

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
PLANNING COMMISSION

DATE: OCTOBER 2, 2006 TIME: 7:00 P.M.
WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF THE PLANNING COMMISSION

Mark J. Newman, Chair	Richard Buell
Jerome Doyle, Vice Chair	Ronald Flowers
Eric Swanson, Secretary	David Gibbs
Barry Pratt, Board of Trustee Representative	

Jerald W. Fitch, Building Inspector
Julia A. Morford, Recording Secretary

PRESENT: Newman, Doyle, Swanson, Flowers, Gibbs, Pratt, Fitch and Morford

ABSENT: Buell

OTHERS PRESENT: Jeremy Cook, Donald Cook, and Rob St. James

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair Mark J. Newman with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Pratt to adopt the Agenda as presented. MOTION CARRIED.

III. APPROVAL OF PREVIOUS MINUTES:
None

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

- Jeremy Cook, 12062 W. Coldwater Road, Flushing, MI 48433**
Parcel No. 08-18-400-012; AND
Donald Cook, 12040 W. Coldwater Road, Flushing, MI 48433
Parcel No. 08-18-400-013

Special Use Permit to Dig a Pond at 12062 and 12040 W. Coldwater Road,
Flushing, Michigan 48433

JEREMY COOK (J. COOK) AND DONALD COOK'S (D. COOK) COMMENTS:

D. COOK of 12040 W. Coldwater Road, Flushing, Michigan 48433 stated when the original pond application and drawing had been turned in to the building inspector, he found out there wasn't any connection to a drainage pipe. Another drawing was submitted to the Building Inspector.

D. COOK stated he had recently talked with his real estate salesperson, Todd Esterdahl, whose property is located behind **D. COOK's** property and recently had to redo his (Esterdahl) pond due to some flooding around his (Esterdahl) pond because there were springs in his yard causing the flow to go in the wrong direction; the water wanted to flow to the East side of Coldwater Road. After checking the area, it was discovered the drainage pipe was broken. There was a ten (10) inch pipe going to a fifty-four (54) inch ditch that crossed under Duffield Road. Esterdahl thought that perhaps Cooks, could connect the overflow to their (Cooks) pond and then into Esterdahl's pond and would keep the water level up in the Esterdahl pond. The ten (10) inch pipe that extended to the back of the ditch would eliminate having a rock quarry or wetland problems.

J. COOK stated with the elevation of the yards the overflow would flow into Esterdahls's pond and could be used as an overflow. A County ditch flows to Duffield Road.

COMMENTS FROM THE PLANNING COMMISSION:

- **DOYLE:** if thinking about putting all the excess water into another pond, **DOYLE's concern** would be as to how much flow would there be to the other pond and what would it do to the drain-off of the other pond; the water drains to the Northeast toward Duffield Road. Does the parcel in back of both of the **COOK** properties extend to Duffield Road? **COOKS** stated they did own property up to Duffield Road. **DOYLE** stated there was a culvert that crossed the road about 1,000 feet north from the corner of Coldwater and Duffield Road; the water from the West goes to the East at the particular spot. Would that be the area where Esterdahl's pond runs off? **D. COOK** stated that when Esterdahl had his pond re-done, there was a ten (10) inch pipe that ran North and South from his (Esterdahl) pond. **DOYLE** stated the natural surface water would drain in the particular direction. How much extra water would there be and would Esterdahl's and **COOKS** pond create a problem for the adjoining property.
- **DOYLE:** if the Planning Commission would allow the water from **COOKS** pond to flow into Esterdahl's pond and he (Esterdahl) has accepted the situation, the Planning Commission needed to know how much drain-off Esterdahl was going to have and would there need to be a filter or some other situation.
- **DOYLE:** does Esterdahls drain run from his pond to the ditch. **J. COOK** stated the water dumped into a small ditch that runs behind his (Esterdahl) property and the property behind going to the North. There has been an approximate 2 foot x 3 foot ditch that slopes behind Esterdahls property that Esterdahl's overflow pond dumps into (North) and then flows into the culvert on Duffield Road.

- **DOYLE:** there is another culvert further North of Duffield Road from the Esterdahl property.

DOYLE inquired from **JERRY FITCH (FITCH)**, Building Inspector: Does the water from Esterdahl's property drain in the direction indicated by **J. COOK**? It would make a difference on the recommendation of the Planning Commission for the **COOK'S** pond. **FITCH** stated there was a large drainage ditch on the property at parcel number 400-016 (per Exhibit A) almost one-half (1/2) mile from Esterdahl's property.

- **NEWMAN: there are a couple of technical issues that need to be addressed such as:**
 1. when there are two (2) or more adjoining parcels that are owned by different people and the pond would be located on both parcels of land, there has to be two (2) applications submitted with the request.
 - a. one application for one parcel (J.COOK)
 - b. one application for the second parcel (D. COOK)
 2. The request makes reference to **JEREMY COOK**; an application for **DONALD COOK** had not been submitted.
 3. **NEWMAN** stated technically there would be a special use for both properties so both properties would have to apply for the special use permit.
 4. If the special use permit should be granted by the Planning Commission, it would be granted for both **JEREMY COOK** and **DONALD COOK**.
 5. Due to the changes of the drainage, etc, there needed to be an updated drawing.
 6. **NEWMAN** stated the ordinance states the Planning Commission has to review:
 - 1) engineered plans drawn by a civil engineer or someone with similar qualifications; 2) the drawings then go to the Building Inspector for approval; 3) with the recent changes mentioned by **D. COOK**, there wasn't any way for the Planning Commission to review the issue prior to the Planning Commission Meeting; it would be unfair to both parties involved. The Planning Commission could share with the **COOKS**, what the Planning Commission felt they needed to have per the ordinance. **D. COOK** could then go back get the items and bring them to the next meeting; the Planning Commission would be fully informed.
 7. **NEWMAN** recommended that **COOKS** set up a meeting between themselves, one (1) or two (2) representatives from C & H, and the neighbor to walk the land so that nothing would be lost in the communication between everyone involved. The neighbor could actually state to the representatives that the water did flow in a particular direction. Contingency plans based on the walk and discussion and then resubmit the request.

AUDIENCE PARTICIPATION:

1. **Rob St. James, 6085 Duffield Road, Flushing, Michigan** – “lives on the West side of Duffield Road, five (5) houses North of Coldwater; he has lived at the address since 1984; the pond referenced has willow trees all around it; the pond sits in the field behind his (St. James) house; there has never been a problem with

the pond; St. James's next door neighbor to the South (Terry and Pam Peck) has a back yard that is lower than St. James' – in a heavy rain and the warmer winters, Peck's back yard floods like a lake for two (2) days before the water actually drains; there is a drain pipe running along St. James's and Pecks' property line from the field behind St. James house; the pipe runs underground at the property line to the ditch; the water then flows in the ditch that runs to the North; there has been times when Pecks back yard has been flooded out and it has continued to rain. The rain has been up to the shoulder of the road on St. James property. The water is like a river going over the top of the drive at the ditch at the area where the pipe comes into the South side of the culvert. Recently St. James has noticed the area, beside Peck's house, it looks like the pipe has split or separated because it looks like a geyser bubbling out of the ground. The property, between St. James's and Pecks' property, is pretty soggy for a period of time in heavy rains. St. James doesn't want to see anything that would contribute to the problem in his yard. **FLOWERS** wanted to know the size of the drain that ran between the properties. **ST. JAMES** stated the drain was approximately a six (6) inch drain.

LETTER OF CORRESPONDENCE:

1. **Christopher J. Cherwinski, 12033 W. Coldwater Road, Flushing, Michigan** – “had concerns regarding 1) a handful of homes in the area have shallow wells, 30 feet deep or less and 2) the water table in the area was in the past and still is approximately six (6) to eight (8) feet below ground level. If excavation is done would it affect the water table? Not only in changing the level, but also being a pond, chemicals might be used to control vegetation in the pond and just sitting water will have bacteria growing in it. Both could be a possible source of contamination to the ground water. If the concerns are not legitimate, Mr. Cherwinski has no problems with the excavation of the pond.”
- **DOYLE:** concerns from Mr. Cherwinski 1) thirty (30) foot deep well and 2) water table and chemicals. **DOYLE** stated the water would become a reservoir and would be good for the wells. As far as the chemicals, the ground would be a filtration before it would ever get into the wells.
 - **NEWMAN:** the ordinance required the deepest part of the pond be at least fifteen (15) foot. **NEWMAN** encouraged **J. COOK** and **D. COOK** to read *Article 18-1804 (bb) Ponds*. The construction person should also have a copy of the Article so that when the changes are drafted, the contractor would know exactly what was involved.
 - **DOYLE:** since the pond would include two (2) properties, the layout of the pond should be incorporated.
 - **NEWMAN:** if **COOKS** should be incorporating the use of something on another person's property, the drawing should be shown; documentation would also be needed from the other property owner. (The documentation would be used in case one property owner should sell his property in five (5) or so years).

- **DOYLE:** *Article 18-1804 (bb) Ponds* would take care of the General Provisions and Conditions, Applications, Design Requirements, and Conditions
- **NEWMAN:** recommended **COOKS** bring the drawings to **FITCH** as soon as possible because the way the particular type of special use permit works, the ordinance states the plans have to be reviewed and approved by the Building Inspector in advance.
- **FLOWERS:** would be very interested to know if the drain, that is at the other end of the pond would be tying one drain to one pond; the two (2) drains could create a very bad problem on Duffield Road.
- **DOYLE:** there would need to be a filtration or slow down process because water from both places would be flowing into the drain. It would be a combination of small ponds.
- **DOYLE:** a berm could be placed at the Northeast corner of the property; another berm could be placed at the South to divert the surface water to the North rather than to the East.
- **FLOWERS:** someone needed to determine the flow of the water so there wouldn't be a lot of water to Duffield Road.
- **GIBBS:** had two (2) concerns: 1) two ownerships on one pond – there has been problems in the past with joint ownership, would prefer to see two ponds and two owners; 2) the ditch on Duffield Road couldn't take any more water; **GIBBS** presently farms in the area and knows the layout of the land.
- **SWANSON:** recommended **COOKS** go to the Genesee County Drain Commission, Beecher Road, Flint, to determine if there were any County drains in the area.
- **NEWMAN:** recommended **COOKS** review the ordinance (*Article 18-1804 (bb) Ponds*) in detail; share the information with the engineer; have the group meeting between the neighbors; etc.
- **NEWMAN:** anticipated placing **J. COOK and D. COOK** on the agenda for the next regular meeting scheduled for November 13, 2006.

SWANSON MOVED, seconded by Flowers to postpone the decision on the matter of the pond until such time that **JEREMY COOK and DONALD COOK** can return. **MOTION CARRIED.**

VI. PUBLIC COMMENTS:

7:41 P.M. – OPENED TO THE PUBLIC FOR NON AGENDA ITEMS

7:42 P.M. – CLOSED TO THE PUBLIC FOR NON AGENDA ITEMS

VII. COMMISSIONER COMMENTS:

1. **DOYLE** stated there was still a lot of work to do; suggested there be a Special Meeting on October 23, 2006.
2. **PRATT** wanted to know if there was some type of overlay on the GIS system for drains, culverts, etc. Could the Planning Commission get an enlarged area of the particular site for such items as culverts, drains, etc.

3. **FLOWERS** reminded everyone of the Genesee County Metropolitan Planning Commission Meeting “Planning Prosperity Together” scheduled for Saturday, October 21, 2006 from 8:00 a.m. to 2:00 p.m. at the Mass Transit Office, Dort Highway, Flint, Michigan.
4. **NEWMAN** stated there would be a Special Planning Commission Meeting on Monday, October 23, 2006 at 7:00 p.m. Some of the issues to be placed on the Agenda: 1) Finalizing the language for updating the ordinances to be in compliance with the new 2006 Michigan Zoning Enabling Act, 2) Site Plan Review Checklists

VIII. MEETING SCHEDULE:

PROPOSED SPECIAL MEETING – MONDAY, OCTOBER 23, 2006 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, NOVEMBER 13, 2006 – 7:00 P.M.
PROPOSED SCHEDULED MEETING – MONDAY, NOVEMBER 27, 2006 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, DECEMBER 11, 2006 – 7:00 P.M.

IX. ADJOURNMENT: There being no further business, Chairperson **NEWMAN** adjourned the Planning Commission Meeting at 7:47 p.m.

MARK J. NEWMAN, Vice Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 10/02/06