

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES  
PC-2019-06, SILVERBELL POINTE PUD CONCEPT  
JOINT PUBLIC HEARING WITH THE BOARD OF TRUSTEES  
WEDNESDAY, MARCH 20, 2018**

The Charter Township of Orion Planning Commission held a joint public hearing with the Board of Trustees on Wednesday, March 20, 2018 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**

Justin Dunaskiss, Chairman  
Don Gross, Vice Chairman  
John Steimel, BOT Rep to PC  
Don Walker, PC Rep to ZBA  
Joe St. Henry, Secretary  
Scott Reynolds, Commissioner

**PLANNING COMMISSION MEMBERS ABSENT:**

Todd Garris, Commissioner

**BOARD OF TRUSTEE MEMBERS PRESENT:**

Chris Barnett, Township Supervisor  
Donni Steele, Treasurer  
John Steimel, Trustee  
Mike Flood, Trustee  
Penny Shults, Township Clerk  
Brian Birney, Trustee

**BOARD OF TRUSTEE MEMBERS ABSENT:**

Julia Dalrymple, Trustee

**CONSULTANTS PRESENT:**

Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.  
Mark Landis (Township Engineer) of OHM Advisors  
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**

Ted Farmer	Mike Pizzola	Michelle Tenaglia
Darran Powell	Keith Cook	Raymond Krefski
Sherri Powell	Andy Brunk	Kevin Crocker
Gale Mio	Victoria Butler	Sheri Crocker
George Mio	Thomas Butler	Sandra Dyl
Dean Chambos	Jen Williams	Kenneth Dyl
Julie Meredith	Kurt Stiller	Colleen Lawson
William Bach	Wendy Stiller	Chris Cullen
Conni Guinn	Christy Gearhart	Mike Williams
Joe Dzieciolowski	Lloyd Gearhart	Brian Monahan
Jennifer Dzieciolowski	Barb Tison	Jessica Rico
Katelyn Dzieciolowski	Cliff Messing	Bryan Corning
Mildred Ortiz	Rose Messing	Mike Connolly
Jose L. Ortiz	Jim Stokes	Linda Mills
Cindy Magdaleno	Denise Stokes	David Mills
Phillip Rico	James Weyer	Lynn Harrison
Carrie Mulka	Brenda Willson	Debra Walton
Steven Dow		

The Board of Trustees opened their Special Meeting at 7:05pm.

Chairman Dunaskiss invited the applicant to make a presentation.

Andy Milia, Franklin Property Corporation, on behalf of the applicant, Franklin Ridge, the owner of the property David Steuer was present as well as the Civil Engineer, John Thompson and Ryan Coopersmith from Franklin Property Corporation.

Mr. Milia stated he had a brief power point presentation to give an overview and then will welcomes all questions.

Mr. Milia stated that his development team along with King and McGregor their wetland consultant, because wetlands will be a significant part of the discussion.

Mr. Milia stated on the power point presentation the property is outlined in yellow and is on the east side of Joslyn Road south of Silverbell Road and north of Brown Road and the east side of the property is Mud Lake. It is 74 acres in totality, it is a beautiful piece of property, but it is also a challenging piece of property. The issues they need to deal with is the natural resources such as the wetlands, powerlines on the west side of the property and a railroad track. Mr. Milia noted they have been working on this for the last several years and most recently have been working with the Townships staff and Planning Consultant and has had a couple of work study sessions with the members of the Planning Commission to get further input.

Mr. Milia commented portions of the south and north are wetlands and Mud Lake, portions of the east are wetlands. The wetlands create some challenges for the property. They are proposing to develop on the upland area, small area of fill on the wetlands and the theme of the development is to preserve, just about all the wetland area at their natural state.

Mr. Milia said the objective is to develop it into a 54-home community on 74 acres, which is just under .73 homes per acre on a gross basis, including the wetland area. The high-end community will be bringing additional first-class homes to Orion Township. They are doing it in a cluster development, in a PUD to preserve the wetland area.

Mr. Milia noted what they are proposing to develop under PUD under the Current Master Plan for this property. The Current Master Plan is a single-family medium density, which allows up to 3 units per acre on the useable upland area. Their engineers have calculated that there are 28 useable acres of upland area, using a 20% right of way factor, or an 80% efficiency factor, gives 22.4 net usable acres. Net usable acres multiplied by permissible density of 3 units per acre would allow up to 67 total units on the entire parcel. The proposal is to do 54 units or 13 units less than the 67 units.

Mr. Milia inquired there are 50 homes in the main portion of the development, along the development road and 4 homes in the upland area on the north side of the development and the south side of Silverbell Road. On the bottom right corner of the plans there is also a portion of upland they could put houses in, but they chose not to, and to concentrate the development in the main areas. Everything you see in white outside of the lots would be protected conservation easement and the wetland areas and all the outer ring of the lots are very deep lots, those contain wetlands as well, that would be protected as a conservation easement. The homes would only be built on the upland portion of the lots.

Mr. Milia stated the benefits and the features of the PUD are the preservations of the woodlands, preservations of the wetlands and some of the other natural features. Because the lots are large, they can preserve land mark and specimen trees. They will preserve the wetland area and it has been carefully designed to just be included in the upland area. They are just disturbing a minimal amount of the area with road right of ways and utilities and most of the site is being protected. Because there is a reduction and only building 54 homes on a total of 74 acres less infrastructure, less community services. It does conform with the Orion Township Master Plan specifically for this site.

Mr. Milia commented they are two story colonial homes, high quality materials, in the range from 2,700 – 3,300 feet. There will be daylights and walkouts on the property to take advantage of the terrane over

looking the wetland area. Building envelopes are 3,000 – 3,600 feet, because they are two story homes, the homes and the garage will take up just over half of the building envelop, so there is a lot of flexibility in the envelop to do some front entry garages, side entry garages and a lot of flexibility to do with a quality home. The lots are proposed to be 80-foot lots, can accommodate a home of that size and quality. It was designed for the property to come off Joslyn Rd. to the east of the existing railroad. The railroad is currently dormant and doesn't come into play with this development. They do have it coming off Joslyn Rd. directly, so the entrance does not have to cross the railroad area.

Chairman Dunaskiss asked for comments from the public.

Sandy Dyl 1558 Nancy G Lane stated that this lake is the reason that she got involved in government 35 years ago, and she wrote it, not the current land ordinance the one before, and it was written based on the flooding problems in this area. She added that everyone knows about the 1.CFS, and that it is too fast for the area. She noted that she has a few questions:

- Where are the sewers are coming from, especially for those lots on Silverbell Rd., because sewer doesn't go that far west?
- If they bring the sewer in off Silverbell Rd., this is going to cause it to pass some homes that are not currently hooked up, who is going to pay for them to hook up? They must hook up if they are within 200 feet.
- The biggest concern is the flooding, both Mud Lake and Carpenter Lake are known for flooding, they have had flooding go up as far as over transformer boxes in people's yards. It is a significant concern.
- She added they had the flooding fixed, by a developer who developed on the other side of Joslyn Road, because the developer was able to open the drainage.
- Another concern is going to have impervious surfaces, with storm water. She is aware they will be having detention ponds, but that will be going into the shallow part of the lake, and if you look at the maps, that lake is bigger than it used to be, where they are showing the edge of Mud Lake, where it crosses the road on Silverbell Rd. That was not a lake before, and that is because that area is starting to get more and more storm water. That is the biggest concern in this area, what is going to happen to that storm water?
- When the wetland ordinance was done back in 1988, it was based on a study by the Clinton River Watershed Council that was done jointly with Oakland Township.
- She added the brown drain is an old Chapter 9 drain, they are limited to a million dollars to clean it every year and it never gets clean because you can't do it for a million dollars, so we all pay for something that we don't get.
- She stated that she was pleased to see that the developers concerned that they are sticking to the SE, this is the reason the property was master planned SE so that we would get that density down and she appreciated the fact the developer is doing what they are doing and she was aware that they are looking at doing something similar to Keatington.
- Her neighborhood is R2, nobody has an R2 lot, and the trend in the area has been bigger lots not smaller. The 80 acres next door was developed with 6 lots because of the concerns around the lake, they were sensitive to it so they did a lot-split as apposed to a development, but she would really ask to look at what is in the area, because the trend is not R2 lots. Her neighborhood is R2, but the lots are at least 19,000 sq. ft., they are not 10,000 sq. ft.

Brenda Wilson, 2006 Kinmount, she is pleased to speak to the Planning Commission regarding the 4 vacant lands. She wanted to focus on two of the rezoning elements she took from the Wetlands Ordinance (the current one) and from the 2015 Master Plan. The 2015 Master Plans stated the approval of a PUD should be dependent on no significant impact on transportation. Her point is, because she lives off Kinmount Dr., and the natural features of the area, which is the wetlands and their major purpose of flooding. The zoned proposal will impact transportation systems by adding approximately 108 cars to an area that right now, she must wait for people to let her in and out to turn onto Joslyn Rd. 108 cars within 2 ½ miles of 8, of the identified 10, highest traffic incident intersections in Orion Twp. The next part was about wetland litigation, any of the impacted areas, the creek that is in the back of her property flash floods

routinely. It floods into her property and beyond and this is only going to increase. When you shift any areas in the retention pond's they are all great ideas, however, it does not stop the actual impact of what is going to occur for her land and the people that are potentially going to be buying. The last element is public interest, and that goes to the ordinance, whether the public has the interest for this high-density housing. In the Master Plan they were asked the top two things that they loved about Orion Twp., were access to Park and Recreations 74% and access to open space at 65%. The least favorable features of Orion Twp. are, traffic congestion at 80%, inadequate road maintenance at 55% and new development not consistent with community wants and desires at 42 %. She is aware the roundabout's have relieved traffic on the Baldwin Rd. side not the Joslyn Rd. side. She also stated the limited housing option was one of the least favorite features at 4%. When they were asked about the importance of housing only 9% thought that it was very important for Orion Twp. to address single affordable housing. She stated the wetlands are home for song birds, eco system they rely on to protect their current property. If the property must be developed, keep it where it is at with the current zoning, and use and enforce some low-impact development manual that is referenced in the Plan. 45% of the public from that 2015 Master Plan said that they have no interest in new residential development. The individuals that were interested wanted to see development of at least one acre per land unit.

Gale Mio, 3949 Mio Dr., The Land Use Act that was passed, in the last sentence under single family medium density definition states the correlating zoning classification is the SR zoning districts with a minimum lot size of 3,000 sq. ft. She added she would like to see the lots at least 3,000 sq. ft., if there are going to be homes there. She doesn't want any filling of the wetlands or anything around there. She would like to have them preserve some of the forest, deer live there in addition to the song birds. She would also like something done to improve the roads, especially Joslyn Rd., where they are planning to build the 4 homes. Silverbell Rd. is crumbling and Joslyn Rd. there is a traffic problem, not sure if they can widen it? She stated if they build more homes there, the lake water is going to go up and it is going to be more of a problem.

William Bach, 1875 Kinmount, he wasn't sure how many people live around the lake or next to the lake or walk through the woods. He stated it is fed between 3 lakes, and a lot of developers don't know that. They had two houses being built in between Hopefield and Kinmount that made Josey's farm and many other houses collapse. It used to be where living here was a vacation. It has become more of a hassle with all this development. He hopes they understand and reinforce and make the best decision for what is right for the land and the eco system.

Jessica Rico, 1849 Kinmount, stated that she spoke with Chris Bunch, Executive Director of the Susie's Rivers Land Reservation. Chris expressed serious concerns with any development in this area, because this is a watershed of Clinton River. Clinton River is facing a lot of issues with development and it is leading to a lot of flooding, like a few weeks ago her basement flooded. She said this area cannot sustain this kind of development. She appreciates the developers concern and trying to move things around, but there is no way not to preserve that area. She noted that she is very interested into a preservation easement, looking into a crowd funding for a preservation easement and something to preserve. She stated she is very concerned that this land is turning into something that it is not. She commented that her only outlet (from her sub) is Joslyn Road and she can't get out in the morning. She stated with 108 cars, she can not even imagine that kind of traffic, right down the street from where she lives, having to look at the lakes that she grew up with being developed. She does believe that it is not in the best interest of our Township to have this built or rezoned.

Mike Gearhart, 2032 Kinmount, he is concerned with 54 houses and asked if they are going to put in wells or is it going to be city water? He stated this is going to mess with the residents, water tables. If they put in wells, he will have to put in a well and he can't afford that. If they put in sewers, he will have to put in sewers, his wife and him are both retired. He added the Herons come back every year, and nest right behind his house. He commented they have mature trees, oak trees that are about 3 foot thick. He noted whenever new development comes-in they cut all the trees down, and then build. He stated there is not enough land, he has hunted and walked the land, there is a dump, stuff buried, and dumped tires back

there. He said right now he can't walk in the back of his home 30 feet or he will sink into his ankles. He has put a berm of dirt up against his fence to keep it from flowing, from keeping his dogs from getting wet, otherwise he would have 15 inches of water. He stated the traffic, he hears people's breaks all day long. If you leave in the morning to take a kid to school, and in the evening, they are commuters and they do not care, they will run you over to go where they need to go. The speeds are excessive of 80 miles an hour at different times. Too much traffic and noise, not enough land for the houses. He commented he is on a ½ acre with 1,500 sq. ft., on one side he has about 10 feet from his neighbor and the other side he has 20 feet. He noted these colonial houses they are putting in, 3 of them on an acre. He doesn't know who is doing the math but ½ acre with 1,500 sq. ft., he can almost touch each side. Someone has some calculations wrong.

James Wire, 2006 Kinmount, he noticed on the plan that the back lots are going to be in the wetlands. This is private property that people are going to be owning, how can they insure they will continue to be wetlands? He understands the Township Master Plan is not a strict code but a guide. It states that much of the undeveloped land is heavily wooded or is wetlands, providing an ideal habitat for wildlife. These large expansions of unspoiled land help to impart the rural image the residents consider so appealing. He noted the key term was "unspoiled" in the vacant lands. He stated on page 27 of the plan, it says that residents have been attracted by its lakes, wetland, woodlands, rolling topography, and open spaces. These features are not only significant because of the strong appeal to residents, but also because they constitute a functioning eco system that has been "unspoiled" by human activity. He commented these lots are described as "scrub shrub wetlands" and are part of the Upper Clinton Watershed. He said replacing these wetlands with the impervious services of pavement and buildings would degrade this watershed. He then noted the plan stated that the Upper Clinton Watershed results shows streams that impacted to a greater level by development. Future development will push these streams almost to the non-supporting classification. In addition, Joslyn Road already floods at Judah Lake, particularly at Hopefield Dr. He noted the spoiling end of the wetlands, and he is using the Master Plans own verbiage, will contribute to an increase in stream-flows, following storms, as the ground will no longer be able to absorb runoff. The stream running adjacent to these parcels under Joslyn Road to Judah Lake will be particularly affected. He commented section 5 of the plan concerns storm drainage and recommends low impact development using techniques to minimize storm water runoff including the preservation of wetlands. The planning also states, "rezoning or planned unit development proposals would increase the density of development and population of the Township should be discouraged". It encourages quality housing and low and moderate densities to maintain the rural suburban character of the community. He stated he understands the Township Master Plan is not a strict code, but when it comes to these lots and unique placement in the Upper Clinton Watershed, as vacant wetlands the plan should be followed. He noted this rezoning is inconsistent with the plan and should be discouraged. careful attention to Township policy should be practiced by the Planning Commission. He said this PUD provides no recognizable benefit, is not consistent with the character of the adjacent areas, will degrade the road network to the point of inefficacy and will impact the existing natural features, particularly the water absorption, wetlands, the result in storm runoff and the impact on the Upper Clinton Watershed. He noted the lots are vacant please keep them that way.

Andy Brunk, 1545 Nancy G Lane, he said he has a piece of property on the waterfront of Carpenter Lake and purchased it 4 years ago. The listing for the property went as such "No need to drive 4-hour to vacation in northern Michigan, welcome to Lake Orion's best kept secret. Perfectly situated on all sports private lake enjoy sunsets everyday with unobstructed views from every window. This home will offer you and your family year-round fun, just minutes away from anywhere you want in the I-75 corridor". That is the appeal of this lake. He noted when he gets in his canoe or kayak and goes around the lake, that is what it feels like he is up-north and the development will inevitably change that. He stated he didn't know the responsibilities of the Planning Commission, he does have concerns how the older homes will fair, in competition with the new developments. He commented the residents on Mio Dr., those developments went in at some later time, and he thought they were thoughtfully planned, they were larger lots, larger homes on these lots. They did it in such a way that the homes beautify the area. He commented he does enjoy seeing these nice larger homes in the area, and thinks it is very appealing. He stated he doesn't see

how lots 1-13 are going to add any appeal to the lake. He believes it will be a problem. He stated we should be very cautious we don't get into a Voorhees Lake situation. These lakes are very small, and they can't handle the additional 50 homes if these homes end up having access. He said he doesn't see in the plan where it specifies one way or the other, how these homes are going to impact the traffic on the lake. Will these homes have access to the lake? There are already 2 accesses to these lakes, both Mud Lake and Carpenter Lakes are affected by each other. When he puts a boat on Mud Lake those boats can come over to Carpenter Lake and vice-versa. The accesses are on Carpenter Lake and so we use a straight to go through Mud Lake. He asked how is this development going to impact that dynamic? He stated he recently had about 5 inches of rain and he lost 15 foot of property, because of the 5 inches. Now it is down again, but every time the lake goes up 5 inches that is what he loses. He doesn't understand how this drainage is maintained, but with this change, is it going to be worse? He is also concerned about the schooling and having a 100 extra kids in Carpenter School with a rezoning. He really wants to know how many of these homes will have access to the lakes and how the covenants are going to work? Are there going to be more boats, are there going to be more jet skis? He can see more contention if you put more jet skis on, especially when they are upper level homes. These people will be affording and desiring to use the lake more frequently. Lots 1-13 are going to be very unsightly and that there will be blight issue there.

Sherri Powell, 2124 W. Silverbell, she stated she has lived here for 22 years and has been a resident for 35 years. She commented it is like living up north when you are in her back yard. She said it isn't going to impact her as much as the other neighbors because they are only going to put 4 homes on Silverbell. She noted one of her concerns was they already had a cut-through on Silverbell, which means people with continue to cut-through and the speed, roads and the water. She stated her quality of life has been great, she loves her neighbors. She believes the water will affect her neighbor's property. The water goes under Silverbell and floods out the second lot. She doesn't agree with zoning it to a PUD at all and is opposed to having it developed at all. She stated Joslyn is always backed up. She was wondering where the entrance was on Joslyn? How close is it to Silverbell, as opposed to Kinmount? She commented in 22 years she has seen the habitat go away like the snapping turtles. She doesn't believe it needs to be a PUD, it is too much.

Tom Butler, 4080 Silver Valley Road, he wanted to speak about the natural basin that holds water and holds it down. He noted there was a tone of wildlife, and has canoed through the upland land, all the way from Carpenter Lake to Joslyn. He stated he doesn't think the fish there know that this is land. His concern was the land around it is already saturated. The Builder may have retention ponds, detention ponds, that is for their building sites. Meanwhile, they are displacing 54 acres of water, where will it go? He added basically they are getting new revenue from new homes, and the residents that live here will eventually have to pay for ways of getting rid of this water, sewage updates etc. He thinks when you look at the roads in the area, you are looking at roads that are constantly in disrepair, due to the road bases are saturated with water. He noted last Thursday his basement flooded. He has lived there 20 years and has been digging drains constantly. He said the house across the street was ill advised to build a house there. He wasn't sure why the township allowed them to do it. He believes that the house had been for sale for 3 years, people look at it and he believed that as soon as the people walk the land and their feet were soaked, so they walk away. He wasn't sure what will happen to that house, and he is stuck across the street looking at it, and so are the rest of his neighbors. He hopes it doesn't go through at all, he doesn't want one more unit back there. He believes they have a very good thing the way it is, and you don't appreciate the benefits of it until it is gone. He is hoping that they turn this down.

Ken Dyl, 1550 Nancy G., he has lived there for 40 years, and he is wondering if we left the zoning as is, and take the wetlands out of the consideration, how many viable spots are there really to build on? His next question is what does the DEQ think about this? They are strict about the rules and regulations regarding the water. He stated he moved here to get out of the city, he would love to see it stay that way. He is concerned there is going to be a lot more problems with the additional houses coming in. He doesn't think he needs any more trouble, and the Township doesn't need any more trouble dealing with all the water, flooding over the roads. He commented there is a lot more going on here than people actual

realize. He added he hopes that PC considers all avenues and really sits down and hash this thing through.

Cliff Messing, 1680 Nancy G. Lane, he has lived there over 25 years, and he doesn't see how more traffic and more congestion will benefit Orion Township. He stated this is not compatible with the slogan "living as a vacation". He noted in 25 years, he has not had a problem with flooding and hopes that it doesn't change with this development. He commented these are small lakes and with the jet skis and boats you can hear them all through the neighborhood. He said these builders come in, build a house and leave and then they will be stuck with all the problems they leave behind.

David Mills, 2023 W. Silverbell, he had some questions regarding the recognizable benefit for a PUD. First question is, preservation of natural resources, but limited to wetlands, specimen trees, open spaces, wetlands and hills? He stated when he sees the proposal it looks like there is going to be some serious deforestation, in order to put that many houses in that area. He noted the back of the lots will be encroaching into the wetlands. He added if they don't rezone, these two issues would not have to occur. He commented rezoning to put that many units in over what it is currently zoned for, how it could possibly improve that? He has looked at the plans and hasn't seen any indication of improvements in the ascetic qualities of the development itself such as unique design site features, extension landscaping or safety pass green-way connections? He is interested what the developers have planned to meet that rezoning criteria?

Doug LaLone, 1639 Nancy G. Lane, he stated he has one acre with a house 150-foot lake frontage. He noted he is opposed to this development 100%. He has submitted a letter to the township, dated March 22, 2019, and is a 3-page letter. He asked in the letter, what impact will the proposal have on their eco system? He enjoys the eco system, they kayak, paddle-board, the jet ski, they go to the north-point of the Mud Lake and watch the sunset. He noted there are 7 homes on Mud Lake now and 12 homes on his lake, and now they want to add 54 homes, can you image the traffic will create to his lake? He asked will the potential home owners, have access to the lake? If so, what will that do to the lake as far quality of life of the people using the lake right now? He does fly fishing and other sporting activities on the lake. What will this impact of 54 new homes, and potential 108 new cars and the runoff have on the quality of fisheries? He asked to go to page 2 paragraph B of the letter, "what is the advantage of the local citizens in approving a change in the zoning from the SE current status". He wanted to point out from item #10. Look at PUD 11-1.0, it calls for 1,557 trees will be removed, and it calls for 1,247 trees to be paid into a replacement fund, what is a replacement fund? And what is the impact to the eco system for replacing/removing those trees? He encouraged the Commission to look at PUD #3, there are lines drawn throughout, where they are wanting to fill-in the lake. There are also lines drawn on the other side of the wetlands where they want to fill-in the wetlands. He added he is not permitted to fill in the wetlands or the lake on his property.

Christy Gearhart, 2032 Kinmount Dr., she stated she is already having problems taking her grandchild down to the bus stop and it is hard for the bus drivers. The road doesn't flare out like it should. She noted there are vulture's, deer and all kind of wildlife that live back there. She wanted to know what they were going to do about the wetlands, making sure that they are preserved? She commented you can't because they are not doing it at the end of the street at Hopefield and Kinmount, someone is trying to fill-in and build a house. She said the trucks came through with dirt last spring trying to fill it in. She noted she can't use part of her yard, they had to put up another fence so that the dogs don't go into the water. She commented they are going to replace little trees, but what about the big trees? She asked how are they going to litigate the wetlands, preserve them? People are going to do what they want.

Jen Williams, 4360 Cornith St., she noted Carpenter Lake is across the street from her house, and she uses the lake regularly to kayak, and has a 20 ft. boat. She added even with one boat on the lake produces a big wake. She can't image if they had 54 new people coming on the lake with a big boat or jet skis? The water would be everywhere. Another concern is, by her house there was a project where trees were cut down, and she had flooding on her property and the project started 3 years ago and they still

haven't completed the project, so her concern is if they start a project like this how many years is it going to take? She commented while you are trying to fix these wetlands that are getting destroyed, the time period in between doing it and have it done, where is the water going to go during that time? She noted the wet spot near her house has doubled in size when these people that are trying to build started tearing down the trees it just doubled in size. She added that she enjoys the sunsets on her lake and for a kayaker she doesn't want to go over the waves on a kayak.

Carrie Mulka, 4316 Cornith, she stated they have lived there for 25 years, they moved here because the traffic was horrible on the east side. She added she has watched swans come and have babies ever year for 25 years. The eco system will lose their habitat. She noted the swamps are a filter from the toxins, from eagle valley, from the dumps, from GM. They filter out the toxins for their water and our lakes. If their lakes get all those toxins the lakes will die. She stated the water is horrible, last Thursday's storm, the sewers at the end of Joslyn couldn't take it, and it flooded, and it took out her hill where 14 of their houses are at the bottom of the hill. They barely had one track, that was the water coming from Joslyn down the street, trying to get to the lake. She noted if they take all the wetlands away there will be nowhere else for the water to go. She was told, years ago, Silverbell and Nancy G got sewers and paving was paid for because of the quality of water in their wells. If this proposed goes through and makes all their wells up and down Kinmount, who is going to pay to have city water, new wells, sewers or paved roads. Most of them can't afford it. She also stated she doesn't want to lose all the wild life, that is why she moved here and is greatly opposed to this development.

Wendy Stiller, 1370 W. Silverbell Road, she noted she has looked at the wetlands map and her big concern is the homes lots 1-29 and 51-54 on Silverbell would be in the wetlands. She commented the wetlands are full, they are being used by the birds. She stated she doesn't know how to control the fertilizer that would be used by the homes?

Comment from someone in the audience, they thought they have a legal right to the environmental Site Assessment report, and if that has been already done, has it been made available as well?

Barb Tison, 1655 Nancy G. Lane, she has lived on Carpenter Lake for over 47 years, she can't even imagine that this would go through, she didn't take it seriously, but now is really unnerved about it. She stated that she remembered when the GM plant went in and everyone said it would be no big deal, and then her lake would flood, and she would lose 1/3 of her back yard and all her shrubbery. She said it was her job to call GM and tell them to close the gates, because too much water was coming through. She commented when she sees these retention ponds, it just scares her, because she knows that things can go wrong. She is hoping they will think this through and hopes they take it seriously, because it is a big deal to the residents that live there.

Brian Monahan, 3876 Silver Valley Dr., he has lived around Carpenter Lake for over 10 years. He is concerned about the wetlands, and what is going to happen to the water and the drainage issues? He stated they have an area like this, the next closest thing like this was the Silverdome, that hole needed to be filled. Where did all the fill-dirt come from? Where is all the fill-dirt going to come from to put all these houses in? He doesn't believe that all the wetlands are going to be preserved. He is concerned where the dirt is going to be shipped in from? What toxins will be in the dirt and what is that going to throw into Mud and Carpenters Lake? What is that going to do to the environment around them. He stated the big discussion was about all the garbage trucks, and the weight of those effecting the roads and how they were breaking up in his area. What is going to happen with all these dump trucks, all the weight of the fill-dirt coming in on these roads? And how is that going to impact everything?

Chairman Dunaskiss stated he was going to turn it over to his Secretary to go ahead and summarize the written communications and have him go ahead and tally those up on how many are for and against.

Secretary St. Henry responded the township received 15 letters from community members and all of them opposed to the development. Most of the residents submitted a form letter that addressed several issues.



Many of them discussed during the public comment section today. He stated rather than reading the letter he would summarize the concerns that came up. The impact on the wetlands, on the forest areas and the impact on the natural features of the area and the animals, concerns outlined in the form letter as well as others about fertilizer runoff into the wetlands and into the lakes. Concerns about the flooding's in the area, as well as the impact of additional traffic on Joslyn and Silverbell Roads. This was very consistent with the one form letter that was submitted that different folk's signed, and other letters that people submitted.

Chairman Dunaskiss asked if there was a final tally or a tally those up, how many, and tally those for public records.

Secretary St. Henry replied there were 15 against and 0 for.

Chairman Dunaskiss asked the Township Board for their questions and comments.

Clerk Shults stated she is a Clerk for Orion Township, but she is also a resident on Mud Lake. Her and her husband live at 1770 Kinmount Dr. She is not able to comment on this because it would be considered a conflict of interest. If they vote on this as a Board tonight, she will have to recuse herself from voting, because it would be considered a conflict of interest. When the Township Board of Trustees also decides on this after the Planning Commission has reviewed it, she will have to recuse herself for the same reasons.

Trustee Flood made a motion to recuse Clerk Shults, seconded by Steele, from discussion or voting on this as a Clerk. She still has her constitutional First Amendment rights to address this as a resident, but as a Township Clerk it would be a conflict of interest as your property is within the 300-foot radius and possibly abuts to the development, and that is his motion. **Motion carried.**

Trustee Flood stated he has been a life long resident, and shares their pain, he has seen every development in the community. He doesn't like change either, but it is inevitable. He said is why they have the process here with the Planning Commission and the Township Board, and they try to do what they think is the best for the whole community. He thanked all the residents for showing up. He noted that he does hear them. He then noted they do have to protect the private property rights of any individual that lives in the Township. We all own our own homes and property and this parcel too is private property, guaranteed by the constitution, whether you can stop the development, is this the right development, that is why they are going through the process. Currently as zoned, someone could probably come to the Planning Commission without having to go through any public hearing, if they did a regular zoning. That is not the case here, they are doing a PUD. The Planning Commission will make a recommendation to the Township Board. Ultimately the Township Board will have final say on this. We have faith in justice in our Planning Commissioners and our Consultants on doing what is right and following the letter of the law and protecting everyone's rights. The major concern he shares with them, is the eco system. We all know how it is in the community, especially in this one area, near Judah, Carpenter and Mudd Lakes, the Clinton Water Shed, he too wants to preserve that. That is why there are State and Township laws that regulate this, and it is up to the officials to make sure that everything is done right. As we know in the past, some people have done things that are not right.

Trustee Flood noted that his one concern is a traffic study, density, setbacks, and the wetland preservation. If there was ever a reason why they enacted a Phragmite Ordinance in the township, this is a perfect case for why we did that. Trustee Flood saw there were already Phragmite's in there. They will drastically affect your eco system and is why they have been proactive in developing, that with all the properties in the township.

Trustee Flood added he is a proponent of when they do these PUD's doing a one trash hauler so it will save 15 refuge trucks coming in and out of your community 5 days a week.

Trustee Flood noted he served on the Fire Department, when they talked about putting in the access road in off Jam Road, the current road is there, emergency road, so that they can get into Hopefield and Kinmount. He was back there about a year ago, where the road dead ends and he isn't sure who's responsibility it is to make sure that the road is still drivable and cleared for the emergency trucks, regardless if this goes through or not, that must be maintained. Who is responsible for it, he didn't know but he thinks he can find out? That is to protect the residents of Hopefield and Kinmount, if the railroad tracks ever get used again. Thankfully, GM is not using the rail for coal, for car haulers or for any of these parts, frames etc. That could change down the road, and that track could go back and be used again. He noted he was real concerned about the safety of making sure access road is maintained no matter who is doing it.

Trustee Flood wanted to remind everyone when they close out the public hearing portion of it, this is not over. We will be leaving the room, and then the Planning Commission will be taking this up as the next thing on their agenda, so please stick around.

Trustee Steele commented she appreciates both parties coming out and appreciates the developers wanting to develop the land, because they do have rights to the property. She also appreciates the neighbors coming out because it is important to express your concerns of these developments as they come in. She stated she drove by it tonight in the rain, to get a better feel for it, it is a little muddy over there, so she is aware that the water is present. Her concerns were on Silverbell having 4 more driveways on the corner, she thinks that it is cumbersome, and the wetlands are really close to the road, so she is curious on wetland delineation for building on those 4 lots on the corner. She is sure there is a safety path in there somewhere she hasn't been able to see it, that is very important, especially down Joslyn because there are no safety paths going to Brown Road, and she feels it is important to have that as a public benefit. She did not hear what the public benefit was, maybe it didn't stand out to her? She noted that improving the road would be a huge benefit. She is also concerned about the density and the wetlands and she thinks that the DEQ will pay close attention, and the Planning Commission will too, so she defers to them for that.

Supervisor Barnett commented that he originally got volunteered to be his home owner's association Vice President back in 2000, when he was fighting the development that was going in his backyard. He stated he showed up to the HOA meeting and said we can't make this happen, and they said that is great you are here and have a pulse you are going to be Vice President. He said that he got more involved and now he serves as our Township Supervisor and he greatly appreciates that privilege. He added he understands where the residents are at and the level of anticipation, frustration and how in the world could this happen, he gets all that. He wanted to state that this is a long process, the PUD process is not going to be determined tonight. There is a concept approval and there will be a final approval if the concept approval goes through and in between there, generally there is several months where a lot of those questions will be answered. If they are not answered then ultimately, they have seen it both ways, where projects get approved, projects get scaled back. He noted he shares the same concerns that have been mentioned by more of the residents. It will be on the developer to address the concerns with wetlands, traffic, traffic studies, density and setbacks. He agrees with the invasive species, phragmites which will harm your eco system more than houses will. If you are not educated on that, that is something we have been taken a real aggressive approach to, because we do have 42 lakes in our 36 square miles. All that said the property is not park property, we have about 30% of our land mass that is park property that will be park property. This is not, this is private property. He added, in the 6 ½ years he has been Township Supervisor, they have had approximately 10 meetings with on this property with potential developers. People have come through that wanted to build everything from multi-family condos to single family. Generally, he does like the trend of going less dense and not more-dense in the things that have been proposed. Everyone should be cognizant that it is private property, people have the right to develop their property, it doesn't mean we are approving this. Everyone on the Board are your neighbors, they all live in the community, and generally are volunteers everyone gets paid a little bit of money. Penny, Donnie and he are full time elected officials and they get a little bit more money because this is their full-time jobs. He said they do care, he also understands there are rights to the property owners, not just on this property but

on any property. That is why we have the consultants that work for us, all the approvals that would be required if anybody were to build one house or 54 with the DEQ and the DNR and wetlands. He noted they are here tonight to learn as well, they are hearing the presentation together, so they are gathering the information and just wanted to explain the process a little bit. Tammy is a great resource and his office is also a resource for you as this moves forward or doesn't move forward or on any issues, we can help you. We are here to learn tonight, and should it move forward, there will be a lot of hurdles and steps that will be required before a shovel will go into the ground. He did want to note in closing, we have seen development in our community, but we really value and cherish the natural resources that we have, all of us live here too. They do not take their jobs lightly and is eager to learn the answers to your questions as well.

Chairman Dunaskiss asked the Planning Commission if there are any questions before we turn it back over to the petitioner? There was none.

Chairman Dunaskiss invited the petitioner back to go over the questions and comments from the public.

Mr. Milia responded they appreciate the comments from the public and the Trustees. He stated Trustee Flood said it best, this is a process. We are here to work in a collaborative effort with the Planning Commission, the Board and especially with all the residents. What he was encouraged on is the biggest concern of the residents is also their largest concern is the preservation of the wetlands. There are a lot of different themes that people addressed tonight. The prevailing one seemed to be the wetland preservation, flooding and storm water. He can address traffic. They are happy to address all their comments. He did takes notes, but it maybe best for you to ask questions. They have the same goal in mind, it's how to be a proper steward of this property and to develop it in the most responsible way. This property will be developed whether it is 54 houses or 50 houses or some other number, this property will be developed, and it will be developed in the upland area. Regardless of the number of houses the preservation of the wetland is first and foremost. There are also some miss statements, we are not destroying the wetlands we are preserving and conserving the wetlands. There is less than 1 acre that would be filled in, the rest of it will be maintained its natural state. There will be protections in the form of conservation easements, there will be signage on it, it will be developed and monitored by the DEQ and there will be a master deed and bi-laws with enforcements by the home-owners association. We share the same concerns of the Township Board, the Planning Commission and all the residents. The other theme that he felt was important, was that Orion Township is a unique community within southeast Michigan, it does feel like up north in a more urban environment. What attracts a lot of residents to this community and why they enjoy it, is the same reason why we want to develop it, in the same format or the same amenities that some of the existing residents enjoy. The wetlands will be preserved, the homes that will be built on it get to enjoy the beauty and the feel of the wetlands but will not be able to use them or development them. Certain residents will get the benefit of lake, just as other homeowners on the lake get the benefit of it. They want to use this process in a collaborative basis. They don't expect it to be approved tonight. What they would like to do is learn some of the issues and walk away here with certain guide lines that will be helpful, so that they can go back and do some additional research, and then come back to us. He stated he is happy to answer any and all questions that we may have.

Chairman Dunaskiss asked about the sewers on the lots on Silverbell, is there going to be sewer there and is there any consideration for the neighbors that may be forced to tap-in?

Mr. Milia, introduced John Thompson, their Civil Engineer with P.E.A. John does a lot of work within the community, so he is going to let some of the technical aspects.

Mr. John Thompson, with Professional Engineering Associates. Mr. Thompson commented with regards to basically all the public improvements with regards to wetland, storm sewage, sanitary sewer and storm water management, we will be working in concert with King & McGregor and the rest of the team to meet the requirements of not only the Township but also DEQ as well. Specifically, with regards to sanitary, sewer and watermain. Those will all be public services extending the existing utilities to the Township.

The specific details are premature and again reiterates, this is the first step of multiple steps along the way. So, definite details on where exactly where the sewer will be extended, how it will be extended, we don't know at this time. We will be working with the Township Engineer to come up with the extensions, but they will all be public sewers. There will be no wells on the site.

Chairman Dunaskiss asked about the storm water and the flooding of both lakes, per the concerns of the residents with regards to the soil, and any initial calculations looking at storm water the flooding issue and is there going to be any soil sampling?

Mr. Thompson replied we have conducted test bits on the property, looked at the soil types. If you look at the topography on the site, there is significant change over 20 ft of topography change, from the lake to the highest points on the property. They are working in the upland area of the property, so these will be graded as the house will be installed, so they are all above the water elevation, water table, so there shouldn't be any issues with the new lots with respect to direct flooding. With regards to the watershed itself, he can't fix it. It is a situation that every resident had since they purchased their homes. The Clinton River Watershed has flash flooding and yes you are going to see 15 feet of your property disappear, that is the way the system is supposed to function. That is part of keeping your ecology. Directly with regards to the improvements of this site, they will meet all the requirements of both again the Township and the DEQ, such that the predevelopment runoff from the storm sewer, is equal to the post development runoff of the storm sewer, and specifically restricted and overly restricted because this is the Brown Road drainage district. They have more strict requirements for discharge than other area of the Township.

Chairman Dunaskiss then asked if there were going to be any road improvements on the public roads being Silverbell or Joslyn?

Mr. Thompson responded the Township doesn't own the roads, so they will be working with the Road Commission, they have already reached out to them and have had preliminary conversations with respect to that. Again, it is premature to have anything specific with regards to the requirements of the road improvements, but they will be meeting all the requirements of the Road Commission.

Chairman Dunaskiss asked about the lot size, specifically the lots and the concern of where the lot lines are in the preservation area, some of the building envelopes and lot sizes?

Mr. Milia answered the lot sizes are 80 feet in width the interior lots on the interior of the road are generally 80x135-140. The lots on the perimeter are 80 by several hundred feet. The perimeter lots do contain wetlands which will per preserved and protected by rights in the master deeds and bi-laws and there will be signage posted. A resident will not be able to develop or touch the wetland areas within the lots. Some of the things that Mr. Lewan had in his review letter, suggested potentially shrinking some of the rear yards of the perimeter lots and creating a greater portion of the wetland area and actually put that into a common area and take that away from the homeowners, that is one of the things that they can look at and one of the things that they want to use as a collateral basis, is to determine what elements of the plan are sustainable and what elements need improvement and work on those kind of issues. All the wetlands are protected and those will not be built upon, except for one acre on a couple of lots. There is some miss information on lots 1-13, they are going to be built in the wetlands, they are not. The homes will be built in the upland areas and the wetlands will all be protected.

Chairman Dunaskiss asked how many homes will have lake assess, docks, any discussion to that?

Mr. Milia responded, he wanted to use this as forum to get an understanding of what is important to the community and subsequent meetings have further discussion. Right now, they are looking at approval of a concept and several units, and the details that you are suggesting are very important and he would like to work that out with further input.

Chairman Dunaskiss stated there was a question about the number of trees that are being removed from the site and how much, will placed into the replacement fund?

Mr. Milia replied they have a tree survey which identifies all the trees in the upland area, it doesn't mean that every single tree is going to be removed. That is an exercise that will have go to through with your Planning Consultant and your Environmental Consultant to determine that we will meet the Township Ordinance for replacement trees, they generally like to replace trees that are removed with trees on site. If that doesn't work, they would contribute to a replacement fund, that the Township can use at their discretion to place trees elsewhere in the Township, but they will meet whatever is required under the Ordinance.

Chairman Dunaskiss had a question on the public benefits, required by the PUD, the public benefits as part of the development.

Mr. Milia stated that the public benefits, would be the preservation of woodlands, wetland and other natural features on the property. They are developing less units than they think would otherwise be approved under the current Master Plan. That would account for a further reduction on Township infostructure. There will be road improvements require by the Road Commission for Joslyn Road, which will be a benefit to all the community. There is area up on Silverbell that could potentially be used for parking if the Township is ever successful in creating a Rails of Trails program, on the railroads. Part of the property on Silverbell could be used for that. They would also look if there are other public benefits that the Township at large would want to see. They are certainly willing to discuss it and incorporate those.

Chairman Dunaskiss as a conceptional plan there is questions on setbacks and the proximity of the building envelop and it looks like it varies a little bit, are there any tentative on the setbacks between the different units.

Mr. Milia responded they are proposing a setback of 5 feet less. One of the mechanisms of a PUD, it allows you to discuss and negotiate the setback from the ordinance. What they are proposing is some greater side yard setbacks, so they can have some flexibility to do side entry garages and some front entry garages. He believes they are proposing 5 feet less in the front yard setback and then the rear yard setback on the building envelop.

Mr. Doug Lewan from Carlisle Wortman Associates, Inc. commented the applicant is proposing 5 ft. minimum side yard setback and 30 ft. total for both sides, so you are a little closer on one and a little bigger on the other and that would be for a sideload garage. 10 ft. minimums and 20 ft total, so basically 10 on both sides for a frontload garage. So, for a sideload they are proposing a little less on one side and a little more on the other and the frontload garage is 10 ft. side yard setback.

Mr. Milia stated because the lots are so large on the perimeter, they will be setback from the wetland and the building envelop, but the setbacks will not come into play in terms of encroaching on the neighbors on most of the lots on the perimeter.

Chairman Dunaskiss was there any discussion with the DEQ at this point on the site or with the wetlands existing or any further, due diligence on other than delineation map?

Mr. Milia responded that they have done a delineation map with King & MacGregor as one of the foremost wetland consultants, they have done preliminary discussion with DEQ, there hasn't been an official walk through or sign-off from the DEQ, that would be part of the process once they get further along. They are aware of the site, it was a very conservative wetland assessment and just is maintained in the upland areas and you can see that the preservations of most of the site.

Chairman Dunaskiss asked about the calculations under the underlining current zoning, is there a comparison versus the calculation on the upland hills generally your PUD was there any other calculations?

Mr. Milia replied that they did do a calculation, the Master Plan seems to be a little contradictory to itself, on one hand it talks about 3 units per acre are permitted on the Master Plan. On another version it talks about doing a parallel plan on the upland. They did do a parallel plan and he thought it achieved 32 lots that could be developed by right, by Master Plan. They do not think that is a good development, because it would account for the removal of more trees. It gives more freedom to the home owner or the builder to build more on the property. By doing a PUD they can do it under a more controlled environment, as the master deeds and bi-laws protect a lot of the natural features. That is why they are proposing it as a PUD up to 3 units per acre.

Chairman Dunaskiss asked regarding safety paths are there any internal paths called for a long Joslyn or Silverbell?

Mr. Milia answered that they didn't show them on the plans, it was noted, and they will work to meet the ordinance required by the planner and the engineer. One of the things he wanted to talk about in discussion is the creation of the safety path, would destroy a lot of the wetlands, so it is kind of a catch 22, do you want a safety path, or do you want to protect the wetlands? That is one of the issues that he would like to talk about, potentially putting some of that money into a safety path fund or putting it into a general fund, for the township for other uses. That discussion would come down the road whether a safety path is necessary here. One of the things that might potentially open if they do a rail's to trails along the railroad, that might be a better alternative using the existing easement, either the ITC easement and not having to destroy additional wetlands to put in a safety path.

Chairman Dunaskiss stated that is kind of a summary of most of the questions, based on where you are at with the project. A lot of folks had specific questions that you and I noted, that you talked about initially so I guess we will take those comments for where it is at with the side of the project. With that he invited up any additional questions from the public for any additional questions, new questions that you have. The limited to 2 minutes and again new questions with regards to what has been presented on where we are at so far. Any members of the public have any new questions?

Sandy Dyl 1558 Nancy G. Lane,

- Ms. Dyl stated she was glad she asked the questions about the sewers, because she knows what it took to get them into the subdivision. They had to come in on the uplands, because the wetland soils are too weak. They couldn't take the weight, so whether that is going to be true between where they are now and where the developers want to put their subdivision, she wasn't sure. The alternative is to connect them to the sewers that run right down the middle of Silverbell Rd.
- Safety path, absolutely we need that safety path they can do it the same way it was done on Clarkston Rd. and the same way it was done on Silverbell.

Comments from a resident

- He commented he was the one that provided the miss information on lots 1-13. He wanted to restate that, he thinks the blight between lots 4-17 all will be blight. They are on the top of the hill and he can't image, he will not be able to see the homes from the water.

Doug LaLone, 1639 Nancy G Lane

- Mr. LaLone commented references back to his letter on March 21, specifically paragraph #5, it says that the PUD #2 proposes 31 homes at 1.1 units per acre. PUD #3 proposes 54 homes at 1.9 units per acre. His question was which is it, is the Commission entertaining both proposals or just one? When will we know which one, we are discussing here? Can the Commission give some feed-back on that?

Chairman Dunaskiss responded yes, it is the 54 units, the plan that you see appear this evening that was brought forth in the packet, is what we are considering. Mr. LaLone replied that his point was on the FOIA requests the actual documents shows PUD #2 shows a proposal of 31 homes, so which is it.

Trustee Steimel answered that is the parallel plan, another words, what could you put in here as zoned. That gets you some assignment, we use that as a base, that is how many you could put in here, as it is zoned. We use this as basis for them, now in this case they are proposing 54 units.

Mr. Lalone asked if he could clarify, so 31 homes is what is permitted under current zoning SE, is that correct?

Trustee Steimel replied, that is correct. And the proposal is to change it from 31 to 54?

Mr. Doug Lewan stated that this is a big part of his analysis so in a few minutes he will hit on these in detail.

Michelle Tenaglia, 2070 W. Silverbell, Ms. Tenaglia stated the engineer talked about what kind of water they would see on the proposed sites, he really didn't say anything about what the push would mean to the home owners that are there now?

Sherri Powell, 2124 W. Silverbell, Ms. Powell noted she would be right across the street from the 4 units on Silverbell. We all have nice beautiful properties and to have site homes side by side in front of my home, will ruin my quality of life.

Dave Mills, 2023 W. Silverbell, Mr. Mills asked so the way it is zoned now they can put 31 buildings on that? What can they do right now with the way it is zoned?

Chairman Dunaskiss replied we will go over that in great deal, we will take the item up shortly, we can ask the petitioner when it is his time to interact to give a response as well. Mr. Mills then asked part of the benefits the sent to the PUD to meet the PUD requirements was they were going to build 13 less than what they could if they get the rezoning, so I am trying to see what the baseline is? Chairman Dunaskiss answered that is based on them considering as what the Master Plan calls for, they are saying on that calculation they are 13 less than what the Master Plan says what you should put on there. That is where that 13 less than that equivalent. If we look at the other ones you see the map in the parallel plan.

Mr. Mills replied that he doesn't really understand but will wait for your definition.

Clerk Shults stated the question is how many can they put on there now?

Chairman Dunaskiss replied that he didn't have the number in front of him, do we have a number on that by chance?

Board Rep St. Henry stated that the plan reviewer will get into on our site plan review.

Chairman Dunaskiss asked Doug Lewan if he had a hard number?

Doug Lewan replied that it is not in his report, but he has kind of calculated it out. As zoned my ruff calculation would be somewhere between 15-20 lots.

Chairman Dunaskiss noted there will be much more detail on that to come.

Chris Cullen, 4411 Joslyn, Mr. Cullen inquired he wasn't sure if anyone has driven by lately and seen right on the bottom of Hopefield and Joslyn how thick that gravel is from all the water that runs down the street. Mr. Cullen stated that he has been trying to shovel it up, but it is hard to keep up with. When you put in

that many homes there is going to be a lot of run-off. He doesn't understand how anybody could say that won't affect it. With the fertilizer's and this is not going to be "I mow my own lawn" neighborhood. This is going to be upper-class, so we are going to have all the lawn companies coming in there to mow everybody's precious lot. This is a sensitive area, and there a lot of birds, egrets, swans, hawks, turkeys and deer in there. He really hopes they seriously considers the area. There are also 55 acers for sale on the north side of Silverbell now. So how many more homes are going to go in over there? What about the west side of Giddings across from the Orion Plant, where they put in all the roads for the industrial, what is going to go in there? Take serious thought of how all this is going to impact this area.

Rose Messing, 1680 Nancy G Lane Ms. Messing asked for a clarification from the gentleman, he said that there would be no flooding on the new homes, but basically said that we would get flooding on our homes and that was our problem. Ms. Messing stated she lives directly across from where the development is going to be on Mudd Lake. Ms. Messing noted she is not allowed to develop any of her property because of the wetlands, she doesn't understand why they can develop those wetlands? Ms. Messing asked if she could have some clarification on what he said, because she was sure that is what he said, then we are out of luck.

Comments from a resident, stated she lives on Kinmount, and what she (Rose Messing) said is right. He did say that basically the rest of us are one our own. She asked, what is going to happen to the river, right directly behind her house? It does flood. She added that the lake can not take anymore boats, not even one more, it is too much. Those lakes are not big lakes. Mudd Lake isn't even much of a lake, it is more of a swamp. You can get in there with a boat but not a very big boat.

Comments from a resident asked, again on the access, you see the outer loop, and maintain the wetlands, but what means maintain? Can you a footpath to the waters edge? Can you put a dock? How many of these houses will have access? Do they have a number? He stated, the preservation, basically the whole outside of the loop is all wetlands, these lakes are small, and it would be devastating.

Comments from a resident asked, what is a PUD?

Chairman Dunaskiss answered a Planned Unit Development.

Resident then asked you are talking about the land on either side of the house, when you are talking how much room between the houses? That was about 5 ft., between this house so there are 10 ft., correct between the two houses? Commissioner Dunaskiss replied not quite because they add a little more on the other side. He inquired, is that not a fire hazard? He has a mobile home park, when one catches fire that is 10 ft. away it will melt and will burn the next one down, which creates a bigger fire issue. He thinks it is very close and is too many homes. He added a lot of this has been logged, in a lot of areas, and all we have now growing is poplar and box elders. There are oak trees out there and he said that they are big and tall. One thousand trees that are that big that have been there for 100 years maybe more. Everywhere else you have garbage trees, the ones that grow fast and fall.

Comments from a resident, stated that the assess point of the drive is very close to the creek which is also maybe 50 yards from the other entrance point on Kinmount Dr. It didn't work out for Kinmount, he wonders how it is going to work out for the other access point, being that it is so wet right there? Road degradation, he believes needs very close consideration, because the whole area right there is very wet. You see the same thing on Silverbell Road where the swamp comes across where the road is always washing out. It just crumbles because the sub-ground just can't handle the weight of the traffic. He thinks that if we are going to put in an access point there, that is something that is going to be problematic. He didn't think it look right to him, after driving down there the last 4 years.

Chairman Dunaskiss stated that he was going to turn it back over to the Township Board for any additional comments, questions or concerns. No additional comments, questions or concerns.



Chairman Dunaskiss asked the petitioner back up before the close the Public Hearing to answer those additional questions, any closing remarks before we close the Public Hearing portion.

Mr. Milia noted a lot of the issues that were raised, he wanted to clarify a couple of things. We are not developing the wetlands, we are developing the upland portion. The wetlands are going to be preserved they are not going to be destroyed. The tree survey was 1,000 trees, most of the trees are scrub trees, they not 1,000 oak trees. One of the important clarifications and to clarify Mr. Thompson's point is this development is not going to flood other areas. What he was contending is that areas that have problems right not, will likely continue to have problems regardless of this development. This development and new developments in general improve storm water conditions. The retention ponds will retain and restrict all the water that is developed on this site and restrict the flow at a rate that is current or less than the current rate. Homeowners that are experiencing flooding will not experience additional problems because of this.

Mr. Milia stated as related to some of the other issues about where the drives are located or some of the other issues, those are very technical details that our engineers, traffic consultants and our wetland consultants will work out. Those are not resolved at this point, they must get further into the process and get an understanding on the other issues and then those issues will be resolved, you will have further input on it, further studies will be done, at this point those issues have not been settled. He stated that he is happy to answer any additional questions that may have been missed.

Chairman Dunaskiss replied he believes that he heard the final questions, so he thought the final comments summarized the questions.

Chairman Dunaskiss noted it was stated before about the boats and the access, do you have an answer for that?

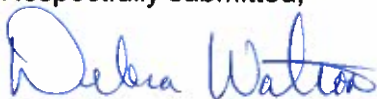
Mr. Milia stated he wanted specific input from them on that if they need to listen, if there are some limitations. He said something that is very important, key if you look at the property lines, this property owns most of the lake. Some of the residents had said they are using the lake and they are not even residents on the lake, but they don't want residents here to use the lake. He thinks that it is important to have a restriction on it to come up with an agreement that works, to document it in the bi-laws, but to restrict this property owner from using a lake that it owns is onerous.

Mr. Milia added that a lot of discussion was raised regarding what is a Master Plan and what is a PUD. A PUD is an important tool, when this property owner bought the property, it relied on a Master Plan that this property could be developed to a certain portion. We want to honor that but at the same time work with them on a collaborative basis on how the PUD could be developed with the Master Plan. It is easy to say turn it all into park land, don't use it, but that is not a practical solution, they are looking for a practical solution to work with them on it.

Someone in the crowd spoke but was in auditable.

Chairman Dunaskiss closed the public hearing at 9:30PM.

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

4/3/19  
\_\_\_\_\_  
Planning Commission Approval Date