

# MARBLEHEAD PLANNING COMMISSION MEETING

September 7, 2022

Meeting called to order by Chairman Tim Feller at 6:00 PM. Members answering Roll Call: Members Richard Zembala and Cher Monak, Council Member MaryAnn Sauvey, Mayor Jackie Bird, and Chairman Tim Feller. Motion made by Member Zembala and seconded by Mayor Bird to approve the August 3, 2022 minutes as presented. Motion carried by unanimous roll call vote.

## **Public Comments:**

**Old Business: None**

**New Business: Continuance of the setback hearing for Bill and Margaret Klaehn.** This hearing is continued from the August 3, 2022 meeting. Chairman Feller asked the Board of Zoning Appeals if there were any objections to the 16 foot setback for the Klaehn property as discussed at the August meeting. The Board agreed by unanimous consent to change the setback to Ottawa Street for the lot at 722 Prairie to 16 feet instead of the standard 35 feet. Without this setback change, the buildable area would only allow for a 20 foot wide home to be built. This is not a variance for a specific building, but permanently changes the setback for that property regardless of ownership or type of dwelling. These minutes will be the record of this change and a copy will be sent to the Klaehns for their records.

**Public Hearing for a Conditional Use permit for a Travel Trailer Park at Bay Point.** The owner of MHC, Jim Murray as well as Braydon Putman, the engineer for the Trailer Park project were present to discuss the park application (app on file). MHC is formerly known as Southern Marinas and also Equity Lifestyles. Mr. Putman explained the plans for the Trailer park. He said the site is zoned Business and currently has some park benches and grills on the property. An existing gravel road loops around the site with the road access on the north near the existing road that goes to the other trailer park to the east. He said a sanitary sewer line terminates about halfway down the property. The plan is for 64 sites each to be 35' wide by 60' long and a raised accessory deck next to each Park Model. The roads inside the Park will be 24' wide. Each Park model will have water, sanitary sewer and electric hookups. Chairman Feller noted that the plan submitted with the application was entitled "Conceptual Site Plan" and that a regular stamped surveyor or engineering plan would be required before approval. He also noted that the entry to the site must be by a road right-of-way of at least 50 feet and this cannot be seen clearly on the plan submitted. Chairman Feller also said that water and sanitary sewer expected usage would need to be verified by the Village Water department and the Regional Sanitary sewer departments, and their ability to supply those requirements, before approval could be granted. He pointed out that the park setback rules are 45 feet on the sides of the property and 60 feet to the south, and that the south and the southwest parts of the park did not meet those setbacks. Brayden said they have some flexibility with the plan and could reduce the number of spaces if necessary to meet the setbacks.

Chairman Feller opened the floor for comments from the visitors.

**Mike Watson**, Bay Point resident said that Bayshore Road is not safe in that area because there are blind spots and no bike lane. Chairman Feller said that the State has jurisdiction over Bayshore Road, as it is a State road. Mayor Bird explained some of the past history of the Village trying to lower the speed limit but was only partially successful in working with ODOT. Mr. Watson said that the new developments make the old traffic study obsolete.

**Chairman Feller** asked Brayden Putman whom did the Wetlands study. Brayden said his company did the study, and shared the results with the Army Corps.

**Tim Gase**, Bay Point resident asked Mr. Putman who hired your company to do the wetlands study. Mr. Putman said Bay Point hired us.

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**David Chervenik** Bay Point resident submitted a wetlands sketch. He said the setback requirements are too small especially since the wetlands are so close.

**Gary Didado**, Bay Point resident said the sewer is not adequate now and will be worse with more dwellings going online.

**Paul Armstrong**, Bay Point resident said that the water overflow on the big bridge will be worse with 64 new units.

**Linda Yonkof**, neighbor said that she is not comfortable that Equity Lifestyles did their own wetlands study. Is it tainted?

**Diane Rozak**, Johnson's Island resident asked Mr. Putman what was the classification of the wetlands. Mr. Putman said they were class 2.

**Kevin Kilbane**, Bay Point resident said the homeowners do not get their money's worth. He also asked if Rentals will be allowed. Zoning administrator Hruska said that all of Bay Point properties are zoned Business and therefore can short term rent.

**Mike Watson**, Bay Point resident said the Home Owners Association is not successful in negotiation with Baypoint about issues. Why expand if they cannot take care of the developments they have now?

**Mike Spence**, Bay Point resident Said he echoes the comments made by others today. Specifically he is concerned about the increased traffic and the wetlands development. He said he was told when he bought, that the wetlands were unbuildable.

Bud Vetter, Lawyer for some of the Bay Point residents said the application does not meet the criteria of the Conditional Use regulations. He also said that too much of this land is underwater. The big bridge is 18 feet wide and that is under the minimum required width, and does not allow side by side travel with trailers. He said the proposed park does not meet the setbacks. He said the plan does not meet the habitat laws. He said the streets are inadequate. He said the utilities do not meet the general regulations in the zoning rules.

**Unidentified man** said this land is prime bald eagle territory. He wanted to know how many trees will be cut down for the development. Mr. Putman said as few trees as possible will be cut down.

**Paula Sue Russell**, Bay Point resident said there is only one point of egress. How will you evacuate in an emergency?

At this point, the questions and comments started to repeat and Chairman Feller said we will take only a few more questions.

**Austin Musser**, identified as an attorney for Bay Point said it would not be appropriate to close the hearing at this time.

**Jean Hartline**, Engineer for Bay Point (as described on the sign-in sheet) that lives in Ottawa County said she reviewed the traffic pattern of the area. She said Planning should not put a heavy density development far from the main road. She said the traffic count for this development would be around 600 per day. She said there will be a que problem at the gate on busy days such as Fridays. She said the plan does not show the access route or a parking plan. She said that ODOT has recently slackened their requirements for speed limit changes. Chairman Feller asked Mrs. Hartline how long it would take to do an official traffic study. Mrs. Hartline said 2 weeks.

**Marty Wise**, Bay Point resident asked if the Village is responsible for loss of property value when a development goes in. Chairman Feller said no.

**Ron Russell**, a Waterview owner said he has had a marina slip for 30 years and would like to know who is in charge of security. (No one answered that question).

**Donna Luana**, (spelling? – did not sign in) asked if there is a land use plan for the Village. Chairman Feller said the Village is currently working on a density study.

**Kip Bolon**, Bay Point resident asked if the Planning Commission can limit short term rental at Bay

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Point. Zoning Administrator Hruska said no, because it is zoned Business. However, the home Owners Association can restrict renting and impose other restrictions for members. Those restrictions are not enforced by the village.

**Jim Murray**, representing MHC (Southern Marina) said they could restrict short term rental by deed restriction for the park if that would be more acceptable.

**Harry Hoyen**, Bay Point resident suggested that the acreage used to calculate the park size should be the buildable land only and not any land that is restricted such as wetlands or ponds. Zoning Administrator Hruska explained that some Municipalities have a rule like that, but the Village code does not have that requirement.

**Chairman Feller** asked where the 1<sup>st</sup> floor of the dwellings (Park Models) will be in relation to the flood plain elevation. Mr. Putman said the 1<sup>st</sup> floor would be above the flood plain.

**Ron Russell** asked if the roads will be above the flood plain. Mr. Putman said they would not be above the flood plain. Mr. Russell said if an evacuation was ever needed the vehicles, especially if they had trailers attached would not be able to get out of that low area.

Austen Musser said that there is no Park Model section for a park permit and since this is a Travel Trailer Park application, it should be denied.

At this point, Jim Miller, the owner of the land asked for a continuation of the meeting before a vote was taken. The continuation was granted.

The Planning Commission will schedule a hearing for the continuance after they received updated drawings and plans that address the issues raised.

Brayden Putman will submit new plans to the Zoning office when completed.

**Informal meeting with John Murphy of Bay Point to discuss a Planning/Zoning violation at the Waterview development.** The Planning Commission had a discussion with John Murphy about the zoning inspection by the zoning administrator (see inspection report and letter from Solicitor Barney attached to these minutes). After this discussion, Mr. Murphy agreed to install the breezeway between the dwelling units with roofs connected to each dwelling using the existing Pergola as the walls for the breezeway, and that the deck of the breezeway will be pavers. Mr. Feick will submit the drawings reflecting this agreement for approval by the Planning Commission. Once the plans are approved by Planning, the roofs will be built. Once the roofs are installed, Mr. Hruska will do his Compliance Report inspection and if they pass inspection, he will sign-off on the Compliance report. Mr. Hruska suggested to Mr. Murphy that, when approved, he builds the roofs for the first units that he needs to close on, so that he will have the Compliance reports done for those buildings first. Then he can bring the other units into compliance as quickly as possible.

**Mr. Hruska gave his zoning report.**

Meeting adjourned at 8:00 PM

I, hereby certify these minutes to be true and accurate



Secretary, Robert Hruska