

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
**August 9, 2010**

**PRESENT:** Simmonds, Clements and Edwards

**ABSENT:** Blough, Batchelor

**TOWNSHIP PLANNER:** Tim Johnson

**CITIZENS IN ATTENDANCE: 1**

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:01 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearings and Regular Meeting of July 12, 2010 were presented for approval. Mr. Simmonds moved to approve the Minutes as presented. Seconded by Mr. Edwards. All in favor and the Minutes were approved.

**APPROVAL OF AGENDA:**

Mr. Simmonds added 'U-Park U-Sell' Special Use Permit to Old Business, and moved to approve the agenda as amended. Motion seconded by Mr. Edwards. All in favor and the Agenda as amended was approved.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Public comment opened at 7:03 pm. No one spoke. Public comment closed at 7:03 pm.

**OLD BUSINESS**

**OUTDOOR FURNACE ORDINANCE:**

The draft Outdoor Furnace Amendment dated July 12, 2010 was again discussed. Mr. Clements felt any new units allowed should be certified as meeting the requirements of the Environmental Protection Agency's voluntary particulate emission standards of March 31, 2008, limiting emission to 0.44 lb/mmBtu.

Mr. Edwards suggested adding the following language to the draft Amendment at the end of Section 1(e):

The outdoor furnaces shall be listed or labeled by a nationally recognized testing laboratory for outdoor installation. Supports or foundations shall prevent excessive vibrations, settlement or movement of the furnaces. Supports or foundations shall be level and conform to the manufacturer's installation instructions.

He indicated this language comes from the International Residential Code, M1401.4 Exterior installation of heating and cooling equipment.

After discussion, Mr. Clements agreed that the explicit reference to particulate emissions could be dropped from the Outdoor Furnace Ordinance if it is determined that this requirement must be met for listing or labeling by a nationally recognized testing laboratory.

Tim Johnson shared with the Planning Commission Mr. Blough's concern about over-regulating these furnaces.

Tim Johnson will make the requested changes and bring a revised Amendment to the next meeting of the Planning Commission.

#### **U-PARK U-SELL SPECIAL USE PERMIT**

Mr. Simmonds reviewed efforts made to hold the required annual review for this special use permit granted in September 2007, including a certified letter which was returned as undeliverable. The business does not appear to be in operation and it is believed a bank is re-possessing the property.

Section 20.09 of the Lowell Charter Township Ordinance states that after 3 years of non-use, a special use permit can be terminated. Since no one appeared for the required review at the September 14, 2009 Planning Commission meeting, it is presumed the business was not in operation as of that date, and that the required three year period will be measured from that date.

#### **NEW BUSINESS**

##### **MINERAL MINING REGULATIONS:**

Tim Johnson presented a Discussion Paper Regarding Mineral Mining dated August 6, 2010. It is felt that unsafe conditions and plans for reclamation after mining could be better addressed, and that the existing Ordinance language could be more thorough. After some discussion, it was felt this matter should be discussed at an upcoming joint meeting of the Township Board and the Planning Commission before being pursued further.

##### **COMMISSIONER COMMENTS:**

No workshop meeting will be required on August 23rd.

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**ADJOURNMENT:**

Mr. Edwards moved to adjourn. Seconded by Mr. Clements. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 8:04 p.m.

Submitted \_\_\_\_\_ Secretary  
Timothy Clements

Approved \_\_\_\_\_