

**Special Township Public Meeting**  
**Proposed Change to Munising Township Zoning Ordinance Change**  
May 24, 2010

**Roll Call:** Board members present: Trustee Wally Ahlborn, Supervisor Dan Wilson, Treasurer: Bonnie Fulcher, Deputy Clerk :Terri LeVeque. Absent-Clerk: Selina Balko, and Trustee: Lisa Howard

**Guests present:** Rebecca Gollanneck, Kathy Hill, Lori Walsh, Mary Korpela, Carole Hill, Richard Hill, Dave Hill, Bryan Hill, Tom Hill, Bob Kolbus, Gloria Jean Kolbus, April Winkler, Ellen Currier, DuWayne Dresden, Rebecca Lyon, Adam P. Winkler, Armin Gollannek, Greg Murphy, Ken McPherson, Jim Northup, Ted Nesberg, Jake Winkler, Nate Winkler, George Meister, Brad Hill. Don Kululis, Bonnie Kukulis, Wendy Boydell, Art Gamelin, Karen Gamelin, Patty Elvetici, Mike Widdis, Tom Mosely Bonnie Lee Heyrman , Don Heyrman ,Bob Coryell, Lee Coryell, Terry Bond, Mrs. Bond, Kay LeVeque

**Supervisor Wilson opened the meeting at 7:00 p.m. leading us with the pledge of allegiance to the flag.**

Dan Wilson started meeting by explaining the reason we were all here tonight.

**We are here to discuss a change to the Munising Township zoning ordinance as proposed by the Munising Township Planning Commission and specifically “It is to allow land application of septic tank waste as a conditional use in the rural residential district in the Munising Township.”**

Let me add were are not here to approve a conditional use permit for Mr. Hill. If we approve the proposal tonight that does not mean that Mr. Hill can go out and dump septage tomorrow. On the other hand if we don't approve it, if we disapprove it that does not mean that Mr. Heyrman will have to stop dumping tomorrow, it's not what that is , the crux of the thing is should we allow someone to come to the planning commission and ask permission under conditional use, to dump septic tank waste in Munising Township rural residential districts. OK that is why we are here.. Dan Wilson just wanted to make sure that everyone understood that. We are not approving any permits here this evening.

**Dan opened the meeting for discussion and asked that all comments be made directly to the board. with one exception is that we have Mr. John Shauver in the back and any technical questions can be directed to him.**

**Terry Bond** asked Dan to explain again why we were here as he thought the planning commission did all that already.

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**Dan Wilson-** what this does and we will go back to the crux of this, is that the planning commission proposed a change to the Munising Township zoning under RR. That is (Verbatim) to allow land application of septic tank waste as a conditional use in the RR district in Munising Township. The process is: first the planning commission makes a decision. If it proposes a change, then goes to the county for 30 days for their comments and there was no comment. Then it was sent back to Munising township. Then the board determines to either approve, or disapprove the proposed change. If we approve it, it has to be published and a date set, and then that would allow anybody to go out and apply back to the township planning commission for a conditional use permit in that district. Currently it is legal to do waste in resource production and industrial districts.. It is also legal to do in the town district.

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**Public comment --**

**First speaker was Mr. Greg Murphy (Attorney ) representing a group of concerned citizens.- See Attachment J ( 6 pages )**

He started with The reason we were all here is to consider changing the zoning ordinance. and to make the land application of septic waste a conditional use of RR districts. Actually it is a change the zoning ordinance. Mr. Murphy stated that what was going on here was not spot zoning, but very similar to spot zoning . It has the characteristics of spot zoning. which attorneys, zoning boards, and courts, all find objectionable. One of these is that the whole purpose of this zoning event is to promote the business interest of a single individual. as I understand this and the instigation behind the whole thing.

I think if we refer to it as the Hill amendment everyone would know what we are talking about. that's why we are here.

It is not put forth for the health and safety and welfare in one entire community at stake. It is put forth to promote the business interest of one persons who happens to live in a RR district.

Another characteristic is that I found objectionable is that this proposed amendment change isn't part of a general plan , it was just thrown out there. It is piece meal zoning. The third characteristic that I also found objectionable is that there is really no need for this amendment There is a waste water treatment plan in Munising that is capable of accepting 5,000 gallons of septic waste a day. It is there ready, willing and able to accept Mr. Hills waste and anybody else's waste. There is also another land application site in Munising Township that is grandfathered in and because it is grandfathered in, it is doing business legal.

I read the minutes of the planning commission and they said there was an over site , but I just do not see where the mistake is, or an error of omissions is.

Mr. Murphy stated he does a lot of zoning work , I represent some township area's in Alger county and Marquette County. I also do work on other zoning boards and township boards and zoning ordinances, I have a big collection , I have a big stack of

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zoning ordinances in my office. Mr. Murphy also stated that getting ready for the meeting he went through his stack of ordinances , the zoning records and truthfully ,I could not find one instance where a wastewater treatment facility's was either permissive ,or conditional use in RR districts. They are there in commercial, industrial, and resource production. But not in RR because there is a reason for that. He talked about zoning ordinances from different areas and could not find any with land application accepting waste and none of the ordinances that he reviewed is that term even mentioned. It is simply not in the ordinances. He was only able to find one ordinance that speaks of land application of septic waste and that was down in Centerville, Mi . The ordinance said "Don't bother to apply for a permit because you are not going to get, it as long as there is a waste water treatment facility within a 3 county area. If there is don't even bother to ask for a permit.."

There also seems to be some suggestion that this type language had to be in the ordinance, for some to reason we had to have language concerning land application of septic waste in the zoning ordinance, and again that is not true.

Mr. Murphy stated that he submitted a memo to all of us, and I can give you my sites, He sent a copy to our Attorneys, He had hoped we had all reviewed it because there is nothing in the zoning enabling act saying that this has to be in the ordinance unless there is a demonstrated need for it. and there is no demonstrated need for it. He stated we have a very good state of the art waste water treatment facility.

Mr. Murphy stated that there is nothing the DNR is going to pre-empt you. another words ,take the decision out of your hands and make the decision themselves provided there is an alternative, and there is an alternative, the waste water treatment facility in Munising.

Mr. Murphy went on to say he knew very little of septic waste until 2 months ago. Now he knows more than he ever wanted to know. When you Google it and look at Michigan , the trend is to get away from all of this together. The DNRE rules are getting stricter and that is why Mr. Hill's parents quit dumping 5 years ago. right now there is a rule that says if you pump within 15 miles of a waste water treatment facility it must be disposed of at that facility. In October this will increase to 25 miles.

The DNRE requires 800 foot of isolation distance. in other words you cannot have any residential or commercial structure or wells within 800 feet of one of these sites. But the same DNR requires only a 200 feet buffer in other words a site cannot be within 200 feet of you property line, so where does that other 600 feet come from. It comes from your neighbor's property, and you cannot build on it ,or put a well on it and this is true he stated because one of his clients applied for a well permit within the isolation distance and he was denied by the health department.

In this township RR minimum lot size is 2 acres about 408 feet. Technically speaking anyone within a 2 acre parcel next to the land application site if there within that isolation site they are not going to be able to build at all.

Finally he stated we have environmental issue's , the only reason , land application of septic waste is allowed at all is because in certain areas downstate where there is higher

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density. There is just not enough room, the waste water treatment facilities just can't handle it all so this is what we do in the meantime he went on to say .The trend is to get away from this and as more waste water treatment facilities come on line we are seeing less of this the trend is to phase this out and not to expand it.

**Mr. Murphy read a letter from Tim Flynn that was Addressed for Dan Wilson who had not received it yet. Dan asked that it be read-Mr. Murphy read the letter from Tim Flynn who was on the planning commission. who was not able to be present for this meeting**

**Tim Flynn's letter See Attachment --K- ( 1 page)**

**Mr. Murphy commented on the letter** stating if there is a burning desire to make land application septic waste a conditional use in the township. If that is what you want to do put it in Resource Production.

Why is the ordinance before the board , why is it asking for RR area, there is only one reason and that is where Mr. Hill lives. he also stated there is more Suitable areas in the township for that type of use.

Mr. Murphy had some exhibits to submit for our files.

**Letter from City manager - to Dan Wilson See Attachment A( 3 pages )**

With a contract in place, the indication for use of the waste water treatment facility is there, ready willing and able to accept waste from Mr. Hill., or anyone else.

**Letter from Health Dept. to Mr. Gollaneck - Attachment B (2 pages)**

stating that his application for a well is not approved because he is within Mr. Hills isolation distance.

**Letter from Richard and Carol Hill to the DEQ -- see Attachment G (1 page)**

It stated that in 2005 they were discontinuing dumping septic waste on there land.

**Letter from TRI-MEDIA To Greg Murphy See Attachment F (2 pages)**

also has a copy of the 2009 plat book of the Michigan township association where by they recommend that this type of activity be banned altogether if there is alternative uses available .

**Jim Northrup--Attachment E (2 pages) To the Township Board**

I am a resident of Munising Township with my primary home being on Miners Castle Rd. I want to make it clear tonight that I am speaking strictly tonight as a private citizen. See his attachment for further comments from Mr. Northrup. He read verbatim which is his attachment. Mr. Northrup would also like his letter to be part of the record .

**Terry Bond From Shingleton--** this property out there has been there a long time. It was proven to the planning commission and all the people that were here. I do believe it

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is a needed society, One of our fellow speakers kept saying it was not needed , not needed, it is needed.

We have one pumper out here , he pumps out there and why not have two services because we need it. There are some people in the township who can't get the service from that, so it has to come from out of here . From what I can tell Mr. Hill followed all the regulations up into including the bare minimum and maximums' I would very much like to have this here. I do not see what it's going to hurt because he is following the guidelines that the state of Michigan dictates which must be followed to a T. I would advise you to take the recommendation from the planning commission.They followed it, and all 7 he stated voted unanimously, and it was passed , so we put our hands in the trust of individuals up here. You board members I respect that you will do what is right. The planning commission did what is right , they made a decision, they followed rules and regulations whether a lawyer says it's not right it is a difference of opinion I think it is a very much needed thing . I will respect that you will do the right thing .

**Mr., Armin Gollanek --To the township Board Attachment C (2pages)**

Plus other comments Mr. Gollanek made about the April 14<sup>th</sup> planning commission meeting he attended. He stated he thought he would only be dealing with odors and flies , but then found that the back half of his property he cannot do anything with legally and he has a letter with him

From Tom Mosley see rejecting his permit see-Attachment-B .

It says he has to pull back 800 feet.

**Mr. Adam Winkler addressed board with a List of signatures that he would like to be put into the public record. A petition with signatures on it, plus, a cover letter for the signatures. . See Attachment -H.**

He also stated he had a letter he turned in to be read at the last Zoning commission meeting, that he was not able to attend. He stated that it was supposed to be read at that meeting. The letter was not read and was not entered into the minutes either. So he wanted to make sure it was put into our minutes.

**See Attachment L From Mr. Adam Winkler**

“Currently the residents of Munising township are protected from waste dumping because of the zoning laws. Changing them is a bad idea. My neighbors and I are very concerned about bad water, pollution, odor and air quality. Dumping will definitely negatively affect our air quality, plainly put it will stink. Imagine the odor of 1,000 gallons or more of septic waste dumped just 200 feet from your property line and sitting there in the hot August sun for 6 hours with the wind blowing the flies and stench your way. Seriously this is not o.k. He went on to say about the septic waste ruining our water supply, and gave a list of many items that go down our drain or get flushed..., also gave a list of pollutants. He stated these pollutants enter our

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waterways and groundwater and degrade water quality.

He asked that the members of the Township Board to support our reasonable expectations of clean air and clean water, please keep the zoning as it now stands .

One more thing that in the zoning ordinance booklet - he wanted to let the audience know for the purpose of zoning. 4 items

1. Promoting and protecting public health , safety and general welfare , so I have a question “Is polluting the air and water protecting public health ?” he answered NO.

2. Securing the most appropriate use of land , Question- “Should a septic waste dump go in a residential area?” NO he answered that is not the most appropriate use of our land. This is from our zoning ordinance people .

3. Protecting the public from noxious fumes, odors, and other health and safety hazards. How does having a septic dump site 200 feet from our property line in a residential area protect me from fumes and odor’s

Does that protect me from fumes and odor’s ?’ No he stated.

4. Conserving the taxable value of land, building, and structures in the township “If a property owner loses the right to build or place a well on his property , is this conserving the taxable value.? “ No

**Letter read from Ellen Courier- See Attachment D (1 page)** Stating that she is opposed to the proposed change that they want to make to the zoning ordinance and she has concern’s with many issue’s involving this .

**Karen Gamelin** - addressed the board with concerns involving raw sewage going into our well water and causing cancer to a lot of people in the township, and all over the area where there is plenty of cancer right now.

**Brian Hill addressed the Board-** first off I know a lot of you signed a petition, he has read the petition ,and it forgot to mention on the petition that there are very strict DEQ, DRNE , regulations he has to adhere to.

As far as appraisal on peoples property’s, what I did present to the planning commission was the appraisal of property when my dad was pumping there was a house sold right next to the property , the house was bought for a very good price. It shows there, that the housing value’s did not go down. I bought the property when my dad was pumping and my property did not go down, and out in Van Meer no one’s taxes went down..

They talk about contamination every well has to be 50 feet from every drain field, and how after 20-40 years every one’s well could be contaminated

Brian went on to state why he and Tri-county septic who is also in a RR area have to be tested every year. To meet these needs and the soil has to be tested every year to follow these regulations. He feels that if people really believe in contamination, the petition you said dump it, and you have 1007 acres to dump it anyplace else in the zoning, which is 80% you forgot to mention is park, federal, state, heartland forest land that you left out of the petition. So your not going to sell me that land. He went on to say that these

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places are not going to allow him to dump on their land .

If you really truly believe in contamination ,Brian went on to say Is this a personal thing against him where he is dumping it or you wouldn't believe for anyone to dump it because it is a common practice in the state of Michigan .

He stated his mother lived there on that property for 66 out of 69 years, the property has been in his family his whole life. His parents bought it from his grandmother in 1990.

His dad has always used it for landscaping , business, and everything else.

It has always been agriculture use. It has been hidden, tree lined, off the road and not an eye sore, and has met all the state and local health requirements .

Out of all the wells tested yearly and quarterly there has never been a contamination.

He is asking for the township change in his fathers business he had it running up until, he decided not to invest in equipment. I have, I lost my job. I applied for my permit last fall, and did not know the zoning changed . I met all the state and local requirements, up until march when I found out zoning had changed is when this came about to me is when I applied for the zoning change .He did not come to ruffle feathers . He wish he could mend fences.

He talked about all the strict rules and regulations there is to follow and that he is following them all, and has met all the requirements

Brian stated when Mr. Gollannek applied for his well permit after the planning commission voted .

Went on to discuss other peoples rights as business owners ,He went on to state like the number of camp grounds we have in area, the number of housing area's we have , the number of septic places we have.

He also stated he has to make a profit to stay in business.

All he wants is the same rights as Tri- County Septic .

**George Mister Tri- Media Environmental & Engineer -To Greg Murphy See-**

**attachment F**--Regarding assessment of Septage Application Hired by a group of citizens to look into some technical matters, he went on to state this is not for a personal matter for anyone , but for the zoning district itself.

**Tom Mosley-Health Department** -He did the work for Brian Hill and he says now your all concerned with protection of the ground water. He stated that is why there is a permitting process . He stated that Brian has to till field daily. The highest treatment of sewage is going to happen in the top 12" of soil, that is a given fact. The microbiology that will go on will happen within the first 24" of soil. Brian is well over 6' to ground water.

Mr. Mosley went on to explain about our water supply being encased, has to be grouted to bed rock worked.

He went on to explain about the waste water treatment plant and he did talk to Gary(**See Attachment A page 3**) about Butch's dumping and we have to inspect that for what Butch does. The waste water treatment plant does not have to accept Septage waste from people like Tri-County septic. So he said "I cannot wait until he gets his field open so he

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can maybe dump a load here but take everything out to his site.”

He went on to say that we absolutely need land application sites because they cannot take much Mr. Mosley stated he does not know quite where Mr. Murphy got the 5,000 gallon, a day from.

These were facts that Mr. Mosley had researched.

Mr. Mosley thought that maybe something could be worked out between both parties involved. ( Mr. Hill And Mr. Gollanek)

**Mr. Murphy Commenting on Mr. Mosley's Comment's--** He is stating Mr. Mosley is hearing from a water water treatment facility, isn't what we are doing. It is Hear say. All we get is what is in black and white .

Mr. Murphy presented Dan with:

**He presented Attachment A- Letter from City to Dan Wilson.**

**Lee Coryell - Carmody Rd. --** talked about it being pretty pathetic that things got this far, and was glad to see the decision was being handled here and not in Lansing. He commented about the dust and the directions it could be going , and he stated he knew this week it (the dust ) was blowing more than 200 feet. I can tell you that, I think the whole thing is a bad idea and hope we are smart enough to stop it.

**Mr. Murphy Stated**-found letter dater October 2005 that indicates 5,000 gallon's. a day.

**Tom Hill -- Van Meer--** He wanted to make one point, we have one place in Van meer right now and not one person has complained , and if was that bad they would have been here tonight.

**Mr. Gollanek.** He had 1 Comment , He stated that Mr. Murphy (the Lawyer) was representing 175 people . He said Mr. Murphy should be allowed more time to speak , **Dan Wilson, -** stated to Mr. Murphy that this is information to the board , not a debate, and we gave everyone more than 3 minutes to speak ,we were more than fair Dan stated.

**Dan Wilson stated public comment period was now closed.**

**Question, comments from Board--**

**Supervisor Dan--** He stated on the petition both sides of his neighbors are on it, but no one stopped at his house,

There was misconception on the oversight. The oversight, was not part of the planning commission, or the zoning board at that time who wrote the ordinance. The oversight I felt was on my part, at this level, because this board is basically on oversight committee for the zoning, or planning commission who wrote the ordinance and when they finished writing it, we are suppose to read it .

“Application of septic tank waste as a conditional or a septic waste” is that not part of the state's definition under waste water treatment facility. So if anyone is looking for any information on waste water, septic waste land application , the place to look in all this

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zoning is in waste water treatment facility., because that's the state definition.  
Dan stated we are an oversight committee. Our experts are members of the planning commission and I will have to disagree with Mr. Northrup I think that The folks on the planning commission are outstanding individuals.  
Some spending 4,5,6 years some longer than that writing this ordinance.  
We are not going to make a decision tonight whether you can or cannot dump Septage . We are going to make a decision on whether or not you can come to the planning commission and ask as a conditional use, could you go out and dump Septage in RR.

**Wally-Trustee**-- This is a very touchy situation he said and wanted to know if we were going to make a decision .

Dan stated the recommendation we are going to make, is a decision on what we are not going to do is approve or disapprove a conditional use permit..

What we are here to do is determine whether folks have the right to come before the Munising township planning commission and ask if possible to have one of these fields in RR. Then it's already up to the planning commission to make the decision

**Wally**--That is already in the rules and regulations anybody can come and ask.

**Dan**- Well right now that is not legal and that is why the 1<sup>st</sup>. Step right now is to make it legal to ask.

**Dan** - He asked for any more comments--then stated .,the master plan is being written by those folks on the Munising Township planning commission. Dan relies on them completely and because he relies on them completely he stated this

**Dan**--**"I will resolve that The Munising Township Board Approves the proposed change to allow land application of septic tank waste as a conditional use in the Rural residential district in Munising Township , proposed by Munising Township Planning Commission."**

**Bonnie** -2<sup>nd</sup> it

**Dan**- any further discussion

**Roll Call -Dan- Yes**

**Bonnie --Yes**

**Wally - No**

**2-yes**

**1-no**

**Resolution passes.**

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Zoning ordinance has to be published in the Munising news 8 days after publication of their change to the ordinance before it will take effect.

**Someone** asked a question on the ordinance and Dan answered with, "After it takes effect, anyone can come in, and ask the planning commission if it would be ok to go out on my back 15 acres and dump Septage. I will guarantee you that they won't allow it at your house, because those folks will not do anything to harm the health, welfare and safety of this community.

Anytime anyone comes to the Munising Township planning Commission for a conditional use permit that is published in the newspaper, open meeting, everyone is allowed to come to that, and welcome to come to that.

The person asked about how to get the data, Dan said if that data is in the newspaper then the data is available. Dan stated you can come to Munising township hall, and we have files on that, and it is public knowledge.

**Armin Gollanek--** what about the 600 feet of my land? Do you just want me to scrap my retirement.

**Dan stated back to-Mr. Gollanek** that he believed in land use and did not tell him he could not use his land, all zoning, restricts land use. And Munising Township Planning Commission did not tell him he could not use that 600 feet. Armin went on to say that this is not the end today.

**Dan** Stated he knew that.. This was not the end of the conversation.

**Lee Coryell** asked if we were going to approve this was the planning commission put more restrictions on the 800 foot boundary line?

**Dan-** Yes, they can That is why it is a conditional use permit.

**Someone** asked on language of ordinance and Dan went on to explain where it came from and why it was written like that.

**Someone** asked if they could continue to write to the township board because of some issues they were not made aware of

**Mr. Hill** talked again on neighbor's

**Dan** Mentioned all the people he put trust in, the planning commission etc.

**Wally--**the planning commission is just beginning the subject of conditional use. The planning commission will be looking at this very diligently

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**Rebbeca Lyon**-- She stated has no faith in the planning commission

**Kieth Bond**--Rock river Township was on planning commission out there and they worked with Board and he says they all worked hand in hand .

Motion to adjourn Bonnie made motion

Wally 2<sup>nd</sup> it

Adjourned 9:15

**Attachments To Board Minutes**

**A--Letter From City Of Munising**

**B--Letter to Armin Gollannek from Tom Mosley**

**C-- Letter from Armin Gollannek To Township Board**

**D-- Letter From Ellen Courier To Township Board**

**E-- Letter From Jim Northrup To Township Board**

**F --Letter From Tri -Media To Greg Murphy**

**G-- Letter From Richard Hill To DEQ**

**H--17 Page Petition (174 Names)**

**I -- Letter From Gloria Gail Brown**

**J --Memorandum In Opposition From Murpy & Clark**

**K --Letter Fro Tim Flynn To Munising Township**

**L-- Letter From Mr. ADam Winkler To Township Board**