

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
June 14, 2010**

**PRESENT:** Blough, Batchelor, Simmonds, Clements and Sanford  
**TOWNSHIP PLANNER:** Tim Johnson  
**CITIZENS IN ATTENDANCE:** 8

**PUBLIC HEARING ON PRIVATE STREET FOR JUDY L. PITSCH FOR PROPERTY AT  
2622 BEWELL AVE.**

The public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:00 p.m. Mr. Simmonds outlined the public hearing process for those present. Secretary Clements read the Notice of Hearing into the record.

Cal Becksvoort presented for Applicant Judy Pitsch. An existing driveway is to be converted to a private street to allow permitted splits of land to be created and sold. An additional 2 inches of bituminous surfacing as well as construction of a cul-de-sac at the end of the private street would be necessary, as well as some grading and a roadside ditch to handle water runoff.

Tim Johnson gave an overview of his Memorandum on the application dated June 10, 2010. He noted that a required stop sign and street sign were now indicated on the plat.

The private road is based on an access easement across land now owned by Mr. Ben Ingebretson. As this parcel is one of the required five for creation of a private street, he will need to sign the application as well. Mr. Batchelor noted that Mr. Ingebretson's parcel does not use this proposed street for access, but has its own direct access to Bewell Ave.

Also presented for Planning Commission review was a letter from Clifford H. Bloom, Special Legal Counsel for the Township of Lowell, dated June 14, 2010. That letter addressed the need for a well-drafted road maintenance agreement signed by all affected parties, including Mr. Ingebretson and any other interested parties in the land including lienholders. Mr. Bloom has drafted a revised Maintenance Agreement for all parties to sign. The adequacy of the easement grant was also raised by attorney Bloom.

Mr. Becksvoort explained that the roadway construction issues were being addressed, and that Mr. Ingebretson would not be required to pay road maintenance costs. Tim Johnson indicated there was additional information regarding the easement and that he would follow up with the Township's Special Legal Counsel on any easement adequacy questions.

There being no further questions or comments from members of the Planning Commission, the hearing was opened to public comment at 7:22 pm.

Tim Tyler - no comment.

There being no further input, public comment was closed at 7:23 pm.

Mr. Blough noted that parts of the private street exceeded the maximum six percent grade allowed, but that this would be addressed and a possible exception made for this portion of the proposed street, as is allowed under the Ordinance.

There being no further questions or comments, the public hearing was closed at 7:24 pm.

**PUBLIC HEARING ON AMENDMENT TO DELETE REQUIREMENTS FOR NUMBER OF  
NON-FARM DWELLINGS IN THE AG-1 ZONE, SECTION 5.06(a) OF THE LOWELL  
CHARTER TOWNSHIP ZONING ORDINANCE**

The second public hearing before the Lowell Charter Township Planning Commission was commenced by Chairperson Simmonds at 7:25 p.m. Mr. Clements read the Notice of Hearing into the record.

Tim Johnson explained that when the Ag-1 Zoning Ordinance was changed in 2009 to specify when building permits would be available in that zone, that this section of the Ordinance, which was intended to be replaced by the new provisions, was inadvertently left in place.

There being no comments or questions from members of the Planning Commission, the hearing was opened to public comment at 7:27 p.m. No one spoke. Public comment and the public hearing were closed at 7:27 pm.

**REGULAR MEETING**

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:28 pm.

**APPROVAL OF MINUTES:**

The Minutes of the Public Hearing and Regular Meeting of May 10, 2010 were presented for approval. Mr. Sanford moved to approve the Minutes as presented. Seconded by Mr. Batchelor. All in favor and the Minutes were approved.

**APPROVAL OF AGENDA:**

Mr. Simmonds moved to change Section 8, New Business, to first set a public hearing date for day care special use permit requests by Buckley and McGee, then to address the swimming pool memorandum from Marc Larabel, and finally to address a fencing issue with day care centers. Motion seconded by Mr. Blough. All in favor and the Agenda as modified was approved.

**DISCUSSION OF PRIVATE STREET REQUEST BY JUDY L. PITSCHE FOR PROPERTY AT 2622 BEWELL AVE:**

It was generally acknowledged by members of the Planning Commission that the issues of the easement and the Maintenance Agreement raised by Clifford Bloom needed to be addressed, and that the remaining open issues could be handled as part of the Site Plan.

Mr. Clements asked if Mr. Ingebretson was present; he was not. He then asked Mr. Becksvort if Mr. Ingebretson was supportive of the requested private road and would be willing to sign the necessary documents to allow the project to proceed. Mr. Becksvort was not aware of any opposition to this project by Mr. Ingebretson.

Mr. Batchelor was generally agreeable to the proposed private street, and was not sure more was required from Mr. Ingebretson. However, he felt these issues needed to be worked through before a decision could be made by the Planning Commission.

Mr. Clements noted that these questions included the sufficiency of the easement initially granted for access to the Pitsch parcels to allow construction of a private road, the need for Mr. Ingebretson to sign a Maintenance Agreement, and whether the Applicant was in agreement with the changes made to the Maintenance Agreement by attorney Bloom.

Mr. Blough suggested approval might be made with conditions. Mr. Sanford noted that no one is generally opposed to the project at this time, but that there were issues to be resolved. Mr. Batchelor pointed out that at this stage it was not clear what conditions would need to be applied to any approval granted this evening.

There being no further questions or comments, Mr. Batchelor moved that the Lowell Charter Township Planning Commission table the request from Judy Pitsch for a private street for property at 2622 Bewell Ave until a June 28, 2010 special meeting. Motion seconded by Mr. Sanford. All in favor and the request was tabled. Applicant and the Township will work to resolve the remaining issues by that date, otherwise the Special Meeting will be cancelled.

**DISCUSSION ON AMENDMENT TO DELETE REQUIREMENTS FOR NUMBER OF NON-FARM DWELLINGS IN THE AG-1 ZONE, SECTION 5.06(a) OF THE LOWELL CHARTER TOWNSHIP ZONING ORDINANCE:**

There being no further discussion, Mr. Clements moved that the Lowell Charter Township Planning Commission recommend approval of the Amendment to delete requirements for the number of non-farm dwellings in the Ag-1 zone in Section 5.06(a) of the Lowell Charter Township Zoning Ordinance to the Lowell Charter Township Board. Motion seconded by Mr. Batchelor. All in favor and the recommendation to approve the Amendment is made to the Township Board.

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

Public comment opened at 7:53 pm. No one spoke. Public comment closed at 7:53 pm.

**OLD BUSINESS**

**OUTDOOR FURNACE REGULATIONS:**

Mr. Blough questioned imposing regulations on outdoor furnaces without an indication from the Township Board that they would approve such regulations. He does not like the idea of a permit requirement for such furnaces.

Mr. Batchelor noted that surrounding governments had not passed such regulations, with the exception of Bowne Township. He also is uncertain about the permit process.

Mr. Sanford thought regulation should be pursued now to avoid problems and conflicts in the future, but agreed there was no reason to do so if the Township Board was not interested in enacting such regulations. Tim Johnson noted there are 'horror stories' about these furnaces, principally creating nuisance issues.

Jerry Hale indicated this topic could be added to the agenda for the upcoming Township Board meeting next week.

Mr. Simmonds then moved to table further review of the proposed regulations until after receipt of input from the Township Board. Motion seconded by Mr. Batchelor. All in favor and the proposed furnace regulations are tabled.

**NEW BUSINESS**

**SCHEDULE PUBLIC HEARING ON GROUP DAYCARE REQUESTS:**

Pamela Buckley is requesting a Special Use Permit for a group daycare in place of her current family daycare. Mr. Sanford moved to set a public hearing for July 12, 2010 on the Application of Pamela Buckley for a Special Use Permit for a group daycare center. Motion seconded by Mr. Blough. All in favor and a public hearing date is to be set for July 12, 2010.

Teresa McGee is requesting a Special Use Permit for a group daycare for after school care of up to 12 children. Mr. Batchelor moved to set a public hearing for July 12, 2010 on the Application of Teresa McGee for a Special Use Permit for a group daycare center. Motion seconded by Mr. Blough. All in favor and a public hearing date is to be set for July 12, 2010.

**SWIMMING POOL MEMORANDUM FROM MARC LARABEL:**

Mr. Larabel's memorandum of June 3, 2010 was not provided to all Planning Commission members, but raised enforcement issues with the current Ordinance language which requires a fence around pools, but doesn't define pools (which could include wading pools or spas). The suggestion is to amend the Ordinance to match the International Property Maintenance Code on this issue.

Mr. Simmonds moved to set a public hearing on language amending the Lowell Charter Township Zoning Ordinance to clarify the pool fencing issue consistent with the International Property Maintenance Code, for July 12, 2010. Motion seconded by Mr. Batchelor. All in favor and a public hearing date is to be set for July 12, 2010.

**FENCING ISSUE WITH DAYCARE CENTERS:**

Marc Larabel submitted a Memorandum dated June 7, 2010 noting questions about Ordinance requirements for the fencing of daycare playground areas, which is not required by State law. After discussion the Planning Commission concluded that it would leave it's fence requirement in the Ordinance.

**COMMISSIONER COMMENTS:**

A special meeting will be held June 28th to continue the Judy Pitsch private street request, if the open issues can be resolved before that date.

Mr. Simmonds noted that the Englehart Fund had given a \$50,000 grant for use in the purchase of development rights. Mr. Blough noted that 50 acres in Cascade Township had applied for inclusion in the program.

Mr. Batchelor asked about the inactive car lot on M-21, and was advised it would be investigated this Fall when their annual review comes up

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**ADJOURNMENT:**

Mr. Batchelor moved to adjourn. Seconded by Mr. Sanford. All in favor and the regular meeting of the Lowell Charter Township Planning Commission was adjourned at 8:30 p.m.

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

Approved \_\_\_\_\_