

## Vassar Township Planning Commission April 29<sup>th</sup>, 2021 Special Meeting Minutes

Meeting called to order at 6:30 pm by Chairman Foether and pledge followed.

Roll call was conducted:

Sam Tester – Present  
Troy Eurich (Co-Chair) – Present  
Orville Hartung – Present  
Shaun McDonnell – Present  
Devin Foether (Chair & Acting Secretary) – Present  
Ben Partridge – Present  
Nicole Tenney – Absent

D. Foether explained that the original public hearing date set for Star Budz Provisioning Center LLC's MRTMA & MMFLA had to be canceled because the public notice was postponed from posting in the 15-day notice window. Explained that special meeting called on April 19<sup>th</sup> was to set new date based on when paper said they would publish notice, but lacked a quorum to establish a new date. D. Foether outlined that the next date possible would be May 20<sup>th</sup> but wondered if it should be set for May 27<sup>th</sup> to buffer a similar issue.

**MOTION** to set the public hearing date for Star Budz Provisioning Center LLC MRTMA & MMFLA Special Land Use Permits for a special meeting to be held on May 27<sup>th</sup> that begins at 6:00 pm offered by D.Foether and seconded by Partridge.

"AYES" – 6, "NAYS" – 0, ABSENT – 1

Motion carried.

D. Foether moved to the next agenda item. Before any discussion on the topic occurred, Partridge indicated that he would be abstaining.

D.Foether explained that the rezoning request was already before the Commission during one of the virtual meetings; however, there was an issue in noticing, and it needed to be redone properly. B. Foether further explained that the request had gone through the proper steps, but there were questions about 300' notices not received by impacted properties. When presented with noticed properties, it was found that the wrong addresses were used to determine the 300' notices, meaning the process had to start over to correct the issue.

**MOTION** to set the public hearing date for DD & MH LLC rezoning request for properties on Natures Nest for a special meeting to be held on May 27<sup>th</sup> that begins at 6:00 pm offered by D. Foether and seconded by McDonnell.

"AYES" – 5, "NAYS" – 0, ABSENT – 1, ABSTAINED – 1

Motion carried.

D. Foether moved to the next agenda item. He explained what additional information was requested and received for the proposed private road off Sheridan Rd. D. Foether indicated that he had sent an updated maintenance agreement to the Township attorney, needed to reconnect with him for more input. The current landowner said that the DTE Right-of-Way agreement that the Commission has does not show the Register of Deeds stamp but that it had been filed there that day.

Partridge saw added requirements in the maintenance agreement but was curious if there was the potential to disrupt the natural flow of water off property that could be impacted by the addition of road and future structures. The landowner said there were no adjacent waterways to the property, and standing water didn't seem to be an issue. The landowner said all they've seen are some "mucky" areas. The landowner was willing to add additional wording to the agreement to have future water issues addressed should they arise.

D. Foether indicated that he was unsure if the Board of Trustees would find an issue with turn-around not meeting the plain English of the ordinance because of how vague the wording is currently. Examples he gave were it being fully graveled or the outer edge of turn-around needing to be at the 75' radius distance plus right-of-way. He felt it was close enough to meet intent, but Trustees might decide otherwise.

The contractor installing the road indicated that plenty of private drives/roads in the Township had a green center. D. Foether explained that he did not have an issue with that, but he could not speak to how the Trustees would respond. Further back and forth over the clarity of the 75' radius rule was had between the contractor and Commission members. The landowner said he wasn't aware the engineer drew the plans with a green center in the turn-around but would likely gravel the whole thing anyway for traffic. D. Foether stated that he did not have an issue with what was presented for the turn-around. He was just unsure that the Board of Trustees would view the rule the same way.

B. Foether questioned how the green center of turn-around would be maintained as it touched four different properties. Usually, the turn-around would sit on the line between two properties or wholly on one. The landowner indicated that this was not an issue as the costs of maintenance outline in the maintenance agreement covered costs associated with full road and right-of-ways. The landowner said individual property owners might need to pay extra if damages occurred because of their negligence.

B. Foether asked if they needed to take approved plans back to Tuscola County Road Commission before beginning work. The landowner was unsure. The contractor was not aware of rules saying they needed to; TCRC only involved with the design of Sheridan Rd access.

D. Foether asked if there was any further discussion. Partridge added that he felt documentation meet the requirements of the ordinance.

**MOTION** to recommend approval for commissioning of the private road to the Board of Trustees offered by D. Foether and seconded by Hartung.

The landowner asked if we were approving the work and that ultimately the Board of Trustees could deny the use of the installed road. D. Foether explained that because of the confusing nature of the ordinance, the Commission had agreed that it made more sense to give the Board of Trustees final say on full approval especially since they are dealing with a general ordinance and not a zoning ordinance.

"AYES" – 6, "NAYS" – 0, ABSENT – 1

Motion carried.

After the motion was completed, the contracted was concerned that the process would not be properly complete and that others in the Township were adding drives/roads without following the rules anyway. Questions about what he meant by that. Indicated landowner near him added a road that serves two or three properties and a new road out to Brown Rd. B. Foether said approved private drives/roads should be on the map and said drive out to Brown Rd was not labeled, would look into it further. Partridge followed up the discussion by pointing out that all members of the public who think a violation is occurring have the right to report on them to the hall.

D. Foether moved to the next agenda item. He explained that the annual meetings for the Township were coming up and that he was requested to submit a budget request. He asked Commission members for input on what improvements they would like to request money for to address. He indicated that the budget proposal would include basic pay to hold meetings and allotment for tablets to digitize special land use and site plan reviews.

Partridge asked if the agreement with ROWE covered all applications and maps required. Eurich and D. Foether both answered in the affirmative.

The unspent budget from the last fiscal year for Master Planning and Zoning for ROWE would need to be rolled over, and the remaining need would need to be added to the plan.

D. Foether noted that he might need to verify that ROWE budget included meetings with the Parks & Rec Committee for P&R Master Plan since that would not flow through PC.

Eurich requested to have Township-owned emails for members of the Commission added to the budget. D. Foether indicated that part of his proposal with the tablets would include that. Still, it could end up as a separate issue based on Township IT service provider feedback. Partridge asked if he could create a separate, free Google email if Eurich was concerned about using his own. D. Foether indicated that that is possible. Still, long-term, it should be owned by the Township for legal reasons.

D. Foether requested that members bring additional budget request ideas to the next meeting.

D. Foether moved on to the next agenda item regarding the PC accomplishment summary. He explained that the Commission has missed this requirement for several years and needed to get back on track. He said that it is usually the responsibility of the Commission secretary but requested that someone else take on that role this year. He explained that it needed to be a high-level summary. Eurich offered to complete the summary. D. Foether requested Eurich have the beginning of the overview for the next meeting if possible, but set a hard deadline for completion of May 27<sup>th</sup>.

## **PUBLIC COMMENT**

B. Foether said Partridge had found the missing bylaws for the Planning Commission with the administrative assistant's help. He requested that they be looked over them and updated as they are relatively old and may not be in the proper format any longer. Partridge asked that examples of other PC

bylaws be looked up for reference. D.Foether also indicated that this played into a question posed earlier by ROWE about the PC's policy and procedures.

B. Foether told members that the Board of Trustees is exploring adding a specialized zoning administrator whose sole focus would be commercial marijuana. It requires updating of some definitions and of the general ordinances that control commercial marijuana in the Township. Once they have completed this, they will be posting for the position.

B. Foether and Partridge explained the need to fill several openings on various other Township boards. Partridge further explained the urgency to fill the position on the ZBA.

D. Foether said that the next regular meeting would have an agenda item to set policy regarding notices and postings made for public hearings. He referred back to the rezoning issue from earlier in the meeting. Said he would be putting forth a policy that mirrored what some Zoning Administrators had voluntarily done in the past, supplying copies of the public notices and addressed envelopes for 300' notifications.

Hartung asked for clarification when the next meeting was because he had one for May 6<sup>th</sup>. D. Foether indicated that that meeting was no longer taking place. The next meeting would be the regular meeting.

Question about when tire collection was this year. D. Foether asked that those who could help to please make an effort to volunteer even a couple of hours.

No further public comment.

**MOTION** to adjourn the meeting offered by Partridge and seconded by Tester.

"AYES" – 6, "NAYS" – 0, ABSENT – 1

Motion carried.

Meeting adjourned at 8:13 pm.



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Devin Foether, Acting Planning Commission Secretary