

**HARTLAND TOWNSHIP PLANNING COMMISSION MEETING
OCTOBER 27, 2011
7:00 P.M.**

1. **CALL TO ORDER:** *Chairman Fox called the meeting to order at 7:00 p.m.*

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL AND RECOGNITION OF VISITORS:**

Present: Chairman Fox, Commissioner Grissim, Commissioner Voight, Commissioner Summerfield, Commissioner Crouse.

Absent: Commissioner Hopkins

Also Present: Mardy Stirling, Township Planning Director

4. **APPROVAL OF THE MEETING AGENDA:**

Move to approve the revised October 27, 2011 Planning Commission Meeting Agenda
Motion Crouse. Second Voight. Voice Vote. Motion Carried. 5-0-2.

5. **APPROVAL OF THE MINUTES:**

Move to approve the September 22, 2011 Planning Commission Meeting Minutes.
Motion Crouse. Second Grissim. Voice Vote. Motion Carried. 5-0-2.

6. **CALL TO THE PUBLIC:** *No one came forward.*

Commissioner Newsom arrived at 7:02 p.m.

7. **PUBLIC HEARING:**

A. **SPECIAL USE APPLICATION AND ASSOCIATED SITE PLAN NO. 501**

APPLICANT: HARTLAND CONSOLIDATED SCHOOLS, GEORGE WALDRUP

ENGINEER: BOSS ENGINEERING, BRENT LAVANWAY

Permit the installation of athletic fields and a gravel driveway and parking area on the Hartland Consolidated School property for use as a private park and recreation area by athletic organizations and clubs located at on the south side of Clyde Road between Parshallville and Musson Roads (Parcel ID:08-07-100-002).

PUBLIC HEARING OPENED AT 7:03 P.M.

Director Stirling: Summarized her review letter dated October 14, 2011 and the usage report submitted by the Hartland Consolidated Schools.

Mr. LaVanway: Introduced himself and George Waldrup, Director of Operations for Hartland Schools. Informed the Commission that the site plans included in their packet addressed the requirements of the Drain Commission. They have set up the site for the future.

PUBLIC COMMENTS:

Mr. Barley: (4949 Stella Drive) Inquired as to whether there was going to be a fence along the tree line adjacent to Stella Drive. He is concerned about people parking on Stella Drive and cutting across to the athletic fields. He commented that Stella Drive is a very narrow private drive.

Mr. Tremel: (4737 Stella Drive) Wanted to echo the previous speaker's comments and wondered if there had been any thought to erecting a fence from Clyde Road to the back of the property. Noted that, although some trees were proposed for screening, most of the trees along the property line were scrub trees. If there are going to be sporting events a fence and more trees may be needed. Also stated that they already have a lot of cars that drive down their private drive which they maintain thinking that they can turn around and they end up in the ditch. Asked about the long term plan for football lights.

Mr. Fagan: (4635 Stella Drive) Expressed concerns about the fence line and stated that many of the trees are Ash trees. Suggested that evergreen trees be planted to provide a better buffer and keep it looking nice.

Mr. Kelly: (8065 Clyde Road) Commented about the lowering of property values, traffic and wetlands/soils. Stated that some people use Clyde Road as a shortcut to US 23 to Argentine Road. Traffic is going 66-75 miles an hour and he has trouble getting out of his driveway. The water table is very high – they are going to have a lot of trouble with muddy fields because of the wetlands.

PUBLIC HEARING CLOSED AT 7:20 P.M.

Commissioner Crouse: Inquired about the elevations and referred to the plans commenting that they were 8 to 10 feet higher than Clyde Road.

Mr. LaVanway: Confirmed that the elevations at the location of the athletic fields were 8 to 10 feet higher.

Commissioner Crouse: Inquired about the proposed fence and if there were any plans to install a fence to address the concerns raised by the neighbors.

Mr. LaVanway: Explained that they are not proposing a fence. He said that it would depend on the use of the facility. He commented that the gate to the parking lot would be open during the day time hours so there will be access to the parking area.

Commissioner Crouse: Asked who will open and close the gate and expressed concerns about parking on Stella Drive.

Mr. Waldrup: Responded that the School would be responsible for the gates through their Security or Maintenance staff. He speculated that there would be times that coaches would need to use the field on the weekend and they would work out the ability for them to have keys for access.

Commissioner Voight: Noted the heavy traffic along Clyde Road, lighting levels and high water table. He commented that one of the things that the Planning Commission will evaluate the lighting levels as well as access to the site. He suggested that the School would need to work with the community groups to keep people off Stella Drive.

Chairman Fox: Asked if the portable restrooms would be removed at the end of the season and if any of the existing elementary and middle school fields are lit.

Mr. Waldrup: Stated that the restrooms would be removed at the end of the season and that lighting is not typically installed for elementary and middle school athletic fields.

Commissioner Summerfield: Inquired about the School's intent to install a backstop for the baseball diamond.

Mr. Waldrup: Responded that there were no plans to install a backstop at this time. The only arrangement that the School has made is to provide a flat place to practice.

Commissioner Crouse: Inquired about the maintenance of the site.

Director Stirling: Responded that the maintenance will be completed by Hartland Schools and has been outlined in the email and the cross-sections are included in your plan packet.

Fire Marshall Bernardin: Commented regarding the options for limiting access to Stella Drive, he suggested that signage indicating no-thru traffic or the signage designating the road as a Fire Lane may be options to consider.

Commissioner Voight: Commented that he believes the School understands the issue regarding the use of Stella Drive. He added that when the School comes back for development of the elementary and middle school they (the Planning Commission) could review further. He suggested that they give the School the opportunity to address any issues that arise and not require a fence at this time.

Mr. Waldrup: In response to a request to install a sign for the fields, he commented that the access drive was at the far east end of the property so an identification sign would not be visible prior to the turn.

Commissioner Newsom: Noted that the decel and accel lanes to the site will help to identify the location without a sign at the property.

Chairman Fox: Stated that the Schools have a positive working history with the Township and believes that they will address any concerns that arise.

The Planning Commission hereby finds that the proposed use is a seasonal or limited use facility and the applicant has provided sufficient evidence that the gravel drive and parking area will support the use; and

It further finds that the number of proposed parking spaces is sufficient for the limited use facility.

Move to recommend approval and allow the applicant to proceed to the Hartland Township Board for consideration of the Special Land Use and Associated Site Plan Application #501, based on the findings contained in the Planning Department Memorandum dated October 14, 2011 for property located on the south side of Clyde Road between Parshallville and Musson Roads (Parcel ID:08-

07-100-002) including attachments A-F.. Motion Voight. Second Newsom. Voice Vote. Motion Carried 6-0-1.

B. SPECIAL USE APPLICATION AND ASSOCIATED SITE PLAN NO. 502

APPLICANT: MERIT ENERGY, RANDY SANDERS AND JASON MANNING

Permit the continuation of a gas processing plant operation until January 1, 2019 at their existing location located at 13750 Lone Tree Road (Parcel ID: 08-36-100-002).

PUBLIC HEARING OPENED AT 7:49 P.M.

Director Stirling: Summarized her review letter dated October 17, 2011.

Mr. Sanders: Explained that he was the Operations Manager of Merit Energy and stated that they did not have any additional information to add to the report. He did express his appreciation for the work that has been done.

Mr. Christensen: (495 Jeni Lane) Expressed concerns regarding the noise at the facility. He stated that it could be characterized as a constant hum. He was aware of the recent noise studies done by Merit Energy but requested additional information regarding compliance with the ordinance. He inquired about how the study was completed and if it had been evaluated with the requirements of the ordinance. He also expressed an issue with the smell. He is concerned that he will not be able to determine where a gas “smell” originates and how he is to determine the source. He has been looking forward to the operation ceasing in 2014 and is concerned about the request for an extension.

Mr. Schiller: (13582 Shelia Lane) Explained that he lived southeast of the plant. He estimated that he had complained approximately 4 times about the combustion of the flare. He described it as a specific odor like sulfur. After he called to complain, the plant would send someone out to the site. This issue usually happens when there is a cold front coming through from the north. He stated that it is difficult to determine exactly where the odor is coming from. He believes the plant has been operated reasonably well. He commented that the original plant was setup with three wells and everybody was assuming that when these wells were depleted that the operation would be ended. However, the company continued to explore for new gas and hooked up wells from other areas. He is concerned that this plant could go on indefinitely. He expressed his desire to talk to Merit to get additional questions addressed.

Mr. Douglass (850 S. Tipsico Lake Road) Explained that he lives about ½ mile northeast of the plant. He described an issue that he had with the plant about two or three years ago. He believes that they had a release at the plant. There were numerous calls to Hartland and Highland Fire Departments. The company’s notification process didn’t seem to work. The problem was evidently related to cleaning the equipment which created the odors and burning fumes. His other issue is with the request for an extension. He believes that the Township should find out how many wells and the location of the wells they have and whether they are piping the gas in from Lansing or Flint. He commented that once the Township is no longer seeing a benefit from the plant that they should not have the scrubbing plant to process other community’s gas. There should be documentation about why these wells are going longer than we thought they were to last without adding more wells. He believes that once the Township does not have any wells, they should relocate.

PUBLIC HEARING CLOSED AT 8:16 P.M.

Commissioner Crouse: Inquired about the number of wells and whether it would make economic sense to seek more wells.

Mr. Sanders: Explained that there are six total producing wells. There were three original wells. In 2000 there were three additional wells added along with the injection well. There are also wells that just carry the gas in low pressure pipe; this is what comes from the Proving Grounds. He stated that they have no plans to add more wells; however, the company will take third party wells if it makes economic sense and they are local enough.

Commissioner Crouse: Inquired about the number of incidents that they have had since 2006 and how they go through the notification process.

Mr. Sanders: Explained that they have never had a large leak. We have had odor complaints; some founded some unfounded. The company sends out staff with gas detectors to identify whether the odor is coming from the plant or from some other source like propane. We have had very small leaks that occurred that were identified by the smell. Our staff evaluates with the detectors in the plant to see if we can locate the source.

Commissioner Crouse: Inquired as whether there was a place that residents could go to find out about the company's history and any reports on leaks.

Mr. Sanders: Explained that they can seek information from the MDEQ Geological Survey or Air Quality.

Director Stirling: Commented that in response to the odor complaints that happened in 2009, the Township met with Merit Energy and the Fire Department and worked on the notification process for residents. The notification process appears to be working effectively as the Township has not received any further complaints. All residents within a certain distance of the facilities have a number that they can call 24-7 to report any concerns. If a resident smells an odor, they are directed to report their concern by calling the facility. The company is also monitored through monthly calibration reports to the Township. In addition, the MDEQ visits the site annually and there are detection units within the facility. The Township did make inquiries regarding the operating record of the company, which were all favorable by the State of Michigan.

Commissioner Newsom: Inquired about the capacity of the processing plant and how close they were to 100% capacity.

Mr. Sanders: Responded that they are not close to capacity with the design of the facility.

Director Stirling: Commented that if the company were to install a new well location within the Township, they would be required to seek approval. If they are increasing their capacity with new equipment, installing a new pipe line it would be addressed on a case by case basis.

Mr. Manning: Described the deep well injections and the capacity of the formation where the storage occurs.

Commissioner Newsom: Asked if there was a report submitted for the noise levels.

Director Stirling: Commented that Merit Energy reported a 42 to 48 average decibel level at the property line and 55 to 58 average decibel level at the fence line. There were three readings at each location. The levels are below that stated in the previous approval and contained within the Zoning Ordinance. That does not preclude the Planning Commission from requesting a third party analysis so that the Township can continue to monitor.

She further explained that the operation has some equipment that runs 24-7, which is the source of the previously mentioned complaint and the other equipment produces intermittent noises.

Commissioner Newsom: Asked if the Township was the only body that requires a specific noise level.

Mr. Sanders: Responded that there are other agencies that stipulate a maximum sound level but they are not as restrictive as the Township's ordinance.

Chairman Fox: Commented that it seems reasonable to request a third party analysis and a written report so the Planning Commission has a baseline from which to work. We should know if there are any changes in the future. Whether you use their numbers or a third party is a question that needs to be addressed.

Commissioner Newsom: Commented that he would accept the levels that they have reported.

Commissioner Voight: Explained that he was involved in the first approval process with the gas processing facility and believes that they have proven to be even better neighbors than they had promised. He commented that they do have air monitoring at the fence line but because they have such a low threshold the odor is sometimes the first indicator. He inquired about the current equipment and its capacity and whether there were any updates to the technology for processing equipment.

Mr. Sanders: Responded that they operate under Process Safety Management through OSHA which requires testing of the equipment annually to make certain there is no degradation. He explained that the equipment and operation was audited this year by the EPA. In response to the technology, he commented that the process has not changed however the chemicals have improved.

Commissioner Grissim: Requested information regarding the restoration of the site. Inquired about the current estimate and if it included the removal of all buildings and complete restoration of the site.

Mr. Manning: The original quote was \$25,000 after salvageable equipment was removed. What was discussed was continuing with a 4% increase annually.

Commissioner Grissim: Inquired about the proposed change in staffing level.

Mr. Sanders: Indicated that they operate similar sites with one person. They may not institute it right away but they would like the option.

Chairman Fox: Commented about the continuation of the operation and whether the Township wanted this land use to continue. Inquired about the company's plan to add additional wells that would be serviced by the facility.

Director Stirling: Commented to Merit Energy that the Commission may be interested in hearing further explanation on the reason for the requested five year extension.

Mr. Manning: Explained that the request for an additional five years is based on the reserves available and what the economics for processing those reserves. The volumes presented in the original document have been impacted by the technology and the method for identification of the resource. They weigh the resource based on a fixed price and then deduct the operating cost and estimate that in five years they will meet the recovery threshold. There are a lot of opportunities that may still exist; however, they have only estimated based on the current resource. The estimate provided is the capacity of the existing wells that are being processed. Some wells will go out of production before other wells.

Chairman Fox: Inquired about the ceasing of the operation and how the company would make that determination. He commented that the Township needs to consider whether they will allow additional wells to be brought to the site for processing.

Mr. Sanders: Commented that if there were resources available they would have probably been discovered at this point.

Commissioner Crouse: Commented that he would like a new quote for the restoration and a sound study completed to create a baseline.

Move to Table the request for Special Use Permit and Association Site Plan Application #502 until the November 17, 2011 with a request to provide the following documentation:

Merit Energy shall provide a third party sound test and a updated estimate for the site reclamation for property located at 13750 Lone Tree Road (Parcel ID: 08-36-100-002).

8. OLD AND NEW BUSINESS:

A. SIGN PERMIT APPLICATION #776

APPLICANT: MICHIGAN SIGN INC.

TENANT: STATE FARM

Permit the installation of a wall sign for State Farm located in the multi-tenant retail building with the Dairy Queen – Hartland Marketplace shopping center at 10490 Highland Road, Suite B (Parcel ID: 08-28-300-024).

Director Stirling: Summarized her review letter dated October 11, 2011.

Move, to approve the request for sign application #776 to permit the installation of a wall mounted sign for State Farm located at 10490 Highland Road, Suite B, Hartland (Parcel ID: 08-28-200-024). Motion Crouse. Second Summerfield. Voice Vote. Motion Carried. 6-0-1.

B. SIGN PERMIT APPLICATION #777

APPLICANT: IMC SIGNS

TENANT: HARTLAND BARBERSHOP, HELEN MICALLEF

Permit the installation of a wall sign for the Barber Shop located in the multi-tenant retail building with the Dairy Queen and State Farm – Hartland Marketplace shopping center at 10490 Highland Road, Suite A (Parcel ID: 08-28-200-024)

Director Stirling: Summarized her review letter dated October 24, 2011.

Commissioner Grissim: Noted that the proposed sign and raceway is designed to match the existing building. The future plan for the building is to be a red brick building. Has there been any consideration for the future building design.

Director Stirling: Responded that the raceway will need to be modified to match the building. All existing signage will be removed, including the removal of the barbershop striping. She also discussed the location of the sign and how it was located over the mechanical room but it would not create an issue in the future.

Move, to approve the request for sign application #777 to permit the installation of a wall mounted sign for the Barber Shop located at 10490 Highland Road, Suite A, Hartland (Parcel ID: 08-28-200-024). Motion Crouse. Second Newsom. Voice Vote. Motion Carried. 6-0-1.

9. CALL TO THE PUBLIC: *No one came forward.*

10. PLANNER'S REPORT: *None at this time.*

11. COMMITTEE REPORTS: *None at this time.*

12. ADJOURNMENT:

Move to adjourn the Planning Commission Meeting at 9:18 p.m. Motion Crouse. Second Newsom. Voice Vote. Motion Carried. 6-0-1.

This is a Draft until Final Approval.

Respectfully submitted by,

Larry J. Hopkins
Hartland Township
Planning Commission Secretary