

**Charter Township of Bangor  
PLANNING COMMISSION  
MINUTES OF AUGUST 27, 2014 MEETING**

A regular meeting of the Charter Township of Bangor Planning Commission was held on the 27<sup>th</sup> day of August 2014 in the Township Administration Building of Bangor Township, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

MEMBERS PRESENT: Dick Bishop, Ed Davis, Ed LaPlant, Mike Nielsen, Bill Schubert, Tom Washabaugh

MEMBERS ABSENT: Mark Norton

At 6:00 p.m., Mr. Schubert called the meeting to order. The Pledge of Allegiance was recited.

**The first item on the agenda was approval of the July 23, 2014 regular meeting and August 13, 2014 special meeting minutes** Mr. Nielsen had a change to the third sentence on page 2. The sentence should read “Mr. Nielsen added the engineer should verify the control joint is in the correct location on the sidewalk detail.” *Mr. Bishop moved to approve the minutes with the amendment. Mr. Davis seconded the motion. Six (6) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a request for Special Exception Use Permit/Site Plan approval for James Londry for property at 2853 N. Euclid Avenue (0901003230025000) specifically for a home occupation (Section 6.03Q).**

Mr. Londry stated he began doing lawn care when he was 10. In 2005, he turned it into a business. He is here to get a permit to make it official.

At 6:05 p.m., Mr. Norton entered the meeting.

Mr. Londry added he is doing a service for the community. He has three work trucks and other equipment. He wants to do the right thing and make the neighbors happy.

Ms. Londry stated the request is not for more than what he is currently doing. He would like to run his business out of their home. They own three acres. Everything is stored inside and it should not bother anyone.

Terry Kosecki of 2841 N. Euclid stated he was the neighbor to the north. He has been concerned with the property since he moved there. There is a lot of noise; lawn debris is stored, burned or buried. When it rains, all of it runs into his yard. Mr. Kosecki added Mr. Londry has a tree cutting service and hauls the wood to his property then the chain saw is always running.

Mary Bell of 3567 Lynmar lives behind the property. She is concerned with the fill, drainage, compost, equipment and the shed. She gets the runoff from the pond behind her. She is concerned with the smell from the compost.

Gil Burgeson of 2809 N. Euclid had concerns with the fill brought in and the piles of logs. He thought the property was wetlands. Mr. Burgeson stated the property did not look residential with all the dirt piles.

Mr. Kosecki presented pictures of the area.

Marcy Jean of 2816 N. Euclid lived there since 1975. She was told the area was residential. The property is unsightly. Dirt has been hauled in. She thought there were wetlands.

Mr. Londry explained the property was a disaster when they moved in. They have cleaned it up. The DEQ was notified of the fill and they put a stop on the work. He would have had it leveled and seeded by now. A compost

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area existed before he moved in. Mr. Londry added he wants to follow the rules. His neighbor dumps his grass clippings on Mr. Londry's compost pile.

The DWS wrote they take no exception to the proposed site plan.

The Fire Department had no concerns.

The Bay County Road Commission stated they don't have jurisdiction over the road fronting the property.

Don Hundley from MDOT wrote the public notice that was sent over for the Londry parcel has been received. The parcel they just filled in is not to have a separate access point. There is a lot of history here with the flooding, so much that the County Drain Commission is putting in a catch basin to help relieve the problem. He hopes they (Dan's & the property owner) have checked with the DEQ prior to filling that area. The contractor (Dan's) for the water main project is to remove the HMA millings within the MDOT right of way. If they want to access that part of their property then they can do so through their existing drive without widening it. By all rights they are running a commercial business and should be required to build a commercial access.

Drain Commissioner Joseph Rivet submitted letters regarding the property. Mr. Schubert read them aloud

A letter was received from Mary Bell against request.

Mr. Bishop asked if Mr. Londry was cited by the DEQ or the DNR for the fill. Mr. Londry stated he was not cited but the DEQ did take samples to see if there were wetlands. He added he had a voicemail from the DEQ stating they could continue working.

Mr. Bishop asked if Mr. Londry applied for a drive permit from MDOT. Mr. Londry stated he was informed right before this meeting that a permit was needed. He was going to move the drive back out of the right of way until the situation was rectified.

Mr. Nielsen asked if Mr. Londry went to the Township before he had fill brought in. Mr. Londry stated he spoke to Supervisor Watson and was told he could fill up to 3'.

The DEQ was not notified about the fill prior to it being brought in so there may be penalties.

Mr. Londry stated the message he had from the DEQ said they could continue working but no more fill could be brought in. Mr. Londry added they did not know they couldn't fill. They have standing water on the property and wanted to fix the problem. He added Mr. Kosecki filled his property and now the water is running onto Mr. Londry's property.

Mr. Schubert asked what the compost site would consist of where it would come from. Mr. Londry stated it would be for their garden and not for sale. Mr. Schubert stated compost had to be a mixture of grass and leaves. Mr. Schubert stated if the compost came from their site, it didn't need to be shown on the site plan.

Mr. Washabaugh asked if Mr. Londry is cutting wood to sell it. Mr. Londry stated no. Mr. Washabaugh asked what work vehicles Mr. Londry had. Mr. Londry stated he had three trucks, a bobcat, and a trailer with mowers locked on it. He stated the snow blowers are kept in the shed. There is no equipment lying around.

Mr. Bishop asked if compost would be brought in from other sites. Mr. Londry stated no. The brush pile on the property is from them trying to clean it up.

Mr. Norton asked the name of the company. Mr. Londry stated it was JR's Lawn Care and Snow Removal. He has business cards. Mr. Norton asked if Mr. Londry brings back tree branches from off site. Mr. Londry stated he did bring back branches but all of his grass clippings go to Bonds. He has two boys who have bad allergies. He doesn't burn the grass.

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Mr. Nielsen asked what was being requested. Mr. Londry stated he has a permit to put up the fence. He wants to continue to run his business out of his home. He wants to cut wood and park his equipment. No more fill will be brought in. He will level it.

Mr. Bishop commented he disagreed with the Drain Commissioner. Drainage is an issue that needs to be considered.

Mr. Norton asked the Commission which zoning this proposed use would fit in.

Mr. Schubert stated he wrote down all the property uses within a mile of the site. There are three churches, a school, a water plant, grocery store, barber shop, masonry business, and it goes on. He has concerns with the compost but only if it comes from off site. The Commission has the ability to put reasonable restrictions on an approval.

The Commission did not believe MDOT would approve a second drive access to the property.

Mr. Washabaugh felt cutting wood should be restricted to work done on the property. Nothing should be brought in and cut. It would be too much noise for a residential area.

Mr. Londry stated he had no employees. He did subcontract and when he did, their vehicles would be parked on the property.

Mr. Kosecki advised he sells firewood on his property. The wood is cut on his father's property and brought over. No processing is done on his own property.

A discussion took place on the DEQ regarding the fill on the property.

The Commission listed some restrictions they would consider if this was approved. No wood would be brought in from off site. No lawn waste would be brought from off site. No salt would be stockpiled.

Mr. Norton had questions on the parking area. Mr. Londry stated he has crushed asphalt for it.

Discussion took place on the 2<sup>nd</sup> drive. Mr. Londry stated he just found out a permit for it was needed. The drive was put in for the trucks to dump the fill. Mr. LaPlant stated the 2<sup>nd</sup> drive makes the property more industrial than residential. Mr. Londry explained the 2<sup>nd</sup> drive benefits the neighbor and himself. Mr. Schubert felt the existing drive should be tied into the parking area.

Mr. Bishop commented review of this request is premature without information from MDOT and the DEQ. Mr. Schubert stated the only difference would be the elevations. The second drive won't work. Mr. Schubert felt the neighbors' issues were not about the home occupation but about the fill.

The Commission reviewed some items they could restrict. Compost could only be generated from onsite grass and leaves. No wood could be brought onto the property for processing. A privacy fence blocking the neighbor to the south should be added. The parking area should be hard surfaced. Mr. Nielsen stated no grades were given for drainage.

Mr. Schubert stated drainage cannot create ponding on the neighbors. Mr. Londry was asked if there was an overall drainage plan. Mr. Londry stated when the fill is leveled; it will drain to the rear of the property. He pumps the water from the side yard to the rear. The water stays on their property. Mr. Davis asked how the water stayed on the property. Mr. Londry stated there is a low area in the back where the water ponds.

The Commission discussed options regarding the Special Use and the site plan and restrictions. Their concerns were business vehicles on site, compost, the second drive, off site lumber, tiling the property to the catch basin, screening and the fill.

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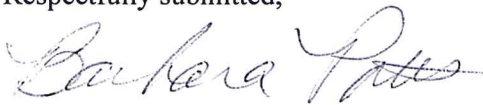
Mr. Washabaugh moved to approve the Special Exception Use Permit/Site Plan approval for James Londry for property at 2853 N. Euclid Avenue (0901003230025000) specifically for a home occupation with the following restrictions: all compost shall be privately generated from on-site clippings of grass/leaves; one drive is allowed; no wood cutting operations shall take place from off-site timber; parking shall be for his equipment only (JR's Lawn Care & Snow Removal); a minimum of 40' privacy fence shall be put up connecting the South point of the 100' of fence and going East; tile shall be ran along the property and connect to the proposed catch basin; the property shall be graded to the low point in the rear; the parking area shall be connected to the existing driveway; and a revised site plan with the changes shall be submitted. Mr. Nielsen seconded the motion. Discussion took place. The motion was withdrawn.

Mr. Nielsen moved to postpone for up to three months the Special Exception Use Permit/Site Plan approval for James Londry for property at 2853 N. Euclid Avenue (0901003230025000) specifically for a home occupation. Submittal shall include all improvements to the property and grading. Mr. Norton seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.

The next item on the agenda was discussion on the GAAMPs. The Commission requested more information on what was expected from them. They requested Code Enforcement Officer Steve Hebert provide additional input.

*Having no other business before the Commission, Mr. Norton moved to adjourn. Mr. LaPlant seconded the motion. Seven (7) ayes, no (0) nays. The motion passed and the meeting was adjourned at 8:15 p.m.*

Respectfully submitted,



Barbara A. Potts  
Planning Commission Coordinator

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