

**Minutes of Caledonia Township, Alcona County, Planning Commission
March 2, 2009**

Meeting called to order by Chairman Vichunas at 7:00 p.m. at the Caledonia Township Hall, Spruce, Michigan.

Pledge of Allegiance.

Roll Call: Present: Freigruber, Hahn, Preston, Scott, Vichunas and Williams.

Absent: Waldeck.

Guests: M.Styma, D.Rowe, J.Grogan, R.Cramer, G.Phillips,
S.Klabunde, G.Becker, J.Becker, R.Brown, W.Thiem.

MOTION by Williams to approve the **Agenda** as submitted; **SUPPORT** by Preston; Motion carried.

MOTION by Preston to approve the **Minutes** of the February 2, 2009 meeting as submitted by email from Secretary Waldeck; **SUPPORT** by Hahn; Motion carried.

CITIZENS COMMENTS/COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA: None.

Reports:

Zoning Board of Appeals – Freigruber not present.

Board of Trustees Meeting – Scott read the Synopsis published in the ALCONA COUNTY REVIEW on February 25, 2009 and provided additional items of interest.

PUBLIC HEARING OPENED at 7:08 p.m. on the **Request for Special Land Use Permit #37-08 from Walden Properties for Site Condominium for Single Family Dwellings.**

A. Public Notice was read by Chairman Vichunas.

B. M. Styma turned the presentation of the project over to John Grogan and Dave Rowe. Grogan placed a tape recorder on the table as a matter of record. Grogan asked Freigruber about his Hubbard Lake Sportsman & Improvement Association membership as well as his capacity as an ex-officio member on the Thunder Bay Power Working Committee. Freigruber stated he did not have a conflict nor a personal stake in the outcome of this hearing. From a legal perspective, Grogan pointed out that page 65 of the Zoning Ordinance addresses the renewal of permits. A permit was previously granted with the same facts and with no change to the project plan and the Ordinance states that a permit shall be renewable. This reapplication begins and ends with the language in the Ordinance. This use is a Use by Right and must be granted as a matter of law. Discussion of access rights is very important but access must be through North American Hydro's property. Walden Properties has no obligation to meet FERC Licensing requirements and this issue is not part of the Planning Commission's decision-making process. This issue must be taken to Federal Court to get a determination. Grogan requested that the permit be granted tonight. D.Rowe asked to reserve the right to respond to any negative comments. There were no other comments **FOR** this SLU request.

Scott Klabunde, North American Hydro (NAH), stated he does not formally oppose the development of this parcel but his concern is public access to the dam. He presented slides to visually show the property boundaries of Parcel A and Parcel B with the dam between the parcels and provided historical background. Klabunde said that NAH purchased Parcel A in July 2005 from Howard Energy along with several other dams. NAH does not want to renegotiate the FERC Agreement with the original parties because they may not support a new agreement. Also, NAH has decided not to

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pursue building a walkway from Hubert Road and a fishing pier at the dam because of DEQ regulations and cost. Instead, they want the road through Parcel B to be moved back to its original location across Walden's Lots #3 and #4 to allow public access to the dam. Walden purchased Parcel B from Howard Energy on June 10, 2005 and stated that NAH purchased Parcel A on July 20, 2005. Grogan stated that to provide access on Parcel A would cost a lot of money. But, this is a Federal issue. NAH stated that money is not the issue; but complying with Federal requirements to build a boardwalk and to provide parking at the road is the issue. There were no other comments **AGAINST** this SLU Permit request.

PUBLIC HEARING CLOSED at 8:00 p.m.

Discussion held re Walden's payment of the \$200 full application fee to Nancy Beck on December 29, 2008 as well as the requirement to move the fence back to the 40 foot high water mark as required by the Ordinance. Styma stated that she has hired a contractor to work on the fence in May and that she will continue her pursuit to obtain a street name.

Deliberations on Request for Special Land Use Permit #37-08.

MOTION by Scott to renew Walden Properties Special Land Use Permit request with the following conditions: to bring the fence back to the 40 foot ordinary high water mark and to obtain a street name; **Motion amended** to provide documentation that the Master Deed has been recorded within one year (March 2, 2010); **SUPPORT** by Williams; Motion carried. All members voted Aye.

Unfinished Business:

Revised Bylaws – February 5th draft reviewed; additional changes will be made.

Planning Commission Ordinance – February 5th draft reviewed; additional changes will be made.

Proposed Definitions/Language for Crematoriums – Tabled at this time.

Zoning Ordinance Book Revision – Vichunas working on.

WTGS Ordinance – Added to the Agenda after the Public Hearing. Freigruber pointed out that this Ordinance was adopted and published before the County Commissioners 30 day review period expired. Vichunas stated she forgot about this review requirement.

New Business:

Proposed ORV Ordinance – Scott and Williams provided a report re the February 26th meeting with the County Commissioners and Township representatives, etc.

Proposed Condominium Ordinance – No change in status.

Proposed Zoning Ordinance re Sexually Oriented Businesses – No change in status.

Poll Members for New Business: None.

Next Planning Commission Meeting – April 6, 2009.

Next Tri-Township Meeting – Tentatively scheduled for June 25, 2009, at 7 p.m., hosted by Caledonia Township.

MOTION by Freigruber to adjourn at 9:05 p.m.; **SUPPORT** by Williams; Motion carried.

Respectfully Submitted,

PC Minutes – March 2, 2009

Kathleen E. Vichunas, Chairman