

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MEETING
March 21, 2017**

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

Members Present: Kevin DePottey, Ed McCartney, Robert Widigan, Dennis Milem, Andy Suski, Susan Hyde, Ryan Bower

Others Present: Ted Henry, Zoning and Building Administrator; Ken Tucker, Attorney; Deanna Turner, Stenographer

APPROVAL OF AGENDA

Motion by Widigan, supported by Suski to approve the agenda of the March 21, 2017 Clayton Township Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES 2-21-17

Motion by Widigan, supported by Suski to approve the minutes of the February 21, 2017 Planning Commission meeting, as submitted.

MOTION CARRIED.

COMMUNICATIONS

MTA Planning & Zoning Training

Mr. DePottey said he had information for anyone who would like to attend the training on May 22 in Frankenmuth. Mr. Widigan asked if it is something he pays for or does the township pay for it. Mr. Milem said the township pays for the training. Mr. McCartney said he went to the last one and it was very good. Mr. Widigan said the early bird price deadline is April 24. Mr. DePottey said there is one more meeting before the deadline.

REPORT OF OFFICERS & COMMITTEES

None.

PUBLIC COMMENT

None.

NEW BUSINESS/DISCUSSIONS

FENCE ORDINANCE (DISCUSSION)

Mr. Henry said this item is on the agenda because some years back, there was a problem with a fence on McKinley Rd. between Calkins and Beecher roads. There is a 10-acre parcel with an old farmhouse and a six-foot stockade fence by the road. The current ordinance does not address a parcel over three acres.

Mr. DePottey asked if "A" addresses that item. Mr. Henry said he was told if the parcel is over three acres, there are no fence rules. Mr. DePottey said it should be in the ordinance. He asked what is the board's opinion on six-foot fences in the front yard. Mr. Suski said they should be no more than four feet. Mr. DePottey said three feet may be too short but four feet isn't too bad. Mr. McCartney said it's good to keep the dogs in. Mr. Suski added and gives some privacy.

Mr. Henry said the problem is with opaque fences; you cannot see through them. A chain-link fence you can see through. And it doesn't take long for a wooden fence to look old. Mr. DePottey said if it is not maintained. He added most dogs are kept in the back yard.

Mr. Henry said they are really dealing with larger parcels. Mr. DePottey said they could leave the front yard fence at three feet and eliminate item B off the whole thing. Mr. Henry suggested they add something reflecting farm animals or livestock. A three-foot fence wouldn't work.

Mr. Widigan asked why the need for a fence in the front yard. Mr. Henry said not in the front necessarily. Mr. DePottey asked if a fence would be under the "Right to Farm Act." Mr. Bower said the "Right to Farm Act" no longer exists as of the beginning of this year. Congress is redoing a lot of that bill. GAMP still applies. Mr. Henry said the farms do not have to get the permits to build but build according to state code. Mr. Bower said for a fence running around the road to keep cattle in, what do you do in a place like that? Mr. DePottey said he wasn't sure if "Right to Farm" would cover that. He said they can put in there to change B instead of acreage in the front, fencing for farm animals excluded. Mr. Henry said they are back to the same issue. Mr. DePottey said standard farm fencing is allowed. What is the standard for farms, a wire fence? Mr. Bower said barbed wire, etc.

Mr. McCartney to Mr. Henry, how high are the fences at said commercial business (?). Mr. Henry said five-feet and the one behind the building is six-feet. Mr. McCartney said he cannot see the trucks.

Mr. Suski said in the front of a house, they need something you can see through. He said someone is not going to spend the money on a six-foot fence if they don't need it.

Mr. Henry said the house he is referring to was busted for transporting animals across the county and operating a rescue farm. They didn't want anyone seeing in the property and that is why the fence was there. Mr. Suski said when you put in a fence like that, you are hiding something.

Mr. DePottey said they can allow the six-foot fence as long as it's see-through in parcels larger than two acres not to exceed six feet.

Mr. Milem said if they are going to change many ordinances, the extension course suggested they review them every year. Some call for public hearings.

Mr. DePottey said they can send the revision to the board to get their input and see if they want to change it or proceed with it or not. Mr. Tucker said planning cannot draft an ordinance and enact it anyway. They would have to send a resolution to the board, discuss making changes at the board level, and come back to the Planning Commission for a public hearing. They cannot proceed directly to a public hearing; they need authority of the board.

Mr. Henry said a lot of these parcels don't even have a residence on them. Mr. Suski said the verbiage could say 200-feet from the center of the road. If there is no structure, you can have the fence along the right of way. No stockade fences within so many feet of the road.

Motion by Widigan, supported by Hyde to allow front-yard fences 200 feet from the center of the road, less than 200 feet has to be a see-through fence. A six-foot fence is cannot be in the front yard unless your house sits back at least 200-feet from the center of the road. For fences and walls in commercial areas, 5 1/2 feet -- 8 feet is allowed. Mr. Tucker will draft a resolution to the board of trustees.

MOTION CARRIED.

INCOMPLETE LAND DEVELOPMENT PHASES (DISCUSSION)

Mr. DePottey said there are several examples in the packet. Mr. Henry said he is getting several calls to purchase parcels in Chase Park, Elms Road just north of Beecher Road. People want to buy a vacant parcel where the end of the development has stopped and the next phase was not completed. He has spoken to the County Road Commission and they said it is a county road. Mr. Henry said there are 30-acres and someone could put in a farm and use the subdivision road.

Mr. Milem said anyone can come before the Planning Commission and ask for special permitted use. Mr. DePottey said they can put conditions on it. Mr. Milem said or they just say no. He asked what if there is an association. Mr. DePottey said if there is an association, then roads are private. There are circumstances where some are public.

Mr. Henry said a couple divorced and the parcel was split with half the road. Mr. DePottey said you could still get a driveway through it.

Mr. Milem said farmers using the sub road to get to fields could result in people in the sub having a fit over it. Mr. Tucker said there is an issue in Lennon right now over that. Mr. Widigan said the farm stated, "I'll see you in court." He said there is an access off M13 and they told the farmer to start using it, however, he is not doing it. Mr. DePottey asked if it is a public road. Mr. Tucker said there are weight restrictions on the road but no one knows how they got there. Mr. DePottey said most roads are not class A roads. Mr. Milem said if it comes off "Right to Farm," what can be done. Mr. Tucker said they can enforce the nuisance ordinance.

A discussion ensued.

Mr. Tucker said if you develop an ordinance, you cannot target one group of people. Mr. DePottey added they are a farming community. He said there is not a whole lot they can do other than try to work out complaints between residents and farmers.

WATER SUPPLY (DISCUSSION)

Mr. Henry said someone wants to build a house in the Double Tree subdivision. They want to hook up to the public water supply and stay hooked up to it, however, they also want to drill their own well. Mr. DePottey asked if they want to use it for irrigation or lawn sprinklers. Mr. Henry said for driving. Mr. Milem said there is no ordinance against that. Mr. DePottey said they will have a water bill to pay every money. Mr. Henry said they do not trust the public water.

AGRICULTURAL BUDINGS ON PARCELS WITH NO RESIDENTS (DISCUSSION)

Mr. Henry said with respect to "Right to Farm," they will postpone this item until next month to allow for additional research.

ADDITIONAL ITEMS

None.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

Motion by Mr. Widigan, supported by Mr. McCartney to adjourn the Planning Commission meeting at 7:57 p.m.

MINUTES APPROVED BY:

Ken DePottey, Chairperson

Dennis Milem, Secretary