

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
QUARRY APPLICATION PUBLIC HEARING**

August 21, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Mike McMahon

Others Present: Deputy Supervisor Fred McClendon, Zoning Administrator Carolyn Hall, Trustee Dan Mitchell, Payne & Dolan staff, and Judy Wright

Attendance: 19

Chairman Bernhardt called the meeting to order at 7:00 pm.

Chairman Bernhardt informed the audience that due to recent Michigan legislation local governments are unable to prohibit quarrying activities in any geographic/zoning area. However the Township is able to regulate the operations through it's ordinances. Through the current Quarry Ordinance (#47A) and Noise Ordinance (#1.109) hours of operation, noise, etc. can be controlled. Additionally, quarry permits must be renewed annually. This would allow any deficiencies to be corrected before renewal permits are issued. It is the opinion of the Planning Commission that rezoning or at least a special use permit would be necessary for the operation of an asphalt plant at this location. Payne & Dolan has not applied for any zoning changes as of this date.

Comments & Concerns of the Public:

Rob Laitinen (of the Chippewa County Road Commission) – We are here in support of Payne & Dolan's application. The Mining Safety and Health Administration imposes more stringent regulations on quarries/gravel pits than most other governmental agencies. We have worked with Payne & Dolan for many years without incident and feel that their business would be a significant asset to the Township.

Jim McKinnon (resident) – Is the road going to be kept in better condition than it is now?

Bill Mason (resident) – Who will be enforcing the Township's ordinances? If there is not an asphalt plant, does this mean that the 6" natural gas line will not be installed down Caldwell Road? Why the public isn't made aware of what is happening earlier in the process?

Chuck Godin (resident) – What is this operation going to cost the Township?

Gary Collins (resident) – What procedure will have to be followed to put in an asphalt batch plant? How many violations can happen before the operation is closed down?

Kristin Mills (resident) – Are trees being removed from the property on the side closest to Arbor Ridge?

Wes Pierce (resident) – I would not want to have mining at night. I work nights and already have trouble sleeping during the day.

Cynthia Collins (resident) – What are penalties for violation of the noise ordinance?

Payne & Dolan attorney – Is there any provision in the township ordinance for a resident to initiate a suit against Payne & Dolan?

John Bartozek (Payne & Dolan Area Manager) – We fully intend to comply with Township ordinances and be a good neighbor. Because our current location is DNR owned property we are not able to do some things that we intend to do on Caldwell Road. We are putting in more berms than is required for sound buffering. There will not be any blasting, only excavation of sand & gravel, etc. We do not anticipate entering the water table with the excavation.

8:00 PM Adjourn

8:12 PM Reconvene and close public hearing

Commissioners reviewed the application and ordinance requirements. It was found that the applicant requested extended hours of operation (before 7:00 AM) and that these instances would be the exception rather than normal operating hours. Operations must comply with Noise Ordinance (#1.09) regulations whenever it is operating. It was noted that the berms and security fencing/gate are in place. The submitted site plan complied with ordinance requirements. The applicant was asked to provide copies of the soil erosion & sedimentation permit as well as a plan for dust control on Caldwell Road. It was confirmed that the Chippewa County Road Commission has no unresolved issues with a quarry at the stated location. One commissioner stated that it would be preferred to have no operations on Sundays. However there was no provision found in the ordinance to require a six day operation. It was stated that the Mining Safety & Health Administration regulations control dust as a byproduct of operations.

#1 MOVED: by Arthur Brood, support by Kathy Noel, to authorize and direct the Zoning Administrator to issue a quarry permit which complies with the Mining Safety and Health Administration's regulations with hours of operation to be 6:00 AM – 8:00 PM to Payne & Dolan, Inc. for the property located at 17777 S. Caldwell Road with the applicant supplying copies of the soil erosion and sedimentation permit and copies of DNR/DEQ permits as issued. Motion carried.

Meeting adjourned 8:45 PM.

Arthur Brood, Secretary