Bonnie Mansfield read a letter from Brian and Chris Dunleavy from Madison that recently purchased property on Beatons Lake that was in support of the square footage reduction. (see attached) She also commented that that the son of a friend of hers recently commented that smaller homes were a trend in Montana to help the environment due to less impact on the land. Bonnie said she personally supports the reduction in size requirement and opposes the mega mansions that have been built on the lakes and she believes that that should be curtailed. Ruth Bosdech from Langford Lake was next to comment and read a petition from 28 property owners of that lake who are against the reduced building size requirements. Greg Wenzel spoke next and wanted to share an observation. He thought that both sides made good points but a lot of work went into the current ordinance and it should remain as it is. For those that would like to build smaller homes we have a Zoning Board of Appeals where people could request a smaller footprint. There are reasonable people that sit on this board and both sides could be satisfied. Elaine Branch of Langford Lake spoke next and read a letter against the proposed changes to the Ordinance. (see attached) Pat Welch spoke next and he said he was against this change for 2 reasons: He said everyone up to this point had to comply with the current 1200 square feet and number 2 we said at the last meeting mobile homes would be allowed. He said mobile homes are not nice to look at. On his lake there are some mobile homes that look decent and others that look like they are falling apart. He thinks we should have something in the Ordinance that prohibits mobile homes. Roy D'Antonio stated that this Ordinance change has nothing to do with mobile homes. Roy explained that there was a brief discussion at the last meeting about whether or not mobile homes were allowed on lake property but this change has nothing to do with mobile homes. Arnold Domanus asked to make another comment. This was concerning the size requirement in R&F that reduces the required size from 400 to 200 square feet. He said he saw a shed at Ewen Building supply that was 10 by 20 and it would

conform to the new building size requirement as long as all the other building requirements were met. For that reason he is against that change also. There was a request from the audience asking for a little background on why this change is being proposed. Roy said he would have no problem doing this but it would be more appropriate to do this when we come out of the hearing and enter into discussions as a board. Julie Mathiesen was next to comment. She stated she doesn't mind the proposed change and can agree with a smaller footprint of a home having less of an environmental impact. But she thought Greg Wenzel had a good solution. She thought the ZBA could document how many requests for smaller homes there were and whether or not a change was warranted. She said the lady from Langford Lake made a good point. She said that more building on the lakes clearly benefits builders and realtors. She said that half of the PC members could potentially profit from the proposed change. She stated that this was a potential conflict of interest. She also stated that a more specific conflict of interest statement was made by Jeff Zekinski concerning changing R&F size requirements so he could build a smaller hunting camp. With no more comments Jeff Wasson made a motion to come out of the hearing, 2<sup>nd</sup> by Dave Sherrill. All in favor.

- 6) **Public Hearing (Piel Bed & Breakfast Special use Permit):** Motion made by Dave Sherrill to go into Public Hearing, 2<sup>nd</sup> by John Cestkowski. All in favor. Alan Piel spoke and explained what their intentions were concerning a Bed & Breakfast. He said when they built their house they built it with guest bedrooms. They would now like to rent those bedrooms to make some extra income. He said they have contacted the other property owners on the lake and they didn't have any problem with their proposal. They will call it Forest Gardens Getaway. Julie Mathiesen commented that she has been making the same comment for the past 18 months. She said the Township does not have the authority to approve a Bed & Breakfast because our Ordinance does not specifically list that activity. In 2012 Township Attorney Pope wrote an opinion based on a different special use that said the Township cannot do this if the special use is not specifically defined in the Ordinance. Pope referenced case law, Whitman vs Gallion Township, which more or less states that you cannot generally classify activities. She stated that you have to specifically list the activity. Because of this opinion, she believes Mr. Pope should write another opinion stating why we can approve a Bed & Breakfast when it isn't listed in the Ordinance. She said she is not against Bed & Breakfasts but it's a procedural thing that should have been addressed back in April when she brought it up. Dave Neumann stated that he spoke with Mr. Pope and he said a Bed & Breakfast would be allowed because it is similar to resorts and restaurants in the area. The previous opinion dealt with Cisco Lake Resort wanting to sell and work on boat motors which is a completely different business than a resort business. Julie stated Mr. Pope should put that opinion in writing. After there were no more comments, Roy D'Antonio made a motion to leave the Public Hearing, 2<sup>nd</sup> by Dave Sherrill. All in favor.
- 7) **Approval of Minutes:** Motion was made by Dave Sherrill to accept minutes as written for August 13<sup>th</sup> 2014, Regular PC meeting, second by Rich Henriksen. All in favor.
- 8) **Zoning Square Footage Proposed Reductions:** Roy spoke first and assured everyone that this change being proposed had nothing to do with him being a realtor or John being a builder or Pete and Jeff working in the area. He stated that many on the board have heard the complaints in the Township about the 1200 sq. ft. requirement and we are the only

Township in this area that has this requirement. Roy made the point that if you think of this as footprint, you could have a 600 sq. ft. building with a finished basement and you would meet the 1200 sq. ft. requirement so what's the difference. To him there should be more concern that the building is built correctly, it has an approved septic and well plus meet the setbacks. As it is, there are many small grandfathered lots where it would be difficult to fit a building with a 1200 sq. ft. footprint. Roy commented, "why couldn't individual lake associations pass their own restrictions"? Dave Sherrill stated that the association's rules cannot be more restrictive than the Ordinance. There were also comments about deed restrictions and environmental impact of bigger homes. John Neumann made the comment that on Beatons Lake, homes on the Ontonagon County part of the lake have no restriction in size but on the Watersmeet portion of the lake the house has to be 1200 sq. ft. Dave Sherrill stated they were different Townships and this should not be a reason to change our Ordinance. Dave Sherrill commented that there are 58 lake people represented at this meeting stating they are against the change and only one in favor of the change. He also stated that 67 % of the population of Watersmeet is lake property owners and we should follow the will of the people. Roy countered and made the point that 58 is not the majority of lake owners and it was unfair to say that just because there were 58 signatures against doesn't necessarily represent most of lake owners. He said that maybe other lake owners didn't know about the change or didn't care. Dave Sherrill stated, "why don't we leave the Ordinance as is and let the ZBA take special requests for smaller sizes as stated by Greg Wenzel"? Roy stated that people shouldn't have to go to the ZBA and that people are afraid of going to the ZBA for fear of being shot down. Steve Roth said he hears it often in his barber shop that the economy has changed and people can't afford to build larger homes. Dave Sherrill stated that you cannot change Ordinances based on economics. Rich Henriksen made the comment that the Clark's letter made the point that they chose Watersmeet because of the restrictive size. There were many comments from this point back and forth but all points made were a rehash of the earlier comments. Dave Sherrill made the motion to not change the Ordinance Square Footages, 2<sup>nd</sup> by Rich Henriksen. Before the vote Dave Sherrill accused Jeff Zelinski of having a conflict of interest because of the comment he made at the last meeting where he wanted to build a small hunting cabin and must recuse himself. There was a discussion and much back and forth with some disagreeing with Dave's accusation. Dave called the question for roll call vote. Dave Sherrill yes, Roy D'Antonio no, John Neumann no, John Cestkowski no, Jeff Wasson no, Jeff Zelinski no, Larry Potter yes, Rich Henriksen yes. Pete Peterson absent. The motion failed, 5 no, 3 yes. Jeff Zelinski made the motion to approve the change to the Ordinance as written and send it to the Township Board, 2<sup>nd</sup> by Jeff Wasson. There was a question from a person in the crowd wondering if Jeff Zelinski and Roy D'Antonio were going to abstain because of their conflict of interest. At this point Supervisor Rogers commented that he had spoken to Attorney Pope about realtors and contractors on the board at the request of Julie Mathiesen. Attorney Pope stated that there was not a conflict of interest as long as the decision pending didn't have an actual connection versus a potential connection to the decision. Julie Mathiesen read the letter that Pope had written concerning conflict of interest that Supervisor Rogers mentioned. There were comments once again concerning Greg Wenzel's suggestion to let the ZBA

make the decision to allow reduced sizes for homes. Supervisor Rogers commented that the ZBA follows the Ordinances and they would not be able to allow the smaller homes if the Ordinance states 1200 sq. ft. There was a discussion about whether or not a 750 sq. ft. footprint above ground would be an agreeable alternative to the current proposed change. After much discussion it was determined that this proposal would not work. The questioned was called and a roll call vote. Jeff Zelinski yes, Jeff Wasson yes, John Cestkowski yes, John Neumann yes, Dave Sherrill no, Roy D'Antonio yes, Larry Potter yes, Rich Henriksen no, Pete Peterson absent. The motion passed, 6 yes, 2 no.

- 9) **Piel Bed & Breakfast Special Use Permit:** Roy D'Antonio commented that he thought the PC had gone down this road before with the Sonnevil request for a Bed & Breakfast a couple years ago and at the time Attorney Pope said that the PC could approve it. Julie Mathiesen read a letter written to Dave Neumann from Attorney Pope concerning selling and repairing boat motors with a Special Use Permit which was not approved. She believes that because Bed & Breakfast is not specifically listed in the Ordinance, the PC cannot approve it. Supervisor Rogers stated that because a Bed & Breakfast is similar to a short term rental the PC can approve it. Julie thought Attorney Pope should write an opinion on whether this Bed & Breakfast can be approved. Rich thought that we should add language in our Ordinance to include Bed & Breakfast for Special Use Permits. Dave Sherrill asked the Piels how many rooms they have in their home. Dave stated that if you have more than 9 rooms, according to the Act, you have to get a license from the County Health Department to serve a breakfast. Several members disagreed that is what the Act meant. Roy called for a roll call vote. Roy D'Antonio made the motion to approve the Piels Special Use Permit as long as Attorney Pope provides an opinion stating we have the authority to do so, 2<sup>nd</sup> by Jeff Wasson. Roll call vote. Roy D'Antonio yes, Dave Sherrill no, John Neumann yes, John Cestkowski yes, Jeff Wasson yes, Jeff Zelinski yes, Larry Potter yes, Rich Henriksen no, Pete Peterson absent. Motion carried 6 yes, 2 no.
- 10) **Zoning Administration Report:** David Neumann reported that there have been 3 additions and one pole barn permits requested. Roy asked what is happening with the house that looks like it's ready to fall in East Bay Lake. Dave said he sent a letter but has gotten no response. The next letter he sends will be certified. Dave Sherrill asked what was the status of the Wait property? Dave responded he has sent him a letter and that Wait was required to respond within 2 weeks. If he doesn't answer the letter, Dave will go to the Lac Vieux Desert Tribal Police and have a citation issued. Roy informed the public that this had to do with a violation of a Special Use Permit issued by the PC.
- 11) **Master Plan/Recreation Plan/Updates:** Roy D'Antonio commented that he messed up and the special meeting scheduled for September 3<sup>rd</sup> was cancelled. A special meeting was scheduled September 15<sup>th</sup> at the Town Offices to work on the Master Plan and Survey.
- 12) **Public Comments:** Arnold Domanus commented that he appreciated the job the PC was doing and he knows it is a thankless job. He also recommended that the PC should have a current Ordinance at the meetings. There was a comment that several PC members did have copies of the Ordinance. Frank Kuchevar commented that because of the proposed changes to the Ordinance we should also insure the Master Plan is updated and includes a rational why we are making this change. Roy wanted to discuss whether or not mobile homes are allowed on L1 and L2 properties. It was determined that there are

requirements that have to be met. Rich read the Ordinance. If the requirements are met mobile homes would be permitted on L1 and L2 properties. Dale Sharpe asked if we have minutes from our special meetings. We told him they are posted on the web site. Ruth Bosdech commented that she was very unhappy with the proposed Ordinance change to the sq. footage requirements. She stated that she has property on Langford Lake which she will be selling shortly and she doesn't want a 750 square foot building next to her property. She will donate it to a conservancy or to someone else that would put it where it couldn't be used or taxed. She commented the Township will lose the taxes to the Township if this Ordinance is changed. There was a question about the status of the Family Dollar. Supervisor Rogers stated that the Family Dollar has closed on the property and that Dollar General was trying to buyout Family Dollar. There was a question of the process going forward with the Ordinance change. The lady was told the Town Board would take up the recommendation at the next meeting unless there was a Public Hearing requested.

13) **Adjournment:** Motion to adjourn by Jeff Zelinski, 2<sup>nd</sup> by Rich Henriksen. Unanimous yes vote. 8:20 PM

Respectfully submitted by,

*John Neumann* – Planning Commission Secretary

Approved: October 8, ,2014