

Green Oak Charter Township
Planning Commission
Regular Meeting Minutes
October 6, 2016

Approved: _____

The meeting was called to order by Mr. Smigliani at 7:00 p.m.

Roll Call: Rollin Green
Bill Haskell
Sarah Pearsall
Deborah Sellis
Lamberto Smigliani
Dean Williams

Absent: Russell Brooks
Bill Haskell

Also Present: Debra McKenzie, Zoning Administrator
Paul Montagno, Carlisle Wortman

Guests: 46+

APPROVAL OF AGENDA

**Motion by Williams, second by Pearsall
To approve the agenda as presented.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Approval of the September 15, 2016 Regular Meeting Minutes

**Motion by Pearsall, second by Williams
To approve the minutes of September 15, 2016 as submitted.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

CALL TO THE PUBLIC

John Malek – It was brought to his attention that at the earlier September meeting, Jim Fackert addressed the Board about one of the projects at the end of the meeting and his comments were left out of the minutes. He would like those comments to be added to the record.

50 **BUSINESS ITEMS**

51
52 **1. Public Hearing for Timberview Estates a 128.97 Acre Planned Unit**
53 **Development & Site Plan Review, SP05-2016, Parcel #4716-35-200-004 &**
54 **4716-35-200-011 & 4716-35-200-018 southeast corner of Nine Mile and**
55 **Rushton Road.**

56
57 Representing Timberview Estates: Bill Anderson, Atwell
58 Kate Bond, Atwell

59
60 Mr. Montagno referenced the Carlisle Wortman memo dated 9/29/16. He provided an
61 overview of the site with the surrounding zones. He explained there are 11 wetlands on
62 the site as well.

63
64 Mr. Montagno provided a thorough review of the PUD rezoning request and preliminary
65 site plan that offers the Planning Commission the appropriate information to make a
66 recommendation to the County Planning Commission for approval, approval with changes
67 or conditions, postponement of action, or denial.

68
69 A number of concerns regarding the proposed PUD have been identified in this review,
70 which have been summarized below. These items should be discussed by the Planning
71 Commission and addressed by the applicant on a subsequent resubmitted for review.

- 72 1. The applicant must provide approval from the Michigan Department of
73 Environmental Quality (MDEQ) for any potential disturbance to regulated wetlands
74 on-site; and
- 75 2. The applicant must provide a complete Site investigation report in accordance with
76 section 3872 of the zoning ordinance.
- 77 3. The applicant shall specifically identify how their development proposal meet the
78 eligibility criterial per section 38-233.
- 79 4. Submit a density plan based on the current RE, Rural Estate zoning district, which
80 includes all applicable information required in Section 38-234.
- 81 5. Submit a density plan based for RM and RE as indicated in the Future Land use
82 Plan in the Master Plan, which includes all applicable information required in
83 Section 38-234.
- 84 6. All bulk area requirements shall be established as part of a PUD agreement.
- 85 7. The applicant must indicate how the open space will be dedicated.
- 86 8. Add the requirement that states 50% of the residential units shall have side entry
87 garages, or recessed garages where the front of the garage is at least five (5) feet
88 behind the front line of the living portion of the principal dwelling.
- 89 9. The applicant shall propose additional low intensity street lighting; the Township
90 may also refer these plans to a lighting engineer for professional review.
- 91 10. The portion of the PUD's pathway system along 9 mile Road shall be a 10 foot
92 wide paved non-motorized trail in order to provide a connection for the Township's
93 emerging trail system.
- 94 11. Township Fire Department to review the street radii to ensure sufficiency for
95 emergency apparatus.
- 96 12. The applicant will be required to provide access permits from the Livingston County
97 Road Commission.
- 98 13. The Township Engineer and the MDEQ must review and approve all information

- 99 pertaining to the sanitary sewage system and the storm water plans and designs
100 prior to PUD approval.
- 101 14. The PUD agreement shall have language that clearly identifies that the Township
102 will not have any future obligation to maintain the wastewater treatment facility.
- 103 15. The applicant is responsible for obtaining all applications and permits from,
104 Livingston County Health Department, and all other applicable permits from
105 Federal, State and Local departments.
- 106 16. The Township Planning Commission to determine if the applicants request of an
107 Environmental Trust Fund waiver in the amount of 1,695 trees is appropriate.
- 108 17. The applicant shall provide greater detail on proposed landscaping, including the
109 proposed species and the size of trees and/or shrubs proposed for planting for
110 later stages of review.
- 111 18. The applicant shall update the non-landmark tree replacement table.
- 112 19. Prior to preliminary/PUD approval a PUD agreement regarding this proposed
113 development shall be reviewed and approved by the Township Attorney.
- 114

115 Mr. Anderson provided a power point presentation offering an overview of the proposed
116 project. It is a single family project that they are proposing. To the west of them is a
117 significant mobile home park community and to the east are single family homes. 257
118 homes are proposed on 129 acres, 49 acres will be preserved in open space, sidewalks
119 on both sides of the street, hiking/nature trail, six pocket parks, public access to nature
120 area/greenways, significant perimeter buffers along Nine Mile and Rushton, Private
121 water/waste water systems. Single family homes are proposed with brick facades and
122 one and two story homes. They will also offer that 50% of the proposed development will
123 be an empty nester product with a single story modern floor plan with 1600' to 2000'
124 square feet. Additional studies are underway including a traffic impact study,
125 hydrogeological study, test wells, and site planning.

126

127 Mr. Anderson explained that their consultant determined which wetlands were regulated
128 and he confirmed it's not just the size of the wetland that determines if it's regulated.
129 Currently, they are not proposing paving to the Rushton Road entrance. Trustee Green
130 stated he would like to see that happen. Trustee Green stated he would like to see some
131 type of fountain. Trustee Green would also prefer a larger lot size. Mr. Anderson stated
132 that their average lot size is 7300, when you expand the lot you reduce the open space
133 and they felt it was a good urban lot and a nice balance. Mr. Anderson explained there
134 are 10' between the homes.

135

136 Mr. Smigliani opened the public hearing at 7:31 p.m.

137

138 **Scott**, - He questioned the location of the waste water treatment, and the size of it. Mr.
139 Anderson stated it will be an SBR system and probably 20x20. The resident would like
140 to know how many homes it can treat and how many gallons per day. His well is 70' deep
141 and there will be monitoring wells, he wondered how far away it needs to be from a private
142 well. He questioned if it possible to connect to the Dixboro waste water treatment plant.
143 He sees a 2.4 acre buffer at the north end of the trail, and wondered if there is anything
144 that will be left for people on Post Lane. He is concerned about the smells. He questioned
145 if the monitoring wells turn out to be poor what's the back up plan?

146

147 **Robert** – He lives on the south end he was told there would be buffer on the south end,

148 looks like it's only a 100' and it was 3 acres before. The SBR system is not really a reliable
149 system, and he wondered if there will there be a backup system. The area used for open
150 space, is that an after purchase? Tree mitigation, is the area going to be open space, will
151 they replenish trees, and wetlands mitigation, are they going to be mitigating that.

152
153 **Lynn Gardell**, lives in Woodland Ridge Community, she is concerned with this being
154 zoned residential multiple, it's her understanding that apartments could go in instead of
155 homes, that is something that she wouldn't want to see, they already have issues with
156 their waste water. Will a traffic light be going in? The traffic on 9 Mile is awful and adding
157 additional homes would be a bad idea.

158
159 **Charlene Hill, Post Lane** – She has no problem with growth, but growth in that area,
160 when they already have the multiple housing in that area and if they put another 257
161 homes, with 500 more vehicles coming in and out and Rushton isn't going to be paved.
162 She commented that Woodland Ridge was supposed to pave Rushton during their phase
163 3 and she hasn't seen that happen yet. It would behoove the Township to have someone
164 pave at least to their area or the whole road. They also need a traffic light. She has lived
165 here long enough to know that land didn't perk for 40 years and now it does. Is that non
166 perked land going to be their 40 acres? She asked if they are filling in the swamps? The
167 wastewater treatment plant, if that is going to be an open area there has to be something
168 done to keep the spray off. They came out here in 1950, we will be a Canton, Westland,
169 or Livonia. In New Hudson they already did it, it would be nice to reduce that number of
170 homes. They should have cement, keep as many trees as possible to buffer the residents
171 on Post Lane.

172
173 **Kevin Simmerman** – He has heard no more since the last meeting. There is no well, no
174 well test and nothing is known. There are no answers and the same questions that were
175 asked at the last meeting are the same questions. What will this do to the water in the
176 area and can this go into a public utility? Something this large should have public utility.
177 Now they are voiding the zoning and going to city regulated zoning but they are not using
178 city regulated utilities and that's a problem. The water will become contaminated, and
179 how deep will they have to dig their wells and who will pay for that. Will the water be any
180 good? The trailer park, when they moved in had half the density and he seldom saw the
181 hydrants go off, the size has been doubled now and the hydrants spray 1000's of gallons
182 of waste daily at Woodland Ridge and that includes Drain-o and whatever is going down
183 the drains and now it will be amplified. He stated that they need their help and asked that
184 they help them out here.

185
186 **Jeff, Post Lane** – He stated he is very disappointed that the applicant already has test
187 wells installed before the first public hearing. His property adjoins this development.
188 Everyone's well will be affected by this, who will pay for this, he just put a well in about 3
189 years ago that cost him \$7500. He questioned the SBR, because the one at the mobile
190 home park, you smell it, see it and it comes spraying out on the road. Take a look at what
191 they are going to do. He is concerned with this affecting their home value.

192
193 **Rita Simmerman** – She explained that her Dad is a civil engineer and she has seen land
194 developed her entire life. Build on the land for what it's meant for. If this land is currently
195 zoned, leave it that way and it would be 43 homes on 3 acre lots. If it's not approved yet,
196 why are they already cutting down trees and digging wells. In the traffic study she would

197 like to include 9 Mile and Pontiac Trail, because all of those homes will go in that direction
198 to get groceries and gasoline and at that same corner a motorcyclist died there. She
199 would like to also see 9 Mile and Dixboro studied since there are two schools there, every
200 bus in South Lyon is at those two schools. She is concerned about how this will affect
201 the education system as well. She lives across the street from Woodland Ridge and they
202 spray 1000's of gallons 2 times a day and it comes into her front yard and you can smell
203 that. The current zoning allows for 43 homes on 3 acres build on it for what it's meant to
204 be.

205
206 **Sharon Delong, Post Lane** – She had a discussion with Mr. Schafer regarding the well
207 that was being put in. She has concerns as far as the location of the well, it appears to
208 be quite a distance away from the proposed homes and the proposed waste water
209 treatment, why is that so distant, is there another phase coming in? Why is it a company
210 such as Atwell, how do they decide what is a viable wetland. There are pre settlement
211 wetlands before the Europeans came here, who is to say that is viable. Who decides
212 what is a viable forest?

213
214 **Douglas, lives on 9 Mile** – He is very concerned about the traffic that will pour out right
215 in front of his house. He questioned how will the fire department get in there. He floods
216 a lot now, he has flooded 4 times in 10 years, and how will this affect his flooding and his
217 well water. He loves his nature and that's why he moved here. He questioned how they
218 would make sure there wouldn't be any type of crime rate, water, wetlands or his well
219 water.

220
221 **Amy** – She lives in the subdivision east of this development. She agreed that paving
222 Rushton Road that fronts their parcel is a must. She is disappointed it is a PUD, she
223 thought that was more high density retail type areas. To have a high density in this area
224 does not make sense. She questioned if there is an adequate outlet for the storm water.
225 She stated that if there are any mitigated wetlands, recent studies have shown that
226 mitigated wetlands don't survive.

227
228 **Brooklyn** – The developer did not provide a plan if the zoning stayed at RE where they
229 could have 1 home on 2 acres. She is concerned with the waste water treatment plant.
230 The Master Plan for Green Oak Township is defined by its rural characteristics and 40%
231 is dedicated as open space however they are including the waste water treatment plant
232 as open space and that doesn't follow with the Mater Plan. If the specifics are unknown
233 how can they approve it? It is not comparable with the surrounding area, Evergreen Pond
234 has 20,000-35,000" for a lot size and this proposed community has lots that are 6600-
235 7300 and that is a big difference.

236
237 **Belinda, Post Lane** – She has concerns regarding her well and the waste water
238 treatment. Their well will affect everyone's well. Son bought a house near Milord Road
239 and Ten Mile and as soon as the development began all the ponds went dry.

240
241 **Jeff, Post Lane-** He has a pond it's about an acre and a half. Part of that pond is on the
242 proposed development and part of it is on his land. It supports wildlife, he wondered if he
243 is going to lose his pond even if part of it is on his property. The turkeys come in there,
244 there are mink, foxes, ducks and he would hate to see that leave.

245

246 **Jason** – He would like an independent commission to check out the aquafer. He doesn't
247 even live on Post Lane and he has concerns about it. They can't go by what a company
248 provides. He likes the rural feel and that is very important.

249
250 **Mike Cryter, Post Lane** – He has lived there 20 years and witnessed Evergreen Pond
251 and he thought that should be used as a model. It is a beautiful project, size of homes
252 and roads should be model.

253
254 **Tom, Post Lane** – The initial plan looks like it could come up to his property line, he would
255 like to see more detailed plans, how it operates with a reliable history. It detracts from
256 the area, sanity and sensibility has its place. He has been here 10 years, concern towards
257 how the development fits the property. Knock down half the trees, a forest is an
258 ecosystem, there are also rattlesnakes which are a federally threatened species. He
259 would like to see coexistence with the wildlife but not with this density. Knocking down
260 trees, and they are creating a lot of hardscape which could overload the system. Curious
261 with the waste water treatment, if it's not a bad thing why is it so far away. He could see
262 this raising taxes do what's in the best interest of the Township for the long standing
263 citizens and consider if there are different options.

264
265 **Robert** – He questioned if there shouldn't be some sort of environmental study regarding
266 the wildlife?

267
268 **Rita Simmerman** – She stated that a lot of the residents have animals, such as horses.
269 If they consider the current zoning, she used to live on a 10 acre home, surrounded by
270 wetlands and there was only room for her home and 1 septic field, her neighbor had a
271 home and 1 septic field, if that field went out then there something called an engineered
272 septic field. If the 80 acres doesn't perk then each home could have their own engineered
273 septic field and she felt that would be a good solution.

274
275 **Brian Shomer** – In regards to the traffic study he felt that Eight Mile is a county line road
276 and is used constantly. The land is solid clay and it does not drain, he questioned where
277 the water going to go. What happens to everyone that lives by Nichwagh Lake, it affects
278 a lot of people putting that many more homes in.

279
280 **Amy**– She did look at the site plan and the well did say public well and it had public
281 easements, she would like to know what that meant.

282
283 **Scott** – He questioned who will get the results because from the monitored wells since
284 they all know its clay.

285
286 **Charlene** – She questioned who handles the growth as it pertains to the schools?

287
288 **Walt Ernst** – He stated he has been out here for years and back in the 70's Green Oak
289 was known if you can't build it in any other township Green Oak will let you do it. He felt
290 that due diligence needed to happen and do a better job for the residents. When the
291 waste was being sprayed at Hidden Lake it went to the lake east of them, if they are going
292 to start spraying more it will pollute more. The Township has had the same planners for
293 30 years and he felt they needed to change them to someone who cares about the
294 residents instead of the builders.

295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343

**Motion by Williams, second by Pearsall
To close the public hearing at 8:13 p.m. due to no further comments.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Mr. Montagno explained that a PUD is an ordinance amendment that creates a zoning district. Mr. Montagno explained the Master Plan was adopted in 2014 and the PC goes through an extensive process and the future land use plan is the designation for what the Township’s vision is. This application is based on what the future plan meets.

Trustee Green questioned the SBR with ground water discharge. Mr. Anderson stated that they are not set on the final design. Mr. Anderson confirmed that the soils are the best for the disposal in the proposed location. Trustee Green stated he is concerned regarding backing up to the Post Lane residents. Mr. Anderson explained that they are in the conceptual phase and there are 3 phases proposed. Trustee Green explained he would like paving to be done on Rushton and the traffic study should include everything. Trustee Green is concerned about land balancing which will eliminate some of the wetlands, he asked if the report from MDEQ is forthcoming and how are they proposing to modify the land. Mr. Anderson stated he was not sure they would need a wetland permit yet since they are not sure they will be impacting any regulated wetlands. Mr. Anderson stated that there are several small wetlands in the southern area that will be left undisturbed. Trustee Green asked if the multiple wells are for testing the soils or groundwater capacity. Mr. Anderson stated the test wells are to test the aquifer and impact on other wells.

Ms. Sellis questioned what kind of buffering is provided by Post Lane and the location of the outbuilding that would be at the treatment plant. Mr. Anderson stated that the minimum buffering is 50’ off of Nine Mile, as far as buffering off Rushton they have 150’ landscape buffering. As far as Post Lane, the area is left in its current state, this is about as good as it gets since it’s already a substantial buffer. Mr. Anderson explained there is a disposal field and then there will be physical structure and there is flexibility as to where that goes and they can be very sensitive about providing buffering and screening to minimize the visual impact. Ms. Sellis asked if there is noise with the system. Ms. Zawada explained there are blowers in the structure. Mr. Smigliani explained that they can control that noise by berms and trees.

Mr. Williams asked where the well house will be located and how large will it be. Mr. Anderson stated he didn’t have a feel for it yet. There will be two wells ultimately. Mr. Anderson stated there will be 10’ between the homes.

Trustee Green requested that the property should be less dense. Mr. Williams stated it is supposed to match closely what is in the area, the original plan is zoned RE which is one home per 2 acres, if they go to 1 home to 6600’ he has a major concern with that. Mr. Anderson stated that they don’t make up what is proposed for areas, they look at the Township plan and your land plan talks about this being a primary road corridor and is

344 adjacent to a high density development. This is planned for multifamily density and
345 between 500-1400 units. Their proposal is very fair and less dense than what it is planned
346 for.

347
348 Mr. Anderson explained that the empty nester product will be separated, most likely will
349 be on the eastern side of the development but would not be deed restricted.

350
351 Ms. Pearsall asked what if there was an impact with the well. Mr. Anderson stated he
352 can't answer that right now, he expects that test to be done in the next 30 days.

353
354 Mr. Smigliani questioned what the back-up plan is for the SBR? Mr. Anderson explained
355 the life of a system is probably 20-30 years. Both systems will be independently permitted
356 by the State.

357
358 Mr. Smigliani explained regarding the policing of the area, essential services are
359 governed by the Township Board not the Planning Commission so they weren't ignoring
360 it is just not part of the discussion of the Planning Commission. Mr. Smigliani questioned
361 the storm water management, intention. Mr. Anderson stated they have preliminarily
362 sized the basins and they are looking at detention since most of the flow is to the north,
363 two significant basins are planned off of Nine Mile. Mr. Anderson stated that it will be a
364 controlled release.

365
366 Ms. Zawada explained she is not comfortable with the flow to Nine Mile and she
367 recommended that the project be postponed. She would also want to see the preliminary
368 grading plan in the next submittal as well.

369
370 Mr. Smigliani stated he is concerned when he sees that 1/3 of the project is under the
371 7200' square foot requirement. Mr. Montagno stated they have met the requirement of
372 40% open space.

373
374 Ms. Pearsall asked what the public benefit is? Mr. Anderson stated that the roads are at
375 31' but he would prefer 27' and the roads would be private. Mr. Smigliani stated he didn't
376 like that, when the road is decreased with cars on both sides, its not a good trade-off for
377 a few feet. Mr. Anderson stated they are opening the trail and open space to the public,
378 40% open space, 49 acres of open space is a benefit to the community.

379
380 Mr. Smigliani questioned the shared pond and the resident pointed out where this pond
381 is located. Mr. Anderson stated that is a regulated wetland that does cross their border
382 and that area is not being touched.

383
384 Mr. Williams suggested leaving some area at 9 Mile and Rushton for future planning for
385 a round-about.

386
387 **Motion by Smigliani, second by Pearsall**

388 **With regards to Timberview Estates regarding site plan a 128.97 Acre**
389 **Planned Unit Development & Site Plan Review, SP05-2016, Parcel #4716-35-**
390 **200-004 & 4716-35-200-011 & 4716-35-200-018 southeast corner of Nine Mile**
391 **and Rushton Road to postpone action and direct the applicant to address**
392 **the outstanding issues in the Carlisle Wortman memo dated 9/29/16 and the**

393 CES memo dated 9/9/16 as well as all items discussed at this meeting
394 including the following:

- 395 • DEQ and the Drain Commissioners review regarding water control and
396 the aquifer.
- 397 • Paving and improvement of Rushton Road as discussed from the corner
398 of the intersection of 9 Mile Road & Rushton down to the proposed
399 entrance and potentially to where it should extend.
- 400 • Livingston County Road Commission with the completion of the Traffic
401 Study as far as the impact along 9 Mile Road.
- 402 • Thoroughly outline the public benefit and improvements that would be
403 beneficial to other residents of Green Oak Township.

404
405 **Roll Call Vote: Ayes: Unanimous**
406 **Nays: None**

407
408 **MOTION APPROVED**

409
410 Mr. Smigliani called for a short recess at 9:12 p.m. and called the meeting back to order
411 at 9:26 p.m.

412
413 **2. Green Oak Crossing an 88.45 acre, Planned Unit Development & Final Site**
414 **Plan Review, R04-03-2013, Parcel #4716-30-100-003 and Parcel 4716-19-300-**
415 **002 located between Winans Lake and M-36 and Spicer in Section 19 and**
416 **Section 30.**

417
418 Mr. Montagno reviewed the Carlisle Wortman memo dated July 25, 2016. This is a project
419 that has been a long time in the development process. A public hearing was held in May
420 2014 and ultimately the project had received approval. The project fronts on M-36 and
421 Spicer Road. They are proposing a PUD for 142 single family lots in a series of 5 phases.
422 This is an open space PUD and they have to show the eligibility criteria and community
423 benefit. They do have all of their access permits for the road as well as their DEQ permits
424 for the treatment plant. There are a number of outstanding items he would like to address
425 the matter of the mitigation trees.

426
427 Ms. Zawada referenced the CES memo dated 5/24/16. She explained the right side of
428 the development is proposed to discharge to a detention basin and that pond is labeled
429 as "C" on the plan she is very comfortable with this part of the storm water management.
430 On the left side of the development there is a proposed detention basin that would outlet
431 to an existing wetland, she would like to see part of this detention basin incorporated into
432 bio-swales connecting to the other right side of the development before going to the
433 Township Board. There would also have to be some coordination with DEQ, something
434 that is feasible and could be explored between now and the Township Board. The storm
435 water narrative are to be treated and the utility plan should show storm sewers including
436 the rear yards.

437
438 Mr. Cook explained that they don't have the water problem because in 2003 he purchased
439 142 taps. They have the water system and have fire hydrants. He agreed to follow Ms.
440 Zawada's recommendations before taking it to the Board. Regard the tree mitigation he
441 decided to give each lot an extra tree, so all the trees will stay on their lot. There are a

442 multitude of trees, it's a beautiful site. There is a mile and half of a trail system. They
443 have all the plans for the sewer plant. Willow Woods reduced their roads from 31' to 27'
444 and so they reduced theirs to 27' since the two developments connect. They have some
445 nice ranch plans and affordable housing plans. Colonials starting at \$249,000- \$289,000
446 with brick fronts, siding on the back, decorative garage doors the homes will have some
447 flair to them and 12 different homes will be offered.

448
449 Mr. Cook continued that the water will be treated and clean. The Bylaws will restrict the
450 use of potassium chloride, tar based products, and fertilizers with phosphorus and coal.
451 There is 48% open space.

452
453 Mr. Williams stated it's his understanding that the wastewater treatment plan will not be
454 owned by the HOA it will be separately owned. Mr. Cook agreed.

455
456 Ms. Zawada explained instead of discharging to the wetland discharge to a bio swale and
457 connect it to the storm water system by lot 119 and pipe it to the retention basin, this is
458 what she has asked the applicant to do.

459
460 Trustee Green referred to an email from Jim Fackert dated 9/30/16 who has very strong
461 concerns regarding the water and how that will affect his industrial property.

462
463 Mr. Montagno stated that a County comment came through and the biggest issue was
464 the single outlet, this project would provide the other outlet. There is no connection made
465 until Green Oak Phase 2 and he felt that may be something to discuss with the applicant.
466 These two projects have gone on simultaneously.

467
468 Mr. Montagno confirmed that the maintenance of the trees will be in the master deed and
469 bylaws. Mr. Cook agreed and explained each home will have 4 trees.

470
471 Mr. Cook commented that the community benefits are the trail connections, saving the
472 mature woods and extra capacity in the treatment plant.

473
474 **Motion by Green, second by Pearsall**
475 **To continue the public hearing.**

476
477 **Voice Vote: Ayes: Unanimous**
478 **Nays: None**

479
480 **MOTION APPROVED**

481
482 **Deanna Malek** – She has been asked to read a letter from James Fackert. His letter
483 stated that these developments cannot be considered separately, they are intimately,
484 hydrologically connected to each other. Including several ponds and lakes and a County
485 drain in Hamburg and the property on Industrial Drive in Hamburg Township. The
486 analysis of water run-off in both applications ignore these connections and so are totally
487 insufficient. An informed decision cannot be made with the information provided. Please
488 reject these proposals and request developers return with revised plans after an
489 independent review has been conducted of the entire perched and connected, wetland
490 system involved. Deficiencies include but are not limited to claims that there are

491 unprotected wetlands on these properties. They are all connected in one system. Claims
492 that there are no county drains involved. The system drains to the southwest and west
493 to the Huron River and the Drain Commission must be consulted and approve and the
494 DEQ must review the existing permits. Claims there are no alternatives to flooding their
495 neighbors. You must demand plans that manage all run off on site. This is a natural
496 limitation on building density inherent in these parcels. It is incumbent on the developers
497 to plan within these limitations of the properties and the entire hydrological system.
498 Claims that the DEQ has issued a wetland permit so that everything is good. The
499 township cannot simple ignore wetland issues because a permit has been issued.
500 Permits were issued years ago and the plans tabled for an extensive period, the plans
501 have changed any permit should be recinded pending review of the entire system which
502 may well bring to light new evidence and information. Signed by James Fackert, 1055
503 McCabe Road, and owner of CAE Inc., 10087 Industrial Drive, Hamburg Mi.
504

505 **John Malek** – He referred to a letter from Insight dated November 2006 and it was sent
506 to Cook Properties. This document states that 20 soil borings have been completed on
507 the Green Oak Crossing property and 3 completed on Willow Woods. These perched
508 conditions were at depths of 16-23 feet and elevation range 916-923 feet above the mean
509 sea level. Perched conditions were not noted in any other soil borings completed on the
510 Green Oak Crossing or adjacent Legacy property. On page 5, based on review of USGS
511 topography map, wetlands located in the north section of an adjacent to the northern and
512 northwest portions of the site are perched above underlying, unconfined aquafer. Further
513 review of the USGS map indicates that approximate surface water elevations of these
514 wetlands range from 910 to 950 feet. Ground water discharge areas are not present on
515 site. An interoffice memo that states the area identified as wetland C, although within
516 500' of wetland "e" is considered flooded wetland and as such does not qualify as
517 permanent open water a requirement of both a lake and pond. The area of wetland "c"
518 consists of water lily, button bush, and numerous dead, drowned trees. Wetland C
519 eventually opens up to permanent open water just beyond the western property. One
520 tree includes a tree hunting stand, indicating land dry enough to walk through. Water
521 depth within wetland C has increased to over two feet, additional evidence of hydrological
522 change is a dying large cheery tree located in over 1 foot of water.
523

524 Industrial Drive is connected through the area behind Todd Services to the wetland that
525 is inside the site of Green Oak Crossing but what wasn't included is the far east which
526 involves 3 contiguous properties that is known as the neighbors drainage basin. Huron
527 Watershed Council has been identified that as a pristine wetland area. There are
528 regulated wetlands on both sides of the Green Oak Crossing project. Three properties
529 will take on enormous amounts of water.
530

531 This is a fragile environment and concerns exist on both sides and involves Hamburg
532 Township as well as Green Oak. Take in all of the facts and come up with a real solution
533 that result in a drain from the County and take the water from this group area in another
534 fashion and not let it kill all the trees in this area.
535

536 **Charlene** – She asked if the salt water will change the Huron River? She explained her
537 son just purchased a home on the Huron River and there was water when he purchased
538 the home 3 years ago and now there is no water and the water is not clear, it has changed
539 in 3 years. More water that is running off. She thinks back when Lime Kiln was shut

540 down because of the pollution and now it's a beautiful lake. Is that going to change the
541 Huron River and be like the Rouge River. The Legacy has caused so much traffic issues
542 and the addition of these homes will add such a problem with the added traffic.
543

544 **Walt Ernst** – He agreed with the people before him. The DEQ is in all kinds of trouble
545 and now they will dump salt into the Huron River and we have to do due diligence to keep
546 it clean. Allowed Wixom and Milford do a lot of their waste water up there. They have to
547 start thinking about the residents that live here, they want space not crowded homes.
548 They can go to Wixom and Troy for that. Take time, not here to make money for the
549 developers but here to make sure we have some benefit.
550

551 Mr. Smigliani closed the public comment at 10:21 p.m. due to no further comments.
552

553 Ms. Zawada explained she would promote more retention on the site. Trustee Green
554 questioned the comments from Mr. Fackert. Ms. Zawada explained if they are in a
555 tributary of the drain, they will issue a permit if they are touching the drain. The MDEQ
556 has issued a permit. The DEQ does do site visits. Mr. Montagno stated at the time they
557 did the initial review, and they reviewed the delineations based on the plans and did verify
558 those boundaries and reevaluated if those were regulated or non-regulated and that was
559 done within the last year.
560

561 Mr. Montagno explained the wetlands are labeled differently.
562

563 Ms. Zawada explained that during construction, the run off and soil erosion is one of her
564 biggest concerns. A storm water operator will have to be on site until the last building is
565 built and the vegetation is established. Soil erosion levels will need to be constantly
566 maintained.
567

568 Ms. Zawada explained that Insight did the study regarding the actual infiltration beds for
569 the plant, Insight is no longer a company, its been sold. Mark Sweatman is a
570 hydrogeologist and she felt that the letter was related to the plant. As far as the site and
571 PUD it does not affect her review.
572

573 Mr. Cook agreed to make the road connection in the first phase. The findings of fact were
574 reviewed by Mr. Smigliani and the Draft Resolution was read.
575

576 **Motion by Pearsall, second by Williams**

577 **The Planning Commission recommends approval of the Green Oak Crossing**
578 **PUD to the Township Board with the following conditions:**

- 579 1. **The applicant provides Exhibit B drawings that are reviewed by the**
580 **Township Planner and Engineer and all comments and concerns be**
581 **addressed.**
- 582 2. **The final PUD agreement receive a sign off by the Township Attorney.**
- 583 3. **The connector road to the proposed Willow Woods PUD to be installed**
584 **during phase 1 construction activities.**
- 585 4. **The master deed and bylaws will provide protection for mitigation**
586 **trees on individual lots**

587
588 **Roll Call Vote: Ayes: Unanimous**

589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637

Nays: None

MOTION APPROVED

Motion by Williams, second by Pearsall

A motion to approve the Green Oak Crossing an 88.45 acre, Planned Unit Development & Final Site Plan Review, R04-03-2013 PUD with the following conditions:

- 1. That the Township Board approves the Green Oak Crossing PUD and Agreements,**
- 2. The applicant address all outstanding issues identified in the Engineering Reports and the Planning Consultants and the Township Engineer with regards to their review of submitted engineering drawings including the connection of a bio swale to the retention basin.**
- 3. Add maintenance requirements for mitigated trees located on private lots.**
- 4. Make Phase 2 Phase 1 of the road connection to the proposed Willow Woods PUD**
- 5. Identify locations of mailbox pick up locations on the site plan to be identified and approved by USPS.**

**Roll Call Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

REPORTS

Chairman – None

Township Board Representative – Trustee Green brought the Commission up to date regarding the last Board meeting.

ZBA Representative- Ms. Pearsall brought the Commission up to date regarding the last ZBA meeting.

Planning Consultant – None

Correspondence – Ms. McKenzie reported that Livingston County Planning recommended approval of Willow Woods.

CALL TO THE PUBLIC

John Malek – He questioned who on the Planning Commission actually visited the site before deciding the vote.

Deanna Malek – Seems to her this is really simple that when a developer presents plans they should build a retention pond, that would solve all the problems, if they can't build one then scale back a few homes. She keeps seeing these over bloated developers, she was in Georgia and she was in a subdivision that was so packed it felt like she was in a refugee camp, it was so crowded and sub human. She asked if they wanted quality of

638 life for the residents in Green Oak Township. Is it for the money? She questioned why
639 these are getting approved?

640

641 **ADJOURNMENT**

642

643 Mr. Smigliani adjourned the Regular Planning Commission meeting at 11:04 p.m. due to
644 no further business.

645

646

647 Respectfully Submitted,

648

649 *Kellie Angelosanto*

650

651 Kellie Angelosanto

652 Recording Secretary

653