

**Marquette Township Planning Commission – Regular Meeting  
Wednesday, September 28, 2011 – 6:30 p.m.  
Marquette Township Community Center**

Chairperson Sargent called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Lyn Durant, Mike Springer, Ellen Sargent, Judy Boyle  
MEMBERS ABSENT: Steve Peltó (Excused)  
STAFF PRESENT: Jason McCarthy, Planning/Zoning Administrator, Janelle Ruff,  
Planning/Zoning Tech, Krystal Foreman, Recording Secretary  
STAFF ABSENT: None  
OTHERS PRESENT: None

APPROVAL OF AGENDA: Add as 6. Public Hearing: Chicken Ordinance. Revise the numbering.

**MOTION: To approve the agenda as amended.**

**Durant, Moved  
Boyle, Supported**

**Carried: Unanimously**

MINUTES FROM PREVIOUS MEETING – September 14, 2011: Discussion was held on the Complete Streets Ordinance paragraph. McCarthy informed that he made the suggestion. The Recreation Committee will draft the ordinance language with staff and will forward it to the Road Committee and Planning Commission for approval with possible referral to the Township Board. The minutes will be revised.

**MOTION: To approve the minutes.**

**Durant, Moved  
Springer, Supported**

**Carried: Unanimously**

PUBLIC COMMENT: Bill Dupras, Allen Street, informed that his property and his mother's property get the drainage from Moran Street. His mother's crawl space fills with water in the spring. Insurance does not cover floods. Dupras requests something be done before he has to pay for the damage. He has discussed this with the Marquette County Road Commission. Two driveways were put in on Allen Street improperly. One has a crushed culvert. A driveway on Beaudon Street has no culvert. He questioned code enforcement for these illegal driveways. Ruff will discuss with Kurt Taavola and Jim Iwanicki.

Public Hearing: Chicken Ordinance. Sargent re-opened the public hearing. The Planning Commission is unable to do anything with the ordinance that was presented as there are issues in the courts at the moment regarding the Michigan Right to Farm Act and how it is interpreted. The Right to Farm Act was created to protect farming property that was pressured into being developed for residential. It states that if a farm or farming activities were in place before residents purchased the property then it is allowed. McCarthy emailed Forsyth's Zoning Administrator who spoke with the writer of the Right to Farm Act asking for more information. Until we have something more concrete or enforceable, we can't make changes at this time.

Sargent opened the public comment portion of the public hearing.

Sandra LaBelle, Moran Street, is against the chickens. She does not see how it can be approved when so many residents are against it; there is a daycare, and preschools in Trowbridge. She asked if the residents can be notified when another meeting will be held. McCarthy will notify LaBelle.

Bill Dupras, Allen Street, reviewed a copy of the letter from the lawyer and read the Michigan Right to Farm Act. Dupras interpretation is that under The Michigan Right to Farm Act, he can farm (have chickens) as his property was a farm prior to the zoning. Sargent informed that the Commissioners can only take comments on the ordinance. Dupras can discuss with McCarthy.

Sargent closed the public comment portion of the public hearing.

Comments were taken from the Commissioners. The public does not realize how much the Planning Commission can not do; our hands are tied. It is wise to follow the recommendations of our legal counsel. One of the main issues is enforceability. Our current proposed chicken ordinance has problems with it. We will continue to monitor the situation and will work with property owners.

**MOTION: That we table this issue indefinitely until we have more information.**

**Boyle, Moved**

**Durant, Supported**

**Carried: Unanimously**

OLD BUSINESS:

Sign Ordinance Update & Review Schedule – Discussion. The draft was discussed. Ruff is working on a few definitions and minor changes. The new ordinance will allow for more than one sign and will permit signs on the back of a building. The tables used to calculate the size and number of signs has been tested with current signs and is easy to work with. A few revisions were discussed. The standards for residential signs are a concern. Inflatable signs were discussed and suggested to be permitted on a temporary basis. The Commissioners were asked to review the ordinance and provide comments to Ruff and McCarthy.

NEW BUSINESS:

Township Survey Results – Discussion. The results of the survey discussed by the Planning Commissioners include:

- The residents are concerned about: street maintenance, snowplowing, traffic circulation, safety, fire protection, and developing more walking/hiking trails.
- There is support for protecting scenic areas by owning it.
- Biking and walking trails are more important than organized recreation areas.
- Residents agree that managing future growth is the most important responsibility the Planning Commission has.
- Township residents are very satisfied with the assistance they get from the township staff.
- Quality of the water and sewer system is a concern.
- It would be nice to know the areas of the township that are considered to be getting better, getting worse, and staying the same.
- 47% of the residents are supportive of a consolidated campus for township services.

A suggestion was made to make a compilation of the results and make a recommendation to the Board stating which committee (Board, Recreation, Planning Commission) is responsible for each item of concern. It was suggested that McCarthy present the survey results to the Township Board at a televised Board meeting. Coleman may have ideas on how to incorporate the survey results into the Master Plan.

**MOTION: Move that Jason McCarthy present the results of the survey to the Township Board at an appropriate time.**

**Springer, Moved  
Durant, Supported**

**Carried: Unanimously**

Property Maintenance Ordinance – Discussion. McCarthy has received complaints from Trowbridge residents, regarding property maintenance; especially wood and vehicles. He has experience writing and enforcing property maintenance ordinances. McCarthy suggested that he draft a Property Maintenance Ordinance for the Planning Commission to review, revise, and approve.

Accessory Structures – Discussion. Two Amendments to the Accessory Structures were proposed: 1) to eliminate the word “attached” from the definition and 2) to allow for an overall structure to be more than 1,200 sq ft in UR. Several ZBA meetings have been held where the petitioner is requesting only a few hundred square feet. The square footage of an accessory structure can not be larger than the main structure.

**MOTION: To accept the staff recommendations regarding the detailed use, accessory structures.**

**Durant, Moved  
Springer, Supported**

**Carried: Unanimously**

Township Attorney Opinion: Urban Chickens – Discussion. Previously discussed.

Changes to Michigan Zoning Enabling Act (Mining) – Discussion. McCarthy discussed. The Kyser vs Kasson case has been overturned. It flips the township ability to regulate where the valuable resources are extracted from the ground. It is not allowed in Rural Residential (RR). In Resource Production (RP), a public hearing with site plans will be required. The districts which may change to Forest Recreation (FR) or Scenic Residential (SR) may need further consideration. McCarthy will monitor this and keep the Planning Commissioners updated.

CORRESPONDENCE: None.

REPORTS: None.

ANNOUNCEMENTS: Springer reported on the Recreation Committee. The maps were discussed. The area in Oak Hills which is being considered for a small park was discussed. They are working with the Little League to see what is needed at Lions Field. Springer announced that the Marquette County Road Commission is moving towards County Road 595 for the mining route.

PUBLIC COMMENT: Pete LeRue informed that the permitting for the County Road 595 mining road is progressing. He discussed the drainage problems on Eagles Nest Road and informed that gravel has been put in to eliminate the issues. Brookton needs to be worked on before the snow falls.

ADDITIONAL COMMENTS PLANNING COMMISSIONERS WISH TO MAKE: Durant reported on the Heritage Trail meeting. They are waiting on the state to sign papers to transfer the land. Engineering may begin by November. Discussions have been held with Girard on purchasing part of a sign. Durant discussed the Business Association. Ernie Johnson, Board Treasurer, will be the liaison to the Business Association. Discussion was held on whether McCarthy is the Planning Commission representative on the Business Association Committee.

The October 12<sup>h</sup> Open House was discussed. The first work session will be held at 3:00. Comments and questions will be heard. Nothing else will be on the agenda for that meeting.

ADJOURNMENT: Chairperson Sargent adjourned the meeting at 8:36 p.m.

**MOTION: To adjourn the Planning Commission meeting.**

**Durant, Moved**

**Springer, Supported**

**Carried: Unanimously**

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Judith A. Boyle, Secretary