

**Elk Rapids Township  
Planning Commission**

Special Meeting Minutes – Tuesday May 15, 2012

In the absence of Chairwoman Mischel, Vice Chairwoman Smith presided over the meeting.

Vice Chair Smith called the Special Meeting to order at 6:30 PM at the Government Center, 315 Bridge Street.

Present: Dorance Amos, Jean Derenzy, Jim Lundy, William Larson, Emile Sabty & Shen Smith.

Absent: Renee Mischel.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant. Audience of 9

**Adoption of Agenda:** M/S – Amos/Larson. Agenda for 5-15-2012 meeting was adopted unanimously.

**Approval of Minutes:** M/S – Lundy/Amos. Minutes for 4-17-2012 meeting were approved unanimously.

**Public Forum** – None

**Old Business** – None

**New Business**

**Presentations – Backgrounds:**

Prior to 4-24-2012 Ms. Heidi Shaffer from Antrim County Soil Erosion Control, and Mr. Bob Kingon from Skegemog Lake Association, met with PC Chair Mischel to encourage reviewing the Elk Rapids Township Zoning Ordinance on Shoreline Protection. They also requested a Special Meeting in May 2012 with the Planning Commission to address their concerns.

At the same time Ms. Shaffer was to make a presentation to the Planning Commission on the County Soil Erosion and Storm Control Ordinance. This presentation did not occur as a standalone at the meeting.

Ms Shaffer spoke using slides about the National Shoreline concept and how she believes that it is a positive approach to the re-establishment of native vegetation and native shoreline. It is a group concept that she is involved with to achieve common goals to develop technology that restore the shorelines to more natural stage.

Primarily there is new technology that can be used. The National Lake Association did a survey and found that the number one problem with fisheries is poor shoreline habitat such as predominant grass right to the edge of the water which does not provide any habitat or stabilization. They are urging people to plant the shoreline with plants and shrubs. The second problem they found was the high input of nutrients that come from fertilizing grass lawns at the water edge which keeps washing into the lakes. The native protection strip that is utilized is alright, but they would rather see plants there rather than just grass. Grass has roots of a couple of inches while plants have 2½ - 4 ft roots. The deep roots preserve the shoreline and help absorb the nutrients.

Elk Rapids Township has a Buffer Ordinance to protect the shoreline by leaving the designated Nature Strip undisturbed. When shoreline stabilization takes place it ends up hardening the shoreline that has vertical walls at its edge which become skewered by the incoming wave action and ultimately affecting and weakening the area behind the walls. The State now recognized that they no longer want to have seawalls or vertical rock walls because of the impact of the waves churning that area up in front of the shore. If someone wants to have a sea wall put in, it is now considered a major project category with a \$500 fee, while the natural shoreline concept which the DEQ is encouraging is considered a minor category with a \$50 fee. What happens with the seawall and the vertical rock wall is that the rear shore area habitat is destroyed as the shoreline becomes eroded and the fish habitat becomes destroyed.

Ms Shaffer proceeded to review picture slides of examples of seawall and vertical walls that are affected, and how hardened ice accumulation has had definite adverse effect in reducing the natural protection. Other slides and drawings showed how sloped shorelines are preferred as they do not show the adverse affect. Most of the slides in this part of the presentation came from a Site Plan Presentation folder to the ZBA that was prepared by Mr. Polinke on how the Coir Rolls with Cobble Stone would protect the shoreline, of Mr. Easton's lake property, but that in order to have complete shore area protection from the ice erosion effect, it would be necessary to remove the existing two mounds with their definite walls, grade the shore adjacent to the Coir Rolls placement and re plant it which at present is not permitted in the protection strip (see attached drawings). The presentation drifted towards Mr. Easton's proposed work on his shoreline and how it is a good example of what they are proposing. Mr. R. Easton was present at this meeting with his agent Mr. Mark Polinke of J P Landscape Architect.

*Background to Referenced ZBA Case – Mr. Easton is the owner of property in ER TWP at 11191 Mattes Drive which was the subject of a ZBA variance request. A variance request ZBA-108 for this property was denied by the ZBA on March 19, 2012. A summary of the ZBA case is: Mr. Easton had requested that the ZBA grant him a variance to, a) Reconfigure and rebuild the lake water edge area and install a shoreline erosion control system, b) Reconfigure and grade the soil and remove existing stumps within the 25-ft wide by 102-ft long Native Protection Strip adjacent to the lake shoreline. The ZBA advised the applicant that the first part of the request falls under the jurisdiction of the County/State with Township concurrence as needed. As to the second part of the request, the Ordinance Section 2.11-C, in particular, prohibit such work in the protected strip. Before the ZBA meeting Mr. Easton had met with Ms. Shaffer regarding the work he is contemplating and she encouraged the work he is proposing and expressed that in a letter she forwarded to the ZBA to that effect. The presentation she made ran parallel to the content of her letter to the ZBA promoting Mr. Easton effort. A copy of the letter is attached.*

Ms Shaffer went on to say that Elk Rapids Township had been firm in enforcing their protection ordinance which she appreciate and admire, but she would like to see the ability to be able to see these natural shorelines come into play. She did not believe that very often they would be needed to change the contouring of the shoreline, but occasions would happen requiring some work. She said that Mr. Easton's Site Plan documentation to the ZBA was highly commendable on its detail, completeness, diagrams and pictures. She used that document in making her address and indicated that what is contemplated to be done there should be a model of what she is advocating. It showed the ice effect on the ridge at the shoreline when left alone. In their proposal the slope fix of 3:1 at the shore and eliminating the vertical wall ridge would stop the ice jams from eating up the ridge. If left alone the ridge will eventually disappear, but it will end up in the water as sediment, something they are trying to avoid. She went on to state that they are asking the Planning Commission to review and if possible make changes to the Zoning Ordinance which would permit allowing some leeway when enforcing the Protection Strip Ordinance such as in Mr. Easton's case to allow installing the Natural Shoreline concept. She does not like to see someone reworking the shoreline and planting grass all the way down to the water, which would not benefit the lake. If someone putts in native plants acclimated to this area then that will provide habitat life. The need is for a stable shoreline that does not wash into the water. When the shoreline is stable we don't get active erosion occurring into the water ways.

Mr. Bob Kingon, from the Skegemog Lake Association (ESLA) and a participant in Zoning and Planning at Milton Township, made a brief address on shoreline protection supporting Ms. Shaffer presentation. He advised that their intent is not to have a common ordinance among the Townships on the Lake, rather, each have their own ordinance language that would allow an applicant requesting basic change or improvement to the shoreline area to be able to do such reasonable work. Some of the ordinances now in use forbid any such work. He spoke of the Milton Township new Zoning Ordinance and such changes adopted which they think that in the long run will benefit the lake shoreline. He reemphasized the points made by Ms. Shaffer and dwelt some on Mr. Easton's desire to work on his shoreline. Modifying the Zoning Ordinance to allow the new technology to be applied would be helpful to Mr. Easton.

He referred to the Ordinance at East Bay Township that utilize a managed buffer strip of 100 ft consisting of three tiers each allowing more gradual clearing inland. In resolving related problems from standards or dimensional restrictions applicable to the buffer area that cannot be reasonably developed, the Planning Commission would evaluate the site plan in accordance with their Ordinance and determine that the proposed site plan provides the maximum possible buffer strip while permitting a reasonable use of the property. The Planning Commission is used to resolve such problems.

Mr. Kingon stated that because the ER TWP PC meets quarterly, they requested this May Special Meeting so that if any changes are made they can be made before the end of summer giving Mr. Easton time to work on his project.

Mr. Sabty made a statement to clarify the ZBA decision process. The request for variance by Mr. Easton was denied by the ZBA which is final. That decision as it now stands is not appealable to the Planning Commission or to the Township Board. The applicant can only appeal the decision to Circuit Court. The Zoning Ordinance as written would not allow for a rehearing based on new undisclosed evidence. If what is being advocated at this meeting, to revise the Ordinance, is adopted and Mr. Easton seek to pursue his request, then the ZBA will consult with the Township Attorney as to the best process to follow.

Discussion ensued. Mr. Harrett the Zoning Administrator stated that should the ordinance easing of restrictions go into effect there will be no knowing of what shoreline work will be proposed in each case. Handling such a variety of requests will require a shoreline specialist to address such scientific reviews similar to a Site Plan Review Engineer who has to put his seal on and sign the Site Plan. The Township is not set up for that, and there may not be an inclination to get into that field. Most probable if such a suggested path is to be followed, then this work will end up going to the County for their review and approval, this being their suggestion.

Ms. Shaffer stated that with her background in this area, she would be helping out. Mr. Kingon stated that ESLA may have some members knowledgeable in this area that might help out. Mr. Mark Polinke of J P Landscape Architect, spoke briefly of certified people in that field that can do such work.

Mr. Nix, Planning Consultant stated that if there is consensus that the Planning Commission would want to pursue this meeting intent, review the current Zoning Ordinance and see if any change is appropriate to make shoreline preservation easier to accomplish and see if the Protection Strip requirement as it stands now can be reviewed to make the rules possible to work with in some areas, then he can study this and possibly have something for the Planning Commission to look at during the next meeting.

Vice Chair Smith with PC concurrence approved Mr. Nix suggestion and asked him to first coordinate and consult with others and then with the Township Attorney as to the feasibility of what has been proposed. He can email what the consultation decision is as to whose jurisdiction, how the various elements involved would fall in place, what would be expected and required from the Elk Rapids Township if we are going to proceed into this in the future. This would be needed before any such review and study is started.

**Correspondence, Public Comments** – None

**Members Comments** - None

As there was no further business Vice Chair Smith adjourned the meeting at 7:50 PM.

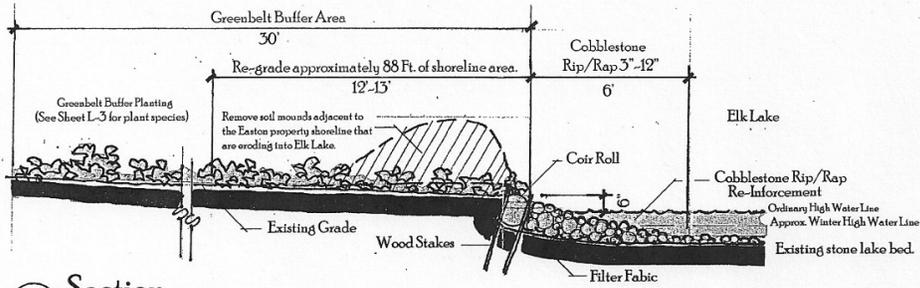
Next scheduled meeting will be on Tuesday July 17, 2012 in the Government Center, 315 Bridge Street.

E.S.Sabty, Secretary  
5-15-2012

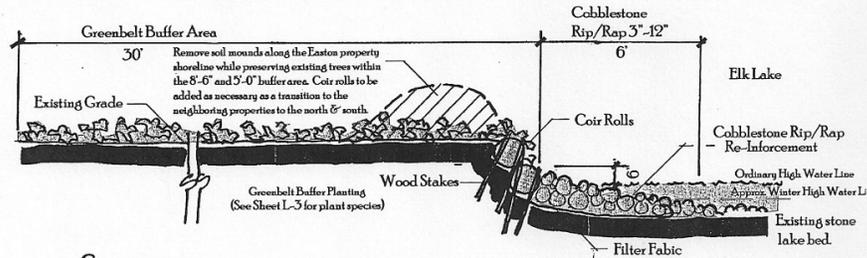
**Approved 7-17-2012**

Minutes are subject to approval at the next regular Planning Commission Meeting.

Two Attachments



1 Section



2 Section

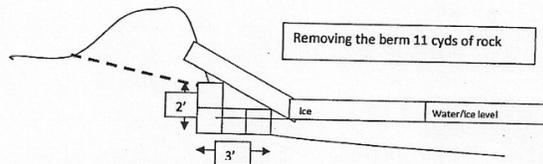
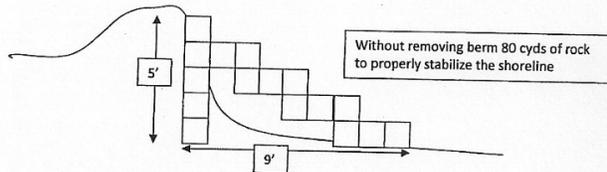
# Easton Residence

11191 Mattes Road  
Williamsburg, MI  
Elk Rapids Township

J.P. LANDSCAPE & IRRIGATION  
a Design/Build Company  
Traverse City, Michigan, 49684  
www.jplandscapeandirrigation.com  
Phone (231) 922-0859 Fax: (231) 922-0644

Scale: 3/8" = 1'-0"  
Design: MWP  
Project No.: 2012.001

Date: 2/4/12  
Revisions:  
Revisions:  
Sheet: L- 4



The concern with leaving the ice berm is that the ice will further jam and degrade the shoreline. The goal with this shoreline design is to have the ice ride up the rock and break off when it reaches the end of the rock. The plants that are planted at the shoreline will be dormant in the winter, so won't be damaged with the ice flow and the roots would help hold the bank.



March 19, 2012

Elk Rapids Township  
Zoning Board of Appeals  
315 Bridge Street  
Elk Rapids, MI 49629

Re: Ray and Jacquelyn Easton property; 11191 Mattes Drive, Williamsburg, MI 49690

To Whom It May Concern:

As a member of Michigan's Natural Shoreline Partnership, a certified teacher of natural shorelines for property owners, and soon-to-be certified Natural Shoreline Professional, I am a strong proponent of the natural shoreline stabilization JP Landscape & Irrigation is proposing for the Easton property. Zoning administrator Len Harrett should be commended for his dedication to enforcing ERT's greenbelt/buffer ordinance. Requiring lakefront property owners to maintain trees and minimize shoreline manipulation within the first 30' of the lake is critical to the protection of the lake's water quality and the edge habitat it provides.

The Eastons' plan is to plant an extensive native plant buffer at their shore, place coir bundles under the eroding bank, then front the coir with rock sloped to allow ice and waves to roll up the bank instead of causing erosion. Functionally, this will: filter stormwater, provide "up-north" aesthetic integrity, shade the lake, provide habitat for fauna, and stabilize the shoreline. My hope is the Zoning Board of Appeals will grant the variance and this project can be a model from which to base future development.

I have talked with Mark Polinko, JP Landscaping & Irrigation, about erosion control during construction. A turbidity curtain will be used to control sedimentation. We have also talked about possible staging and the use of silt fencing to further eliminate erosion during construction. DEQ Inland Lakes and Streams and Soil Erosion Control permits will be secured before the project begins. I also plan to be on site during critical phases of this project.

I apologize for not being able to attend tonight's meeting as my Conservation District Board meeting was rescheduled for tonight. Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Heidi".

Heidi L. Shaffer  
Soil Erosion Control Officer, Antrim County