

APPROVED TYRONE TOWNSHIP PLANNING COMMISSION MINUTES

Dinser Shared Driveway Easement Public Hearing Zoning Ordinance 36C - Article 24.05.A.3

September 13, 2005

8:00 p. m.

PRESENT: Sally Eastman, Joe Fumich, Steve Hasbrouck, Randy Laue, Laurie Radcliffe

ABSENT: David Hanoute, Richard Hartigan

CALL TO ORDER: 8:00 p. m. by Chairman Hasbrouck

READING OF THE PUBLIC NOTICE: The notice was read aloud by Secretary Radcliffe

CORRESPONDENCE:

PURPOSE OF THE HEARING:

The purpose of the hearing is to receive comments regarding the request of **Tammy Dinser** for construction of a shared driveway at 6291 Linden Road, Section 31, Tyrone Township

COMMENTS FROM THE PLANNER:

PLANNING COMMISSION DISCUSSION:

Dave LeClair of Livingston Engineering represented Ms. Dinser and told the Planning Commission that they were requesting a land division of three parcels on a 39.5 acre piece in Section 31 of the Township. They proposed a 950 foot shared drive from Linden Road to service two new parcels at the back part of the property. Parent Parcel A will be serviced from a separate existing driveway.

As previously requested by the Planning Commission, the wetlands had been defined by a wetlands consultant, Mr. Steve Nicewander. There were isolated pockets on Parcels B and C that he deemed to be unregulated, but the linear drainage swale that runs from springs on Parcel A and will drain underneath the proposed new driveway is considered a regulated wetland. Mr. Nicewander has filled out a (crossing) permit and submitted it to the MDEQ. He feels it will be considered a minor permit and will not require a public hearing. The permit should be available in approximately 30 days.

The front setbacks on the new parcels have been changed to meet requirements, and the Fire Authority was contacted again about the cul-de-sac radius. Ore Creek has been identified correctly. There was adequate sight distance and clear vision for the shared driveway and the location had been approved by the Road Commission.

In response to a question from Mr. Laue, Mr. LeClair said there was a culvert on the Dinser property at this time, but a new culvert would be located under the driveway where it crossed the existing drainage swale.

PUBLIC COMMENTS:

Pat Jennings, 6327 Linden Road, said she lived next door and wanted to know how close the driveway would be to the fence line. Mr. LeClair replied that the edge of the driveway would be about 25 feet from the property line. The 18 inch culvert under the driveway would be about 60 feet from the property line. Ms. Jennings replied that they had a culvert on their property which went under Linden Road. Mr. LeClair explained that there would be no change in their culvert, but when the driveway was constructed, a new longer culvert would be installed on Ms. Dinser's property and the old one removed.

Ms. Jennings said she was concerned about the driveway because they had planted trees (on the property line) and her husband also hunts on their property there. The two people who are going to build there are anti-hunters and she wondered how much problem she would have with them.

Mr. Hasbrouck noted that the easement was 66 feet wide, and the driveway was shown in the center of the easement, so it would be a good distance from the property line. Mr. Copeland said that there would be some trees on both sides of the easement which would have to come down, but they didn't want to take down anything they didn't have to.

Mr. Hasbrouck reminded Ms. Jennings that she would be allowed to make additional comments if she wanted after other residents had their turn.

Ed Siwik, 6225 Linden Road, thought that the back of his property was contiguous to some of the land which was going to be subdivided. He wanted to know what the area was zoned for and was told that was zoned for residential or agricultural purposes (RE). He asked if anyone on the Board or Planning Commission had looked into the natural flow of the water. He said there was a potential problem if some of the water from the back of the Dinser's property follows the swales down to the Hense's property, then follows along to cross his driveway onto Sobona's property, and then flows around that house and turns right into Ore Lake. If the water flow, either velocity or direction, is affected it would affect their three parcels of property. The water in the amount and direction that it takes, might have a dramatic impact on their property. Has anybody determined that, and if so, who would be liable after the fact if the water doesn't flow as has been stated prior to the building.

Mr. LeClair said that the land division would do nothing to change any of the existing drainage across the property. Mr. Siwik pointed to the general location of his property on the site drawing, and indicated the way he thought the water would come off if anyone built on the back of the new parcels. That would redirect the water to flow differently. He wanted to go on record that there could be a potential problem with any drainage as the result of earth movement from the location of the houses. The water might flow through some of these swales and increase the volume of water which would come through his property, the Hense property, and the Sobona property.

Mr. LeClair noted that they were creating 10 acre parcels with a single home and anything built on them would not significantly affect any drainage. The building sites were located away from the wetland areas and no improvements are planned for the parts of the lots where the unregulated swales are located.

Mr. Siwik said he wanted to restate his question and asked who would be liable if in fact the water doesn't flow the way they think it will. Mr. LeClair said it was his understanding that if there were drainage issues after the fact, that would be civil matter and his firm, as well as any individuals involved in the project, would be liable. Mr. Siwik said that in other words that sounded like, "Tough luck," and he would have to go to litigation if you screw up. Mr. Le Clair said that isn't what he meant at all.

Mr. Siwik noted that there was a shared driveway for the two parcels that were going up. He asked if the shared driveway parcels could be subdivided in the future into two 5 acre parcels. Mr. Hasbrouck informed him that the Zoning Ordinance allowed four parcels to use a shared driveway and there is also a way to turn the driveway into a private road if they follow the procedures. The property can be split into more parcels but they would have to come back here with the plan and show us the improvements they would have to make.

Most of the drainage problems would be associated with the shared driveway where they would have the most significant movement of water. Soil erosion, retention ponds, and check dams may be required to prevent that from becoming an issue. Right now drainage will go from the driveway to Ore Creek, so it won't cross over a lot of properties. The developer will have to control the rate and show how they will do that on their plans.

Phillip Root, one of the proposed purchasers, explained that the building site on Parcel C was located on the north side. The southern side was a wooded area as well as a wet area. They didn't plan to make any major elevation changes during construction. The existing elevation change is approximately 4 feet in 30 feet with the building site located on the highest elevation. There will be virtually no elevation changes involved with that site at all. Based on the contours of the property, Mr. Siwik would not be affected in any way and any water that runs in his direction will be deposited in an existing pond approximately 500 feet south of his property and 500 feet north of Mr. Siwik's.

Joe White, the proposed purchaser of Parcel B, said that his house would be located on the northern section of his property and there would be no major elevation changes.

PLANNING COMMISSION COMMENTS:

Mr. Laue said that he didn't think there would be a drainage problem because of the size of the parcels and the area of saturation created by a single dwelling won't be that large. Most of the water will flow as indicated on the drawing and he assumed that the culvert under the driveway had been sized by Livingston Engineering to take care of the flow at the agricultural rate.

Ms. Eastman asked why two building envelopes were shown on Parcel B. Mr. LeClair explained that Mr. White had discussed a gazebo or some other accessory structure. The area is pretty much open. When they first met with the Subcommittee, they were asked to include some of the wooded area in the open space and to try and make the open space contiguous. Doing that created an open area in the middle of Parcel B.

Mr. Hasbrouck explained that the Township zoning ordinance requires open space and the shaded areas on the site plans indicate where the open space is located. That is property set aside to maintain the natural environment, protect wildlife, and provide buffer areas. It is a

significant amount of land and they are not allowed to use it for building sites. It is possible to relocate the open space if their plans change in the future, but that is not likely to occur on these sites.

Carl Jennings, 6327 Linden Road, asked if the pond would be left natural. Mr. Root said he had no plans to do anything to the existing pond. It was in a wooded area surrounded by vegetation and they had no plans to do any type of modification to that. Mr. Jennings commented that it had supported wood ducks for many years and he was concerned about the nature corner.

When Mr. Siwik asked about hunting restrictions, Mr. Hasbrouck explained that they were established by the DNR. The township doesn't have it's own regulations about hunting but they should be available on the internet.

Philip Root, proposed purchaser of Parcel C, said that the proposed driveway, as it was engineered for run-off, was well designed and he didn't see any reason that the split shouldn't be approved.

CLOSURE:

There being no further comments from the Planning Commission or the public, the hearing was closed at 8:25 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission