



**PRESQUE ISLE TOWNSHIP
Planning Commission Minutes
November 4, 2024 - 6:00 p.m.**

Call to Order

6:00 PM

Pledge of Allegiance

Pledge was recited.

Roll Call

Present: Chair Tom Guyer, Vice Chair Lisa Larkin, Secretary Tom Ludwig, Board Liaison Cynthia Paavola, and member Dick Lefevre. Zoning Administrator Steve Lang was also in attendance. Absent: None.

Approval of Agenda

A motion was made by Larkin, supported by Ludwig, to approve the agenda. All ayes. Motion carried.

Approval of Minutes (10/7/24)

A motion was made by Lefevre, supported by Larkin, to approve the October 7th meeting minutes. All ayes. Motion carried.

Comments from the Audience: (3-minute limit per audience member)

The commission heard from two (2) audience members. A grievance was made about the heavy machinery used in local construction and its effect on township roads. It was suggested that builders be required to post bonds for the cost of potentially necessary road repair. Guyer said that he believed such a regulation would be preempted by the Presque Isle County Road Commission (PICRC). Lang indicated that he would contact PICRC Superintendent David Kowalski to inquire.

Correspondence:

Guyer reported that he had received correspondence from Denise Cline, Deputy Director and Chief Planner of the Northeast Michigan Council of Governments (NEMCOG). Cline was contacted by the Presque Isle County Planning Commission (PICPC) which is currently reviewing the final draft of the Presque Isle Township Master Plan. The PICPC had questions about the draft which were answered to their satisfaction.



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Public Hearing:

a. Arkwright Accessory Structure

Guyer next opened a public hearing for the consideration of a zoning permit application submitted by Stephen and Jennifer Arkwright to construct a 40'x60' pole barn at 8784 East Grand Lake Road, Presque Isle, Michigan, parcel number 122-033-000-031-02. The subject property is zoned in the R2 district.

Guyer began by giving a brief explanation of how the hearing would proceed.

Zoning Administrator Lang then presented a summary of the project and took questions from the commission.

The subject property is a 100,400-square-foot lot which includes a 600-square-foot cottage, a primary dwelling with a 1500-square-foot footprint and a 30'x40' garage attached by a 10'x20' breezeway. The lot also contains a detached garage which will be removed upon completion of the new pole barn. The combined structures will total 3,100 square feet once the project is finished amounting to less than 1% of the lot.

Applicant Stephen Arkwright was then introduced and took questions from the commission. Arkwright indicated that the pole barn would have minimal visibility because of its distance from the street and adjoining lots. He noted that there would also be a sufficient greenbelt. Arkwright added that the old garage is currently holding items which would be moved into the pole barn once the project is completed. He also said that he would be planting trees where the old garage once stood.

Lang stated that due to the lot's size, there wouldn't be any stormwater runoff or shadows cast on neighboring lots.

Guyer asked how much clearing the project would require. Arkwright said the total clearing would be 60'x80'.



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Guyer next asked about construction materials and color. Arkwright indicated that the structure would be consistent with the character of his primary dwelling.

Guyer then asked if a driveway would be installed. Arkwright stated that there would be a 30- or 40-foot driveway.

Guyer next asked Arkwright if he had staked the site. Arkwright said that he had.

Guyer then asked if there would be any utilities. Arkwright stated that the pole barn would have electricity. He also said he was considering the addition of plumbing which would be connected to his home's current system.

Guyer next asked about lighting. Arkwright stated that motion lights would be installed at the front of the structure.

When there were no further questions, Guyer asked if any commissioners had received correspondence pertaining to the issue. None had.

Guyer then asked if any audience members had comments or questions. The commission heard from one (1) audience member who had a question.

Guyer then closed the public hearing, and the commission entered deliberations.

Lefevre stated that he didn't see anything that he objected to.

Larkin said that she had visited the site and didn't believe that the pole barn would be visible from the road or neighboring lots once it's built. She then asked if the old garage would need to come down prior to construction since the zoning ordinance has a two-building limit for accessory structures. Guyer suggested making a contingency that the old garage be torn down within a



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certain number of days after the new pole barn is finished. Larkin agreed.

Ludwig stated that he didn't see any reason to object.

Paavola said the project was laid out well and believed the contingency was a good idea.

The commissioners then discussed whether there would be a stormwater runoff issue. They determined there would not be.

When there were no further comments, a motion was made by Larkin, supported by Paavola, to approve the application with the contingency that the old garage be removed within 30 days of the pole barn's completion.

The commission then considered if 30 days would be enough time to remove the old garage.

Larkin amended her motion to allow for 90 days which was supported by Paavola. A roll call vote was taken. All ayes. Motion carried.

The commission then discussed each of the Criteria for Site Plan Approval set forth in Section 5.5 of the Presque Isle Township Zoning Ordinance and made Findings of Fact that each of the criterion was either met or non-applicable.

Unfinished Business:

a. Continuing Discussion of Potential Time-of-Transfer Ordinance (Septic-Well)

Guyer reported that he had received correspondence from former Presque Isle Township Board of Trustees member Barton Hellmuth. Mr. Hellmuth noted that any transfers which do not go through a realtor would fail to trigger a septic inspection under the current proposed ordinance.

Larkin suggested contacting the Register of Deeds to ask if they could notify the township whenever a deed changes ownership. Once contacted, the township could then



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require the new owner to conduct a septic inspection within a certain amount of time. Her only concern was that it would put the onus of repair on the new owners.

Guyer asked how Larkin's suggestion could be incorporated into the ordinance.

Larkin proposed that the new ordinance states that once the township receives a transfer notification from the Register of Deeds, the new deed holder will be informed that they must:

1. have their septic inspected within a certain number of days.
2. provide septic permit information and the date of when the septic was last pumped.

Lang noted that the Register of Deeds could charge for the notifications, but the cost could be incorporated into the commission's budget.

Guyer questioned whether the Register of Deeds would be willing to contact the township every time a deed changed ownership.

Lang indicated that he would contact the Register of Deeds to inquire.

Guyer then reported that he received an item of correspondence from former Presque Isle Township Zoning Administrator Linda Taylor. Mrs. Taylor provided several examples of instances when a septic inspection would be missed under the current proposed ordinance.

Larkin noted that in every example, the deed transfer would still be recorded at the Register of Deeds. She added that she and others have volunteered to go through the records at District Health Department #4 (DHD4) and search for properties that don't have septic permits.



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Mrs. Taylor also addressed Section 7(A)(3) of the proposed ordinance which states that a sewage treatment and disposal system (STDS) with design features that met the design standards at the time of construction will not be considered a failed system unless its performance is deemed failed. She questioned if it was consistent with the ordinance's definition of *Failed STDS* in Section 3.

Guyer suggested adding a line in the definition of *Failed STDS* in Section 3 which will state, "except where grandfathered in as provided in Section 7(A)(3)." The commissioners agreed.

Mrs. Taylor also asked what provisions will be made for property owners who transfer ownership in the winter when certain septic tests can't be performed.

Guyer suggested closing an escrow with money put aside that would be released once the septic passes inspection.

Resident Stacy Holmen suggested contacting Milton and Torch Lake Township to ask how they handle that issue.

Lang later indicated that he would contact those townships.

Guyer then asked if any audience members had any questions. The commission heard from five (5) audience members.

Guyer next indicated that he had made some preliminary suggestions for revisions of the Milton Township Time-of-Transfer Ordinance and incorporated those changes into a new working document. He asked if the other commissioners had further recommendations.

Larkin referenced Section 5(B) which states that any premises without a permit must be inspected within 12 months of the effective date of the ordinance. She asked how they could put that in the ordinance when DHD4 had previously stated that they don't have the personnel.



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Guyer noted that the issue will be addressed in their negotiations with DHD4.

Guyer then asked who would be conducting the negotiations. Lang suggested using both Denise Cline of NEMCOG and attorney Tim Gulden to finalize a draft of the ordinance, submit it to DHD4, and begin talks.

Guyer asked if the commission had the budget for the cost of attorney fees. Lang stated that they did.

Guyer then asked the commissioners if they approved sending the new working document with the proposed changes to Mr. Gulden to begin the process of drafting a new ordinance. The commissioners agreed.

New Business:

a. Condo Update – Rick Kurkechian

Guyer next introduced Rick Kurkechian, who is a developer of The Woods at Presque Isle condominiums on East Grand Lake Road and a former member of the Presque Isle Township Planning Commission. Kurkechian presented a summary of the project's progress and took questions from the commission.

Lefevre asked if the condominiums would be getting their water from the Presque Isle Harbor Water Company. Kurkechian stated that each building will have its own well. He added that electricity to run the pumps will be paid out of the HOA fee and each unit will have its own septic system.

Guyer asked if there will be model condominiums available for viewing. Kurkechian stated that the members were welcome to tour the site. He added that there was an open house in June which had 75 visitors. He stated that he hopes to have a furnished model available for viewing by April 1st.



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Guyer then inquired about HOA fees. Kurkechian stated that he estimated a \$250 HOA fee which will go toward lawn maintenance, snow removal, electricity for well pumps, insurance and a 30% contingency fund for future repairs.

Guyer next asked about internet availability. Kurkechian stated that fiber optics lines are being installed.

When there were no further questions from the commissioners, Guyer asked if the audience had questions or comments. The audience had none.

Reports:

Zoning Administrator – Steve Lang

Report attached. Lang also stated that he will be sending out letters to short-term rental properties soon.

Board Liaison – Cynthia Paavola

Report attached.

ZBA Liaison Report – Tom Guyer

There has been no ZBA meeting since the last report. A special meeting has been scheduled for November 13th, 2024 at 7pm.

Audience Comments: (3-minute limit per audience member)

None.

Adjournment:

7:16pm.

Meeting Reminder: The next PC meeting is scheduled for Monday, December 2nd, 2024, at 6pm.