

FREEDOM TOWNSHIP BOARD OF TRUSTEES
DRAFT Minutes of the Regular Meeting
October 11, 2022, 8:00 pm
In Person at the Freedom Township Hall

1. Call to Order/Roll Call

Supervisor Lindemann called the meeting to order at 8:00pm

Members present: Lindemann, Bristle, Layher, Huehl, Schaible absent none 38 were present in the audience

2. Pledge of Allegiance

3. Change to Agenda: none

4. Approval of Minutes: Moved by Huehl supported by Layher to: Approve the September 13, 2022, Township Board minutes without corrections. Motion carried with all Ayes **CARRIED**

5. Treasurer's Report: Moved by Schaible supported by Bristle to: Approve September 13, 2022, Treasurer's report. Roll call vote was unanimous. Aye: Schaible, Layher, Bristle, Huehl, Lindemann Nay: none **CARRIED**

6. Communications: Supervisor Lindemann reported he received the monthly MTA focus magazine. HB4722 which could take away local township zoning control over short-term rentals passed the House and could be voted on by the Senate at any time. Please contact our State Senator Lana Theis to voice your opinion. He has not seen anything regarding the bill on sand and gravel control. He received an email from Sandra Clark regarding their easement. He received the PLPOA fall newsletter. A letter from Washtenaw County on their climate action plan and a flier from Wolverine on pipeline safety.

7. Public Comment: John Heuser saw a large house being built at 11240 Hieber Road. He spoke with the township and was told they were aware of the unique size and assured it met all codes. On behalf of his mom, Beth Heuser, he filed a FOIA request for all building records related to this home. He noticed the original plans had a violation to the 50ft setback from the lake and that it was a 3-story home since 50% of the basement was above the ground. He feels these issues are still violations and should be enforced by the township.

Matt Mikesell believes there is a zoning compliance issue with the home being built at 11240 Hieber Road. With his background he is comfortable reading prints and feels the drawing is deceitful and has an error with the 50ft. setback from the lake and the drawing is only 45ft. The first draft drawing was only 35ft and when they redid the drawing now saying 50ft he feels they didn't move the line but just changed the number. And when a second survey was done it showed a difference. Whether the 50 ft. setback line was incorrectly placed it needs to comply and be accurate.

Jessica Roberts has concern with noise issues related to fireworks, low flying planes and boats around Pleasant Lake. Carol Westfall would like to support The Heuser Family and see immediate updating to the township's lakefront zoning ordinances. She has concern about the size and scope of the new house being built at 11240 Hieber Road given its small lot size. She reviewed the Heuser's FOIA information, and the township planner identified problems with the original plans that needed to be corrected. The township's survey in July showed a concern with the set back on the lake side. She would like to see the township and WWCA verify the setback and if something is out of compliance remedy the problem.

Jessica Roberts asked what happens when a house like 11240 Hieber Road becomes an air b-n-b hotel?

Chris Mikesell would like to talk about The Carter's easement. It is next to the home at 11240 Hieber Rd and went from a flat area to launch a boat to a steep slope. In December the township planner pointed out violations and issues with the drawings. In February an updated plan was approved. She has concern with issues the house/builder has created and feels the township should take steps to fix the easement issue. Supervisor Lindemann stated that easement issues are individual property owners' responsibility, and the township does not have authority over them.

Mark Teicher represents Beth Heuser, and his background includes protecting lake resident's property rights. On July 5th and August 8th, he sent specific letters to the township asking for a meeting and no one from the township contacted him to set that up. There is case law to back up a municipalities authority to give and take away permits. Once you let one house break the rules the next one will do the same.

Ron Nitche shared that he made a large-scale upgrade to his home on Hieber Road in 2012. At that time his neighbors were given written notice of the remodel and given the chance to voice concerns or support. That led to peace with his neighbors and wondered what has changed in the process since then. A variance was needed for this remodel and

Supervisor Lindemann shared that it is state law to issue neighboring properties a notice when a variance is requested so that is why the neighbors were aware of the situation. Resident said in an email from the builder they said the 3-season room is cantilevered and does not apply towards the 50ft setback. Supervisor Lindemann confirmed that there are posts under it so it is a structure and must comply with the 50ft setback rule.

8. Reports:

State Police/Washtenaw County Sheriff Report: September Wash. Co. Sheriff Report had 22 calls with 21 handled by the Michigan State Police.

Manchester Fire Department Report: The September report had 7 calls.

Planning Commission report: Matt Little reported the P.C. held their meeting last Tuesday. He and the clerk attended a re-cap of a safety exercise held by Consumer Energy. A boundary adjustment for Mary Nagel was approved with conditions. HB 4722 passed the House and now it is on to the Senate for a vote. Chris Oesterling conditional use application is incomplete, but they have spoken regarding the missing information. It is due by October 25th so a public hearing can get set for December. Mason Horning got approval from the state to release the 18 acres from the PA 116 program and finalize the sale to Consumer Energy and they will file for a boundary adjustment. Review continued of the lake district article 3 and Zoning Ordinance 43-B looking at height of houses and footprint size. At the next meeting the P.C. will continue to review the lake district zoning ordinances, Oesterling conditional use application, site plan for Levy, fence at the Wolverine pipeline building and gravel pit bonds. A full copy of the PC minutes is available from clerk or on twp. website.

Ordinance Enforcement Officer- Austin Helber submitted a report for the month of August and September. A final letter to Else Heller/Chris Brooks for property clean up by October 1st and this has been completed. Second notice to 12430 Ellsworth Road for property clean up. A second notice to Brian Earl for removal of a storage container. A third notice and citation to 6251 Lima Center Road for property clean up. And a letter to the property owner of the old Pleasant Lake bar property with a camping application for their motor home. Per the camping ordinance, camping on vacant lots in the lake district shall be prohibited between October 1 and May 14. The motorhome will need to be removed from the property.

Zoning Inspector – Jim Coval submitted 1 new zoning issued for the month of September. A storage shed at 8900 Bethel Church Road.

Library- no report

Clerk report- Clerk Bristle reported that absent voter ballots have been mailed and you can contact her if you would like to receive one. The ballot drop box is located directly outside of the main doors at the town hall. She is working to finish up the 2021-2022 audit. And she gave a re-cap of the safety exercise held at Consumer Energy. The main points were if you suspect a problem call 911 and get signed up for the Everbridge alerts that Washtenaw County uses to send out important information.

9. Unfinished Business:

Barn Sanctuary Property Tax Exemption- The Barn Sanctuary has bought a farm on Ellsworth Road and have filed for a property tax exemption. Supervisor Lindemann spoke with the assessing office, and they are the ones that will make the decision by the end of the year to approve or deny the exemption request. Currently, they are not sure the organization meets all the requirements. If it is denied and the organization files an appeal, it is not known if it goes before the township board of appeals or to the state tax tribunal.

GIS Mapping around Pleasant Lake – To better address zoning ordinances around Pleasant Lake it would be helpful to understand the size of the lots around the lake. The township received two estimates for GIS mapping costs. One from Huron River Watershed Council for \$400 and one from OHM for \$1,800. The one from OHM is more comprehensive and the township already uses their services to create zoning maps.

Motion by Bristle and supported by Huehl: to accept the estimate from OHM for GIS mapping of the lakefront parcels around Pleasant Lake not to exceed \$2,500 for services.

Roll call vote was unanimous. Aye: Bristle, Layher, Schaible, Lindemann, Huehl Nay: none **CARRIED**

10. New Business:

PA 116 for Kevin Vershum- Motion by Lindemann and supported by Schaible: to approve Kevin Vershum's application to put 78ac. on parcel # N-14-25-400-009 and N-14-25-100-004 in the Farmland and Open Space Preservation Program PA 116. Motion carried with all Ayes. **CARRIED**

11240 Hieber Road Home Construction- The plans and survey done by Atwell, for the new home being built at 11240 Hieber Road were approved by Jim Coval, zoning administrator on February 11, 2022. The plans show the 3-season room 50ft. from the high-water mark, this would be in compliance with the zoning ordinance. Township residents questioned that the 3-season room was built too close to the lake and not following the 50ft. setback requirement. In July 2022, at the request of the township, Arborland Consultants performed an independent survey to confirm the 50ft. setback was accurate in accordance with the zoning ordinance. That surveyor used different marks to identify the high-water mark which is based on an interpretation of each individual surveyor. Discussion was had on several points. How to confirm or deny the accuracy of the drawing from Feb. 2022 and how to measure the difference between the spot used on the Atwell survey and the one used by Arborland Consultants to measure the high-water mark. It was decided that the township zoning administrator and the township supervisor would go out and use a tape measure to measure the high-water mark and verify that the 50ft. setback requirement was accurate and in compliance. Lindemann will report to the board and share with lake residents when this has been completed.

11. Warrants: Motion by Lindemann supported by Huehl: To approve the online payments for the 941-tax withholding and warrants 5101-5117 and journal entries.
Roll call vote was unanimous. Aye: Bristle, Layher, Huehl, Schaible, Lindemann Nay: none **CARRIED**

12. Public Comment: Jessica Roberts would like the planning commission to consider an event permit ordinance. Clerk Bristle shared the tractor tire drive will be Saturday, December 10th, 2022, from 9am-1pm at the Freedom Town Hall. Bring your agricultural tires for recycling. Limit 4 tires per producer. Registration is required and you can do that by contacting Nick Macinski at nick@washtenawcd.org or 734-302-8715.

Adjourned at 10:58 pm
Valisa L. Bristle, Clerk, Freedom Township