

**Minutes of Special Meeting & Public Hearing  
Crystal Lake Township Planning Commission  
7:00 PM July 28, 2021  
Meeting Room of Grow Benzie on M-115**

1. CALL TO ORDER at 7:08 pm by Chairman Greg Wright, after allowing time for attendees to sign the sign-in sheet, if so desired and if they wished to speak.

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Secretary Dr. Northway called the roll:

Present: Commission Chairman Greg Wright  
Commissioners Bill Herd and Mike Pasche and Dr. Bill Northway

Soon after roll call, Commissioner Lee Ewing arrived & Commission Chair Wright so noted.

Also Present: Zoning Administrator Tom Kucera  
Recording Secretary Jeannette Feeheley

Visitors: Forty-Five Visitors signed the sign-in sheet

Chairman Wright welcomed attendees and thanked them for their interest.

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: Chairman Wright had received written correspondence from Mr. Andrew Johnson supporting the Recreational Vehicle Park proposed expansion, and one from Mr. Dan Kelly regarding water treatments in Crystal Lake. Zoning Administrator Kucera reported receiving correspondence from Frankfort on their Master Plan Update; information is on the Frankfort City Web Site; first hearing will be September 15<sup>th</sup> at Frankfort City Hall.

5. APPROVAL OF MINUTES OF THE REGULAR MEETING OF May 26, 2021 AND SPECIAL MEETING OF JUNE 30, 2021

**Chairman Wright moved that the Minutes of the May 26, 2021 Regular Meeting be approved as written. Dr. Northway seconded. All ayes. Minutes approved.**

**Chairman Wright moved that the Minutes of the June 30, 2021 Meeting be approved as written. Ewing seconded. All ayes. Minutes approved.**

6. APPROVAL OF AGENDA

**Wright moved acceptance of the proposed July 28, 2021 Agenda. Ewing seconded. All ayes. Agenda approved.**

7. PUBLIC COMMENTS: Chairman Wright gave opportunity for public comments on topics other than the topic of tonight's Special Meeting. None were offered.

8. REPORTS TO THE COMMISSION

A. Chair Report: Read aloud Introductory Remarks he had written. He thanked the Crystal Lake & Watershed Association for their work. In Crystal Lake Township there is a remarkable consensus among residents that this is a special place we share that deserves protection. It is township residents, the watershed association and other community groups such as conservancies and trail groups as well as local, state and federal agencies, all working together, that has enabled the township to retain its rural character. Zoning is only one part,

but an important part. Zoning ordinances are implemented by the Zoning Administrator during the permitting process in consultation with owners, builders and landscapers prior to beginning construction. It's been nearly two years since the Planning Commission began its review of the Overlay. The proposed changes are relatively minor to an ordinance that has been in effect for 27 years. There is a lot of tension about tonight's meeting. He asked everyone to be civil and remember we are all friends and neighbors trying to do the best thing for the township. (Full Remarks are attached to these Minutes.)

- B. Zoning Administrator Report: Administrator Kucera reported the number of zoning applications is down at this point and the Recreational Vehicle Park application is not moving forward at this time.
- C. Zoning Board of Appeals: Nothing to report.

## 9. ELECTION OF OFFICERS

July being the annual time for election of officers of the Planning Commission, Chairman Wright asked current officers if they'd be willing to continue and said he is so willing himself. All officers are willing to serve again. Chairman Wright then opened it up for nominations. None others were offered.

**Wright moved that the current officers, Greg Wright as Chair, Bill Herd as Vice Chair, and Bill Northway as Secretary, be re-elected in their current roles. Pasche seconded. All ayes. Motion approved; current officers re-elected.**

## 10. UNFINISHED BUSINESS

- A. Watershed Overlay Ordinance Public Hearing:  
Revisions to Article 24, Article 2, Article 22, able 14.21.2.2

Chairman Wright opened the public hearing and announced he would read aloud, per procedure, the many written comments received since the last hearing. Attendee Dan Kelly stood to say that his 2000 word letter did not need to be read aloud. Chairman Wright thanked him and clarified that his letter about water treatments in the lake were not germane to tonight's topic. Mr. Kelly understood and said he would have different comments to offer later.

Zoning Administrator Kucera offered to give a slide presentation on the topic prior to the reading of comments. Chairman Wright accepted, mentioning that a lot of people are not informed about the ordinances and need more information, and that misconceptions have arisen. He asked Zoning Administrator to proceed.

Zoning Administrator's presentation included maps of the Watershed area and Crystal Lake Township, charts, graphs and explanations of zoning ordinances, districts, etc., including overlay districts in other jurisdictions and their purpose. He said Article 24 is the Crystal Lake Watershed Overlay and has been in existence since 1994, written almost 30 years ago. He also discussed Article 22 which addresses the entire Township, not just the Overlay, and he summarized what both Articles do.

Next, Chairman Wright began to read aloud the many written comments that had been submitted to be read at tonight's Public Hearing. Commissioners Herd and Ewing also took turns the reading aloud of written comments.

WRITTEN LETTERS OF SUPPORT (attached to these Minutes):

Writer Kama Ross, District Forester, Benzie, Leelanau & Grand Traverse Conservation Districts.  
Writer Mike Smalligan, Forest Stewardship Coordinator, Forest Resources Division,  
Michigan Department of Natural Resources.  
Writer Jill K. Baker of South Shore Drive and East Lansing MI.  
Writer Tassie Boshier, CLT resident, Crystal Lake & Watershed Association (CLWA).  
Writer Suzanne Freshour, Lake Township resident & riparian owner.  
Writer Monica Schultz, Glory Road property owner and CLWA member.  
Writer Eleanor Comings, Property owner in Watershed.  
Writer Mary C. Ferens, Lives in wooded community adjacent to Crystal Lake Golf Course.  
Writer Ned Edwards, Beulah, Member, CLWA Land Use Committee.  
Writer Steve Stephens, Lake Township resident.  
Writer Cathy Morris, Glory Road.  
Writer Ron Ahrns, Beulah.  
Writer Dave Wynne, CLWA President.  
Writers Jill & Allen Marble, lifelong residents, Township & Watershed.  
Writer Ellen Herscher, On family-owned property since 1940's.  
Writer Christine Kitzman, Lives on wooded ridge east of Beulah.  
Writers Amy & Jim Ferris, Jane Dennison, Susanne Glynn, & Ethel Fischer.  
Writer Marjorie Elliott, South Shore Drive.

WRITTEN LETTERS OF OPPOSITION (attached to these Minutes):

Writer Janet Morris, Landowner within the Township.  
Writer Whitney Grant, Hill-top property owner.  
Writers Gregory Yeich & Alison Yeich, Recently bought property on turn-around on Glory Rd.  
Writer Lucy Buckhannon, Landowner within the Township.  
Writer Roger Stow, Glory Road.  
Writer Ellen MacDonald, Glory Road.  
Writer Barbara Stow, River Road. Family owned property for generations.  
Writer Penny Herd, Glory Road. 4th generation land owner.  
Writer Daniel Herd, Family long time property owners in Watershed.  
Writer Sharron May, Adams Road, Owner of The May Farm.  
Writer Emery Gyr, Family owns property in Township.  
Writer Rebecca Howe, Near-future owner of shoreline & uphill property.  
Writer Cory Bissell, Former member, Frankfort Planning Commission.  
Writer Laura Herd, Family owned property over a century.  
Writers Andria and Thomas (TJ) Brown, Recently bought property within the Township.

At 8:38 pm, the written comments having been read, Chairman Wright turned to taking oral comments from attendees. He asked those in support to speak first, next those opposed, then there would be time for rebuttals.

ORAL SUPPORT VOICED BY:

Visitor Jill Baker, lives in East Lansing and property owner here, read statement in support.

Visitor Jane Purkis, has resided 50 years in Benzonia Township, active at Historical Museum, those on shoreline have responsibility but so do those on hills. Garlic mustard & other invasive plants move onto previous forested floors that has been lumbered. Suggests best practices for

forestry and land management.

Visitor Susan Kirkpatrick, strong support. Riparian owner and landscape architect with much experience. 27-year-old Overlay Ordinance needs to be updated. Trending is with larger homes, not traditional cottages. Listed 10 issues that should be required of riparian owners.

Visitor Sara Kirk, Benzonia Zoning Administrator and Landscape Architect who helped develop Benzonia Village's Master Plan. Steep slope soil surveys very helpful in that regard. Northeast portion of Benzonia Village is in the upland of the Watershed. Supports Update.

Visitor Roger Perry, Lake Township property owner, thanks Planning Commission & CLWA for their extensive research with so many experts. Supports Update.

Visitor Ed Hoogterp, Drain Commissioner but speaking as an owner and as involved in previous management plan. All issues go long way to protecting the lake, especially important on slopes. On hillsides, trees are our best friends. Difficult balancing act.

Visitor Paul Gerhalt, Professional Forester. Forests provide more service than just preventing runoff. He's been asked to advise on lots of properties, including 200 acres on Graves Road. More people are leaving the suburbs & cities with intention of making this like the suburbs they left. This Update will hurt his Foresting Management business but he supports it. He's a rural inland property owner and understands the concerns. There was mention of 50 acres of land in Beulah that was cleared and negatively impacted the area. Current ordinance needs refinement so it is more specific. Supports Update.

Visitor Jed Jaworski, Owns 2 century-old properties. Career in historic preservation. It's generally a sudden degradation of resources before one recognizes the impact and then they are gone. Been painful last 40 years seeing the degradation. All agree on lake quality and quality of area. Fact that he heard about this at 11th hour means there has to be time and a move to get more people on board and in favor of the Update.

Visitor Don Shore, Owner on Crystal Lake, Important what these folks have been saying. If pollution comes down from hills, long rooted plants rather than lawns on shoreline properties could help mitigate.

Visitor Elizabeth Rodgers, Land Use Committee, CLWA, said Sharon & Paul May and Penny & Bill Herd are doing great things with your lands but others who may not be as good stewards as you if we don't have protections with ordinances. The negative kind of development that has already occurred along the shoreline will soon hit the uplands. We don't want to blame the uplands owners who are good stewards. We want to support good stewardship.

Visitor Julia Frost Nerbonne: Ms. Nerbonne attended and instead of speaking, turned in with the sign-up sheet a written note supporting the Update.

At 9:16 pm, support in favor having been heard, Chairman Wright offered opportunity for those opposed to speak.

#### ORAL OPPOSITION VOICED BY:

Visitor Laurie Young, Owns property on Glory Road. They partially cut trees on their slope to keep a view. When they cut, they leave greenery intact. Forbidding them from cutting will not protect the lake. Update will destroy her property value. She objects to the thinking that it is objectionable to see her two old cottages on hills/lands they kept in good stewardship for years.

Visitor Travis Fleis, of Beulah and Benzonia Township on Crystal Drive. Tonight is first night we've had to digest this. Is a local contractor. Everyone agrees this is not about the environment. The argument is that now that I am here, I want everyone else to slow down. Not

fair. We're here now, but our children will have a harder time building than we did. Water areas all over Michigan support local school systems and their communities. Discouraging development around water areas is not fair; these people are paying a lot of taxes to support this county. It is contradictory to limit houses to one story and claim to be wanting to limit impervious surfaces because if people cannot build up, they will build out, creating even more impervious surface. So many people have not had time to digest this.

Visitor Randy Olsen, lifelong Frankfort resident and former CLT Planning Commissioner, agrees with some of the negative comments. Maybe Planning Commission should consider tightening regulations on lakefront properties. Perfectly manicured lawns within 10 feet of the lake makes no sense. Consider restrictions on forestry rather than prohibitions on the backlotter and uplands.

Visitor Ann Kullenberg, CLT resident for 24 years on Casey Rd. For example of good stewardship, said visit her house. Elephant in the room is not only the ordinance but also the interpretation and enforcement of any ordinance. She paid thousands of dollars to remove dying ash trees from her lot, but her neighbors did not and their trees affect hers. Does not want to jump through all these hoops next time she needs to cut down a dying tree.

Visitor Nancy Mullen Call, Eden Hill Vines, had two questions: She just heard about this last night. Do we have research on where the runoff problems are, and how does this Overlay Update interact with a vineyard operation like hers? Chairman Wright recommended she talk with the Zoning Administrator who could answer her questions.

Visitor from Bear Lake and Manistee, perhaps Mark Gunn (unclear). Update coming on people as a surprise. With Zoom, difficult to participate. If people feel this is being sprung on them, see if they show up to work on this together.

At 9:35 pm, having heard all those wishing to voice opposition, Chairman Wright offered rebuttal opportunity.

#### ORAL REBUTTALS

Visitor Forester Paul Gerhart, About hazard trees, do not worry – no one is prohibited from taking down a hazard tree.

Visitor Barry Hahn, Listening is what we have to do. There are caring people on the CLWA Committee but it takes time to get into the weeds. Listen to everyone.

Visitor Elizabeth Rodgers, CLWA Land Use Committee, To the argument to focus on where problems are: Problems are all of the above. All need addressing.

Visitor Tassie Basher, CLWA Land Use Committee, Misconceptions were in some of the letters that were read. The Overlay Update does not address single story homes, does not even talk about single story homes. That has been in the Ordinance already for years.

Zoning Administrator Tom Kucera, The Update is for specificity. Time has not been taken to read and understand what is being proposed. It only affects development and re-development and is a Zoning Ordinance only. Over time it will reduce the growth of those manicured lawns. This is a Zoning Ordinance. There are other Ordinances that are Police Ordinances, for instance, which are not part of Zoning.

Visitor Barry Hahn spoke again. Septic problem in our state is horrible. We don't need to use that as a distraction to this Update.

Visitor Dave Wynne, CLWA President, These proposals are tweaks to help the Planning Commission and Zoning Administrator enforce what is basically already there. Research shows

that every property in a Watershed impacts. These issues have been public for almost two years and the proposal is published on the Web Site. About Ridgeline rules – please read them before taking offense. About one story rules – please research before taking offense. It remains important to get this done as soon as possible.

Visitor Ann Kullenberg, Where are the slope maps? Answer by Chairman Wright – they are in the Zoning Administrator’s Office in the Township and are available for anyone to view. Clarification by Administrator Kucera – the current slope map was developed in 1994 and gives a gross, not specific view. We are in the process with cartographers and engineers to make it more usable and the new one will be posted just like the zoning maps are.

At 9:48 pm, rebuttals having been heard, Chairman Wright closed the Public Comment portion of the Public Hearing. Deliberations among the Commissioners themselves began. After much discussion among themselves,

**Chairman Wright moved that the Planning Commission approve the proposed Crystal Lake Overlay Ordinances Update and that they be sent to the Crystal Lake Township Board for their approval of the Updated Ordinances. Commissioner Pasche seconded.** Further discussion was held among the Commissioners.

**Roll Call Vote was taken: Ewing, yes. Herd, no. Northway, yes. Pasche, yes. Wright, yes. Four in favor, One opposed, Motion passed.**

B. Solar Energy Ordinance: Not taken up at this meeting.

11. NEW BUSINESS: None.

12. PUBLIC COMMENTS: No more public comments.

13. OTHER BUSINESS: None.

14. ADJOURNMENT: Chairman Wright adjourned the meeting at 10.14 pm.

Next Regularly Scheduled Meeting will be the Regular Monthly Meeting: 7 pm, Wednesday, August 25, 2021, at Crystal Lake Township Hall.

Respectfully submitted,  
Jeannette Feeheley, Recording Secretary

Attachments:

- Chairman Wright’s Introductory Remarks (CLT Plan Overlay Intro. 7.28.21);
- Slide Presentation by Zoning Administrator Tom Kucera (2021-06-30 Public Presentation);
- Written Letters in Support (PDF);
- Written Letters in Opposition (PDF).