

ARCADIA TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING - LOUWEART
JUNE 20, 2023

A Public Hearing of the Arcadia Township Planning Commission was held on Tuesday, June 20, 2023 at the Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan. Chairperson Poniatowski opened the meeting at 7:30 p.m.

ROLL CALL: Members present: Poniatowski, Woloszyk, Howe, Arnold, Pugh and (new member) Silva. Absent: McClelland. Others present: Please see sign in sheet, Recording Secretary, Teresa Gormley.

MOVED BY Arnold, SECONDED BY Howe, to approve the agenda as presented.
MOTION CARRIED.

Chairperson Poniatowski invited Mr. Louwaert to address the Planning Commission.

Louwaert stated that he does excavation work. He found a deposit of gravel to be utilized as there is a growing demand and would like to harvest it and sell.

Arnold – Is it considered wetlands?

Louwaert – Area of maps provide is farmland, planted in wheat currently.

Woloszyk – The property is about 50 acres.

Louwaert – It will be about 30 acres.

Woloszyk – It looks like there is an access road that goes around the perimeter.

Louwaert – (Addressed Woloszyk at the conference table stating that that part of the map that Wolszyk referred to shows elevation. Louwaert pointed out berms.)

Woloszyk – Can you get a truck back there right now?

Louwaert – Not currently.

Arnold – How is excavation going to take place – will you be using water pumping?

Louwaert- I'm not planning on pumping at all. The report shows gravel goes as deep as 105' – may not be attainable right now – I've got to remove 10" of topsoil.

A question was directed from a board member about potential water from a pond flowing to the Bottom Creek Drain.

Louwaert – I cannot pump directly into Bottom Creek Drain. I met with (Drain Commissioner) Joe Suma. I will have a sediment pond and will clear out as needed.

My anticipated hours of operation will be Monday through Friday 7AM-5PM, Saturdays 7AM-Noon.

Howe - Year 'round? Spring, Summer, Fall?

Louwaert – yes.

Poniatowski – Do you have any permits pulled yet?

Louwaert – No.

Poniatowski – What driveway are you using?

Louwaert – It is my existing driveway.

Poniatowski – You will need to put in a commercial driveway.

Louwaert – I plan to upgrade.

Arnold – Any conversation with the Road Commission?

Louwaert – Not yet.

Poniatowski – Regarding reclamation of property for surety bond, I didn't see this on the site plan.

Louwaert – I don't think he put that on there. I didn't know if you guys set that...

Arnold – We set it but we need something to go by.

Howe – Now, if a 2nd owner takes over, it will void everything.

Arnold – yes.

Poniatowski – If you are doing a greenbelt, I see berms are set at 20' setback and it should be 50'.

Louwaert – I thought the berms were part of the setback.

Poniatowski – I believe they can but where there isn't a berm, I believe it should be 50'.

(Louwaert approached Poniatowski and a discussion was had about having route close to the neighbors.)

Poniatowski – I feel 7AM is a little early, especially on weekends.

Do you have fences and locked gates?

Louwaert – Yes, all of that. Traditional farm fence 4' t all – it is what is usually around aggregates.

Poniatowski – I think out of your driveway I would like to see a sign “No Left Turns” and also “No Thru Trucks” sign on Curtis Road.

As I see it, you currently need a commercial driveway permit, bonded haul route permit, permit from Soil & Sedimentation, and permits from DEQ/EGLE. And maybe a federal permit for individual storm sewer. That would be for ...

Arnold – Water discharging into Bottom Creek Drain.

Louwaert – I didn't plan to do that.

Poniatowski – But you will need that permit anyway.

Louwaert – OK.

Poniatowski opened for Public Time at 7:45PM.

Mark Osentoski, 5062 Curtis Road. Is it commercial grade gravel which could be good for asphalt? Is a crusher going to be used which promotes dust and dirt? Is there potential to lease this land to Lapeer County for a more commercial plant? My other concern is our road, which is already wash-boarded. I can see asphalt being needed.

Whose definition for roads after frost laws? Will it be chlorided more often? Who will pay for that?

Zachary Lumley, 3702 Lake Pleasant Road. I am not on Curtis Road so I don't have the concerns about the road. I am on Lake Pleasant Road so noise isn't an issue. I have a concern about 7AM start time and is there any plan to subdivide after the pond.

Linda Deming, 5380 Stanton Lake Road. I am concerned about impact to the wildlife. It sounds like he is going down deep enough to create a lake, will that impact our water table? And limits should be put on the truckload, noise and dust.

Kristin Smith, 3652 N. Lake Pleasant Road. (Smith read from a prepared statement too quickly to get the whole message – these are the parts of the speech that Recording Secretary gathered)

--Moved here to live in quiet area

--Protected wetlands

- Is there a study to show the impact this will have?
- Who pays for unacceptable or impacted water for drinking?
- This poses a risk to air quality.
- Increase in truck traffic.
- history of mining with Louwaert or will we be left with an open pit?
- What class truck will be going up and down the road?
- Crushing equipment to be used.
- Decreased property values.

Zachary Severn, 3652 Curtis Road. (Severn read from a prepared statement from his phone too quickly to get the whole message – these are the parts of the speech that Recording Secretary gathered).

--Read from Arcadia Township Ordinance Section 16.03(A), adding that locations should be in harmony of the surrounding neighborhood. Additionally, this is not in harmony potentially disrupting water quality and the surrounding eco-system. Excavation trucks are noisy, produce dust and are not in harmony. Subsection (B) states that the proposed use shall not result in an increase of a hazardous traffic condition. Increased use of excavation process will increase truck traffic, potentially leading to hazardous conditions on the road as well as pedestrians using the Polly Ann Trail. Subsection (C) the site lay out and intensity in use of time period shall not be a nuisance due to dust, noise, smell, vibrations, etc. He stresses SHALL NOT. Subsection (D) all specific requirements of the zoning district shall be complied with. Potential impacts on nearby wells raise concerns. Denial of special approval will assure adherence to these issues.

Severn added based on all he stated that this should not be adopted.

Janis Morgan, 4071 Curtis Road. She is a neighbor to the east, about 250 yards from Louwaert. It has been two years of this already. I already have COPD. Has a concern for her granddaughter. Morgan has a concern about silica in the dust, stating that silica stays in the lungs and never releases. Since Louwaert stated digging, her pond level has gone down significantly. She says Louwaert often works 6AM to 8 or 9PM. Morgan is concerned about her property values may go down to nothing.

Also, the noise is ridiculous. Louwaert is constantly moving dirt all day, every day. Morgan expressed she is “big time worried” about her well. She is completely against it.

Chris Kucharski, 3610 N. Lake Pleasant Road. Kucharski wondered if there is any chance of using explosives when Louwaert reaches the lower depths, adding that he lives near there and will hear this all day long. He wondered if the Polly Ann Trail and DNR were brought into this. Impact on property values is huge. They hear the noise all day.

Tom Fielhauer, 5056 Curtis Road. I don't dispute Jim Louwaert that there is value in the ground. But what value is there for the residents? The value is only to Louwaert. This operation would not say “Welcome to Curtis Road” when dodging gravel trains.

John Ziebron, 4612 Curtis Road. Ziebron stated that he lives near Louwaert's driveway, adding that he has been going back and forth with his trucks and he is messing up the road. He is using his truck every day. The road is washboarding and it ends at his driveway. It has never been this bad since I have lived here. What has Louwaert been doing because his truck is going back and forth all the time. Further, he can always tell when Louwaert goes by because he can feel it in his house. If he wants to pave the road from Lake Pleasant to his driveway that would be a good solution. He is totally against this.

Jeremiah Kaltz, 3668 N. Lake Pleasant Road. Kaltz's comments are similar to those made already. This will have a negative impact on the families that live there. Kaltz has questions about height of piles and who is going to maintain Louwaert's working within permitted levels. Once a permit is provided, who will monitor that. What is happening on the property already – is permitting started. Overall, there is a financial impact. Louwaert has potential for financial gain and residents have nothing to gain and much to lose. Families will leave the township. I say no to this.

Robert Sedlack, 5003 Curtis Road. I agree with everyone, there are a lot of good points. Do we really need another mining operation. There are a couple pits just north of here.

Ray Swain, 1717 Mitchell Lake Road. What Louwaert does will not affect me. I am a 4th generation in the township and have seen a lot of things come and go but this is not best practice for the township as a whole.

Patrick Betcher, 3610 Lake Pleasant Road. I have heard a lot of good points but I have not hear a very good business plan. So many unanswered questions. The Site Plan should reflect all permits, setbacks, etc. It doesn't appear Louwaert knows what that means. It looks like he has already started.

Bob Craik, 5058 Curtis Road. Louwaert claims that the pit will be about 30 acres, like ½ of his property. That's big. I have a little experience. He's going to need a dragline. . He's got to have screening machines there. His hours are unacceptable. There are other gravel pits around. It will be hell there. There are gravel pits all around. Louwaert will be the only winner. Not Curtis Road residents.

Judith Fallon, 4536 Curtis Road. Is he zoned commercial or farmland property?

Poniatowski – He is zoned AR, Agricultural (Residential)

Fallon (continued) So, it doesn't have to be changed?

Poniatowski -- There may need to be a zoning change for that parcel.

Janis Morgan, 4701 Curtis Road. This was a really quiet, peaceful, beautiful place. I've raised a family here for 12 years. This is a complete disruption of life. This is a

residential area, not a commercial business area – there is nothing but homes all around him. This is not fair.

After asking if anyone else wanted to speak, Poniatowski closed Public Time at 8:09PM.

MOTION BY ARNOLD, SECONDED BY WOLOSZYK, to table this matter until the next regular meeting, in fairness to Mr. Louwaert and in fairness to all the community members – we have a lot of questions before we can make a decision on this.

MOTION CARRIED.

Poniatowski – the next meeting will be on August 15th if anybody wants to attend.

MOTION BY ARNOLD, SECONDED BY HOWE, to adjourn this public hearing to August 15, 2023.

MOTION CARRIED. Meeting concluded 8:13PM.

Submitted by:

Teresa M. Gormley
Recording Secretary

Richard McClelland
Secretary