

South Branch Township Planning Commission  
Regular Meeting & Public Hearing  
Dec. 7, 2017  
Approved Minutes

1. Call to Order

Regular Meeting of the South Branch Township Planning Commission was called to order at 7:06 pm with Chair Peterson presiding.

2. Pledge of Allegiance

3. Roll Call

- a) Commissioners present- Bank, Mckenzie, Peterson, M. Shunatona, Sylvester
- b) Guests present- Bonnie Shunatona, Zoning Administrator
- c) See attached list of attendees

4. Approval of November Minutes

**Motion** to approve by Bank, Second by Shunatona **all yes** with no nays

5. Approval of Agenda

**Motion** to approve by Bank, Second by Sylvester  
Discussion- add 2018 Calendar  
Additions to Agenda, **all yes** with no nays

6. Old Business

- Motion** by Bank, Second by Mckenzie to table the Old Business until the January Meeting; **All Ayes** with no nays
- a) Proposed Camping Regulations Amendment
  - b) Proposed Sign Regulations Amendment
  - c) Medical Marihuana Open Public Meeting – November 6, 2017
  - d) Review/Next Steps for Medical Marihuana and Recreation Area Surveys

7. New Business

- a) Public Hearing – SPECIAL USE PERMIT: Au Sable Riverview Resort
- b) Open Public Hearing  
**Motion** by Bank, Second by Mckenzie to pause the general meeting and open the public hearing, **All Ayes** with no nays.  
**Motion** by Peterson, second by Sylvester to limit the public comment to 3 minutes; **4 yes and 1 nay, motion carries.**
- c) Opening Statements-Attorney William Shedd for Damion Frasier  
Application for special use for a Stream Corridor PUD, Planned Unit Development Parking Area, Bathhouse with 4 handicap and 2 regular bathrooms.

It is development of a campground by DEQ Campground Rules and Permit Requirements, Department 10 Health Department application for a septic system submitted.

The plan is 15 permanent camps with a 14' x 20' platform, tent size is 12' x 16', will be placed permanently on the platform. Tent size is 14' x 16'. It will be stairs to enter tents. It will not involve pitching tents. It is glamping or high end camping. There will be no water in the tents. It will be a resort. They will have wood burning stoves only used once or twice a season.

Season will be early May until, if weather is nice, end of October.

Traffic will be 1 car per site with 22 parking spaces for 15 tents.

It requires construction of a north-south road.

There have been no parties in cabins or lodge. This is high end glamping with no parties. Application for east-west drive and a short north-south drive with soil erosion permit and for parking area.

Also have a fly and tackle shop selling fish and tackle supplies.

d) Public Comment

i) Rich Jaskowski, attorney for Earl and Elizabeth Schultz

Concerns with 7.02.04 and 8.19; legal issue PUD is land use similar to plat lots or condominiums, residential purposes with a common area.

The request is for commercial use of the property, not residential but a campground.

South Branch Township Ordinance 8.03.1-campground definition requires 10 acres; Mr. Fraser only has 9.61 acres.

Farm Forest and Stream Corridor prohibit commercial purposes 5.07.03C; use permit for detached rental cabins and campgrounds

The PUD ordinance 8.19 and 8.19A Stream Corridor refers to PUD ordinance except for as written in 8.19A.

In 8.19.2A1-not to exceed 20% of PUD site

ii) Cheryl Jarzombek, located next to the public launch

Every Friday and Saturday night have to close windows because it is so loud. It goes until 1-2 a.m.

iii) Jennifer Smith

Nuisance noise heard 8 acres away. Trespassing has occurred from fisherman from the cabins. They pull dead wood from her property. The store is actually 75% alcohol and groceries.

Stream Corridor PUD in the farm forest when it is a retail commercial store which requires 600' wide or 10 acres

There is a high number of people already, they erect tents, have DJ's, microphone. The cabins hold about 58 people, at 15 tents of 8 people, there will be over 100 people on that site.

iv) David Kramer, provided handout booklet with photos; hit 3-minute time and requested additional time. It will be allotted if there is time available at the end.

Refer to Rule 281.51 BB-defines short term rental

Refer to Rule 281.51.CC-residential is for a single family and requires kitchen & bath  
Campground requires 10 acres & 600' wide

This parcel is 9.61 acres with 1.06 acres of the river, 1.64 acres of the Road Right of Way for McMasters Bridge Rd.

This is a commercial enterprise.

Complimented Mr Frasier for the nice work re-doing the cabins.

The Fly tackle shop was permitted to be a laundry, storage and fly fishing now it is mostly retail plus 8 dormer rooms.

No permit for land but construction has already started.

DEQ rules require 1.5 cars per site which is 23 cars, where will they park?

v) Elizabeth Schulz

Creek is on the property between Riverview and her property. She provided a photo of her cabin which is near the boundary of the west side of the Riverview property.

Wants to assure campground will be 50' away from property – all 15 campers.

vi) Earl Schulz

Was a contractor and understands allowance for progress while also protecting residents around them.

vii) Frank Schneideman-lives across river

Concern for wildlife, no longer enjoys fishing on weekends, wants privacy.

People trespass, trash his property,

viii) Linda Schneideman

“Better class of people” will use these sites?

Trespassers were fly fishermen from a group using Riverview cabins.

ix) Bruce Powell—upriver on McMasters Rd

Concern for traffic

x) Barbara Powell—opposed

xi) Rick Vidrio-South on McMasters Rd, approximately 1000' downstream

The place was a dump, Damion has done a nice job.

Understands desire to maximize assets

However there has been drag racing and loud music

xii) Kathleen Kramer

She is a nature lover and believes glampers should be nature lover

However State has provided plenty of campgrounds, we don't need another.

Concern about increased density of people-transients and weekenders-a lot of traffic

Does not want canoe/kayak rental added as a feature

xiii) Dave Lockwood-South on McMasters Rd

Oversight by Township on other improvements has been good

There have been late night parties until 2 a.m. There is no one on the property to keep them in check. There was an amp on the porch of the lodge, microphone

He is further away than other neighbors and heard it

Concern about the concentration of tents on 2-3 acres

Concern about partying and crossing the road to get alcohol; Concern for residents

xiv) Scott Hummon

In 2011 he was aware of the rebuilding of Riverview. He has done weekend trips for Trout Unlimited. He tried Riverview in May 2012 for the first time. He comes back every year. He has not experienced excessive noise except at public launch and canoe races.

xv) Tom Quail-fly fisherman

He is a professional fishing guide permitted by DNR to use access sites for commercial purposes. He stays at Riverview.

In June & July with the hex hatch, night time fishing is until 2-3 a.m.

He doesn't hear noise while staying at the resort. There is noise at the boat launch and south on McMasters Rd.

Has heard noise at Riverview for a bachelor party and ORV's on Linger Longer Rd

xvi) Larry Warner-lives on North Branch-owns Scotts Lodge

He is opposed to campground. He likens it to what Warbler has done. Will they be able to camp until it is built?

Concern it will be like Warblers -fireworks, loud, rowdy. You don't always get quiet people.

xvii) Carol Vidrio

Question-Glamping sounds cool. What happens if it doesn't succeed? Will it turn into a regular campground?

xviii) Tim Bank

Question-Was the fly shop built with a permit? (Answer: B. Shunatona-not the proper permit)

Question-Have there been land alterations on the site already? (Answer: B. Shunatona-yes)

Point of Order by South Branch Township Attorney Peter Wendling

Per Ordinance 10.05.2, attorney and professional fees can be assessed if they will be over the original permit costs. They are placed in escrow to be used for these professional fees.

Question by Peterson-what do you feel your fees will be?

Response \$3,500.00

Attorney Wendling also recommended another deadline for additional information, then two weeks to organize them into exhibits.

Additional Public Comment

xix) Cheryl Jarzombek

Question: Has concerns for erosion, water absorption, culvert creates a stream into the river. Was there a study done?

(Answer: Attorney Shedd-Diagram has 2' increments downward of slope of land; no study was done)

xx) Damion Frasier, owner of Riverview Lodge

One time in the summer there was a loud speaker. He lives next door & wants quiet.

He picks up trash along the road

Fisherman cross his property, they are not his guests.

The noise is from the river.

Either Damion or his brother is there at all times.

He is not taking trees down between the Schulz property and his.

xxi) Unknown—The problem is adding 30-40 more people

xxii) Anna Sylvester

Question-I researched the definition of PUD and of campground. How does this fit the definition of a PUD-residential housing when it is a campground?

(Answer: Shedd-a campground can be a PUD)

I have never heard of that before so I will research it more.

Question: Will you have fire circles? My concern is for the smoke that will linger on the curve of McMasters Rd creating a traffic hazard.

(Answer: Frasier-No, just wood stoves inside.)

Question: Will the stacks be high enough as to not create a traffic hazard.

(Answer: Frasier-I will follow any rules on that)

Question: I see a parking lot but no turnaround for emergency vehicles as required.

(Answer: Frasier- there is an old road from McMasters that will connect with another old road on the site. Pointed to blank spaces on the site plan)

Question: There are no pathways noted on the plan, where are you planning them?

(Answer: Frasier-That is an additional site detail not required yet. There will be no pathways, it's grass to walk on.)

Question: How will you provide access for ADA-pathways to the parking lot, toilets, and access to a yurt.

(Answer: Frasier-we will put something down, paving blocks, it doesn't have to be, it can be gravel.)

Question: What is your ADA plan? I understand 4 accessible toilets and 2 regular.

(Answer: Frasier-that is wrong it is two handicapped and 4 regular; yes Mr. Shedd stated it improperly)

Question: What about access into the yurt, Mr. Shedd mentioned stairs to the platforms.

(Answer: Frasier-we will have it accessible)

Question: The site plan does not provide the measurements. How many feet away from the property boundary will the yurts be?

(Answer: Frasier-it will be tents and it will be minimum of 50 feet.)

Question: Will there be roads to the lots?

(Answer: Frasier-No, they will walk into the sites)

Question: Where will the waste water be located?

(Answer: Frasier-it is on the site plan)

Question: Where? I do not see it.

(Answer: Shedd-provided a site plan no planning commissioner had seen nor had it been submitted to the zoning administrator)

xxiii) Mark Shunatona

Question: Is there an erosion plan? Is there more detail on the contour plan?

(Answer: Shedd-no erosion plan was done, the contour is 2 feet.)

xxiv) David Kramer

There is an issue with drainage. On July 25, 2010 the road was not there.

The culvert is going to drain east. It flows north from the fly shop, onto Kramers property. The ditch on his side has not been maintained by the county. The excess water flows into his wetland and he gets water behind his house.

xxv) Linda Schneideman

Question: What are the precautions for the wood stove?

(Answer: Frasier-they are on a platform, away from the walls, with a spark arrester)

Concern there is not always someone on site. With the events and the noise, she looked out her back window and saw the lights in the cabin and the activity but Frasier's residence was totally dark.

xxvi) Elizabeth Schulz

Question: What about the creek that flows between our properties? How far will the campers be from the creek? The creek flows into the AuSable.

(Answer: Frasier-The camp sites will be close to the creek)

xxvii) Anna Sylvester

Question to Elizabeth Schulz-What is the name of the creek (Unknown)

Is there water in the creek all year? (Yes)

Question to B. Shunatona-Can you check with Brian Bury or Patrick Ertel of DNR Natural Rivers. There is a rule about setbacks on tributaries to natural rivers.

xxviii) Mark Shunatona

Question: Did the gas station obtain permits from the Township?

(Answer: B. Shunatona-no just LARA permits)

South Branch Township has an ordinance on gas stations.

xxiv) Tim Bank

Question: Will you allow golf carts or ATV's on the property?

(Answer: Frasier- no, not enough space)

You expect them to walk 100-200 feet?

Question: Will you allow dogs and cats, pets?

(Answer: Frasier- no rules yet)

Question: What about dark skies? What kind of lighting will you have?

(Answer: Frasier-all low cast lighting)

Question: Have you been building without a permit?

(Answer: Frasier- this is in reference to the red cabin. Phil Verdui made me keep the walls. The County made me take the walls down.)

xxx) Mark Shunatona

Question: Have you done excavation without a soil erosion permit?

(Answer: Frasier- pulled permits, but they were the wrong ones)

(Answer: B. Shunatona- The fly shop was expansion of a non-conforming use)

xxxi) Attorney Rich Jaskowski

Question: Is the existing building properly permitted?

(Answer: The planning commission has no information. The zoning administrator has no information)

xxxii) Anna Sylvester

Question: Concern about campers walking across the road at the curve to get to the store.

(Answer: Frasier-there will be a berm, they will drive around like the cabins do)

Question: People will walk over the berm and through the trees.

(Answer: Frasier-no they will not. They will walk out the entrance road and along the road)

xxxiii) Lindy Peterson

Question: Mr. Banks asked you about pets and I didn't hear a clear response. Are they allowed, on a leash, walking around the campsites, down to the river with no paths, back and forth across the road with people crossing from the campsite?

(Answer: Frasier- service pets only. We allow pets in the cabin, inside or in a cage or on a leash.)

Question: What stops customers from going to the creek? How do they get to the river?

(Answer: Frasier- nothing stops them from going to the creek. They drive to the river.

Question: What is your timeframe for completion?

(Answer: Frasier-June 2018)

Additional information needed:

1. Correct site plan map
2. Distance from cabin, measurements on site plan
3. Numbers on contour map
4. Information from Natural rivers on the creek
5. Soil Study from Crawford Conservation District, entire property
6. Shipping containers as shed
7. Info on gasoline ordinance

e) Next Steps

**Motion** by Sylvester, Second by Peterson to require additional fees of \$3,500.00 for professional services to be placed in escrow and used as needed. **All ayes** with no nays.

**Motion** by Sylvester, Second by M. Shunatona to receive rest of the information requested by close of business for South Branch Township (12 NOON) on January 5, 2018. **All ayes** with no nays.

**Action Item:** B.Shunatona will survey planning commissioners for a date for a special public meeting to present the findings of fact.

**Action Item:** B. Shunatona will have 2 weeks to assemble additional information obtained for the planning commission.

**Note:** Exhibits will be available for public information

**Note:** Approved minutes from the public hearing will be sent to attendees as requested on the sign-in sheet.

f) **Motion** by Sylvester, Second by Bank to close the public hearing and resume general meeting. **All Ayes** with no nays

g) 2018 Calendar of meeting dates, all dates good.

**Motion** by Sylvester, Second by Petersen to approve the dates listed. **All Ayes** with no nays

8. Correspondence – Correspondence was received pertinent to the public hearing

9. Report of Zoning Administrator-written report

10. Report of Township Representative-none

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11. Report of Zoning Board of Appeals Representative-none
12. Report from the County Planning Commission Representative-none
13. Public Comment
14. Adjournment  
Next Regular meeting Jan. 4, 2018 at 7:00 p.m. at the Township Hall  
Topics for next agenda – election of officers, annual report, 2018-2019 budget  
Regular Meeting adjourned at 10:25 p.m.

Respectfully Submitted:  
Anna Sylvester

