

**HOPE TOWNSHIP PLANNING COMMISSION  
MEETING MINTUES  
MARCH 18, 2021**

The meeting was called to order by Chairman Norton at 6:30 pm at the Hope Township Hall, 5463 S M43 Hwy, Hastings, MI. Pledge of allegiance to the flag.

**Members Present:** Junior Homister, Bob Norton, Roger Pashby (on Zoom), Craig Jenkins, Jim McKelvey

**Member Absent:** None

**Others Present:** Planning Consultant/Zoning Administrator Nathan Mehmed<sup>2</sup> (on Zoom), Township Attorney Catherine Kaufman, Engineering Consultant Dan Whalen from Williams & Works, Hydrogeologist Dan Greene from Fishbeck, Attorney Kenneth Vermeulen of Honigman, Applicant Trevor Smith from R. Smith & Sons, Roger Smith from R. Smith & Sons, and approximately 67 individuals logged into the Zoom virtual meeting.

**Agenda:** Motion by Norton, second by Jenkins, to approve the agenda as presented. Roll call vote; all yes. Motion carried.

**Meeting Minutes:** Motion by Norton, second by Pashby, to approve the October 15, 2020 meeting minutes. Roll call vote; all yes. Motion carried.

**Introduction of two new Planning Commission Members:** Norton introduced two new Planning Commission members: Jim McKelvey and Craig Jenkins.

**Commission Vice Chairman Appointment:** Junior Homister was nominated as Vice Chairman of the Planning Commission. Roll call vote; all yes. Motion carried.

**Commission Secretary Appointment:** Craig Jenkins was nominated as secretary of the Planning Commission. Roll call vote; all yes. Motion carried.

**General Public Comment:** Norton opened up the floor for public comment. Norton explains that this time is intended for the Planning Commission to hear public comment, but not necessarily provide a response. Norton requests that comments be limited to three minutes out of consideration for others.

In-person comments were received first at Township Hall in accordance with Michigan Health Department Guidelines for in-person gatherings. Residents voluntarily rotated in and out of the building to speak and maintain the 25 person capacity limit.

Bill Kruger, 8214 Nadell Drive on Wilkinson Lake

Kruger is the board president for the Healthy Waters Alliance. He stated that the Alliance has sent 13 informative submissions to the Planning Commission since learning about gravel mine. Kruger noted that Wilkinson Lake is a valuable resource to the community and his second home. It is serene and quiet, away from the city. He noted that the community is stressed out by the gravel pit, which is proposed on 900 feet of Wilkinson Lake. This is the largest parcel on the lake. Kruger acknowledged that the Planning Commission has a hard job and commends them for their work. He believes there are very serious consequences that will occur if this application is allowed. He explained the Healthy Waters Alliance is working to provide proof of these very serious consequences. Kruger believes the biggest consequence would be property values, as a property valuation study was conducted in January following the Upjohn Institute parameters. Based on proximity from the gravel mine, this study predicted a \$2.8 million property valuation loss. He noted that this is only one of many very serious consequences. He also stated that there are no other examples of a gravel pit on a recreational/residential lake in Michigan. Kruger implored the Planning Commission to deny the application and respectfully consider the people in the community and surrounding environment.

Don Sklenka, 8345 Wilkinson Lake

Sklenka noted appreciation for fellow residents outside Township Hall and discussed value and need for the mine. He doesn't believe there is value on the property simply because Smith and Sons purchased land. His intent was to provide contextual guidance to this situation. Sklenka noted that in 2005 Smith and Sons entered into an agreement for mining when the lease agreement was valued at \$1. In 2006, gravel boring logs were obtained, although he noted that there is no map or proof that these were obtained on the property. Sklenka commented that Smith saw these boring logs and didn't do anything on the property over many years. In 2017, he commented that Smith entered into a new agreement on the property depicting wetlands and said they wouldn't mine there. Sklenka noted that this lease agreement was still worth \$1. Then he explained that an estate sale occurred and the owner didn't offer the land for public sale; rather, it was sold to Smith for \$850,000,

after which the special land use permit was requested. He wondered where the value existed when the land was leased for \$1 and why a request wasn't submitted at that point. He also wondered if the sale was a quick decision without site research and if Smith now needs to make money back on the land. Sklenka asks the Planning Commission to consider the value of the land to Hope Township and its residents and also the need for it.

Cindy Mursch, 622 Grove Street, Delton

Mursch fought the gravel pit on Otis Road and believed the Planning Commission ignored evidence that the Otis Road mine should be denied. Her understanding was that this mine still has not been remediated. Mursch stated she wants to make sure there's enough in the bond so that if Smith and Sons doesn't fix the property to be usable and sellable, it is covered. Mursch asked the Planning Commission if this has taken place, as she doesn't believe it has. She believes Smith and Sons should not be able to have another gravel pit. She summarized a conversation she had with an attorney, Mr. Sparks, that the Board could have denied the special exception permit for the previous mine. Mursch believes the Planning Commission can deny this permit and asks that this be denied for the Township and its tax base. She explained that she visited the Smith mine in Allegan County and it was devastation. She believes the proposed mine would be horrific for residents and anyone in the area to look at. She asked the Planning Commission if they should have this type of business and person in this community and asked them to deny the application.

Tim Hunnicutt, 8430 Chain O Lakes Dr

Hunnicutt owns a non-profit business and noted his reinforcement of the message from the community and many outside Township Hall. He explained that Smith and Sons are causing fear and stress among citizens, and Smith's illegal actions from last summer also caused stress. He commented that Smith knew he could pay the fines and has been doing that for years. Aside from the site, he noted they are a dishonest company. He explained that the people brought forth truth that would've been otherwise overlooked and he brought pictures of bulldozers knocking over trees and illegal activities for the Planning Commission. He explained these activities were in direct violation of those permitted, as no actions had been permitted on the site. He noted the damage to homes and excessive noise above the ordinance, including the inability of people to work from home due to noise and disturbances throughout the summer. He commented that the application is full of discrepancies and each meeting brings more Smith intends to do on the site.

Boxes are checked, but Smith keeps adding items as the application is discussed. Rock crushing and silica dust are examples. Hunnicutt explains that Smith has never submitted a pro forma of revenue generated. Typically, he explains that a company will demonstrate what they're going to be building or harvesting in a community, and Smith has not. Hunnicutt was wondering where the pro forma was located. He also commented on Smith's claim that MDOT is begging for more product, as he asked MDOT officials and reported that they laughed at this and were embarrassed to hear such comments were being made. Smith was identified as illegally committing activities last summer and the things that happened at the Otis site are expected to cause much greater damage at this Wilkinson Lake site. Hunnicutt believed the pit would cause irreparable damage to the lake community and the nature it offers. The people want the right to protect the lake.

Brian Meyers, 6004 Rose Rd

Meyers was upset this was being presented. He believes it would mess up the water and that this should be thought about more. Meyers inquired whether any Planning Commission members live in Barry County, to which they responded that all live as residents. Meyers believes this application is about money and asked the Planning Commission to represent the people well.

Elaine Jones, 8691 Chain O Lakes Dr.

Jones explained that she has lived on Wilkinson Lake since 1990 and loves all the wildlife they have, including deer, beaver, muskrats, and squirrels. She loves that people can fish and swim and noted that people could probably even drink out of it. She believes diesel trucks will make the wildlife go away. Wildlife makes her happy. She sees the need to preserve what exists. If fuel, oil, and gasoline are dumped into the countryside, it will be ruined. All the oil, gas, fumes, and noise are concerns. She explained that the lake is like a huge speaker, as you can hear people talking from the other side of it. The engine and roar of the mine will be heard loudly across the lake. She wants to relax, not hear noise, as that's why she chose the country. She wants to keep it peaceful.

Larry Heslinga, 8202 Nadell St.

Heslinga believes there are lots of very serious consequences, but wants to focus on one. He explained this has to do with experience at his primary residence in Kalamazoo. He lives about a mile south of the Alamo border, where a gravel mine was sited. He explained there was much concern about this in Oshtemo Township because there were few Alamo residents near the

mine but many Oshtemo residents. While Oshtemo Township officials talked with Alamo, the mine was still sited. He explained that Oshtemo Township officials said they'd consider the mine's impact in tax assessments if it was approved. The year ground was broke for the mine, Oshtemo Township followed through and Heslinga's tax evaluation dropped 8.2%. The property is 1.2 miles from the mine, with hills and woodlands. Heslinga commented that his firsthand experience is that this can impact property values significantly. It took 11 years for his tax assessment value to reach the original value before the pit in Alamo was started. He explained that he had a nice house, neighborhood, and investment, and would expect a better return on his investment. He believes his experience says the Upjohn study is accurate. He implored the Planning Commission to pay attention to this very serious consequence.

David Ellyatt, 8313 Wilkinson Lake Dr.

Ellyatt discussed silica dust, defined as small particles of dust associated with crushing and grinding. He noted that sand and gravel contain this material. He stated there are serious health problems for people who inhale this dust, according to OSHA. He explained the amount that could fit on a penny would over-expose a worker. Ellyatt wondered how much someone next to a gravel operation be exposed to and how far it would travel. He noted that the dust could travel over a mile with a light breeze and the proposed mine is less than 400 feet from his property. He stated that silica dust is a health hazard that travels, neighbors will be exposed, and this is a very serious consequence. He thanked the Planning Commission for their consideration.

Barb Heslinga, 8202 Nadell St. Wilkinson Lake

Barb commented that her home has been a respite and Wilkinson Lake was chosen because it had an "up north" feel without the travel. She noted that their guests always comment on this feeling. When her family packs up to leave for their primary home and stand on the dock, they look at the lake and breathe fresh air. She noted that having a gravel pit on the shores will change the lake's peaceful experience. Instead of trees and hills, she explained that gravel trucks and the pit would be present, eliminating the "up north" feeling. She commented that Hope Township shouldn't be known for a gravel pit on a residential lake and strongly urged the Planning Commission to deny mine.

Sherry Woodstock 5769 Head Lake Road

Sherry commented that she hadn't heard much on this issue, except for seeing signs along the road; however, she explained it has become important to her

over the last week. She explained she was born in Hastings on a centennial farm (now camp Michiana), and for the past 40 years she and her husband had been saving to hopefully move back to this area and build a retirement home. She commented that she couldn't see anything positive from a gravel pit even when living on the neighboring Long Lake. She noted the drain commission would be bringing water from their lake and anything happening on any of the area lakes will be filtered through the rest. She explained that everyone on other lakes investing their time and heart into the enjoyment of these lakes would all be negatively affected by the mine. She noted there is no other residential lake that has this type of operation and didn't know why this would be considered for Wilkinson Lake. She commented that her heart breaks for everyone who wants a quiet, peaceful life on the lakes and implored the Planning Commission to deny this from happening. She noted that it would negatively impact generations to come and isn't what Hope Township should be known for. She commented that she wants the right thing to be done for the right reasons for current and future generations.

Scott Matteson, Mudd Lake.

Matteson commented that he has lived in this area for 23 years. He explained that he believes in landowners rights until it infringes on other peoples' rights. He noted that property valuation is a big part of this situation and if the mine was approved, property values would take a big hit. He commented that real estate agents were already telling people not to buy on these lakes until seeing the outcome with the gravel pit. He noted this is a serious consequence and would ruin the character of the lake for decades. He explained the noise would ruin the lake environment and asked the Planning Commission not to approve.

Patricia Austin, 24 Oak Opening.

Austin commented that she and her husband, John, just bought property on the lake. She noted it had always been a dream to have a home on a lake and they invested a lot of time and effort into this property. She explained they bought it pretty run-down and have lived there through the mess. She also commented that she works there because of COVID and needs a quiet environment and requires a high level of concentration, but that the pit would be located down the road. She also explained she wants to have a place to leave for kids and grandkids, which might not be a place they want now. She commented that if they have to sell the property values would be so much lower it won't help them. She noted she has a lot of unanswered questions. She also commented that people elect the Planning Commission with confidence that the Commission would listen and weigh what the public has

to say. She explained she would like the Planning Commission to have Smith move mine somewhere else because it's not a good fit for the neighborhood and Hope Township. She asked them to please vote no.

Jennifer Smith, 8374 Channel Lake Drive

As wife, resident, and grandmother, Smith explained that she strongly opposes the gravel pit and sees the destruction it can bring. She commented that she feels like the people are not being heard and has a lot of concerns. She asked the Planning Commission to please consider the public's feelings, where they're coming from, and their futures. She noted that this is not a good thing for residents.

Gordon Smith, 8374 Channel Lake Drive

Smith thanked the Planning Commission for giving people a voice. He explained that a lot of information has been given. He noted the Planning Commission has asked questions and found a lot of things about what is being proposed. He believed Smith and Sons should have a very detailed business plan. He noted that he read the proposal and nothing was mentioned about drinking water. He thanked the Planning Commission and asked them to look at the data. He explained their family is in danger and that they will leave if the mine is approved.

Scott Donovan, 7 Oak Opening

Scott stated he really strongly opposes the mining application. He explained he was married on Wilkinson lake and doesn't believe Smith and Sons can be trusted. He noted they were on the property mowing and taking down trees. Scott stated he doesn't want to invest in his house if the mine is nearby. He explained he was considering building, but doesn't want to raise two kids there if the mine is approved. He explained that everyone knows their property value is going down and that it's ridiculous that Smith and Sons are trying to do this. He asked the Planning Commission to consider this and thanked them for listening

Kasey Scott, 7 Oak Opening

Scott explained she was excited to move out and watch wildlife on Wilkinson Lake. She noted the house was shaking and trees started coming out of ground. She wondered that with all the money Smith and Sons has, why they could go somewhere that isn't residential. She is located 5 houses away from the proposed mine site. She noted this is not fair to anyone, as this area is in the country with wildlife and now they may have to live near a gravel pit. She

noted there are already a lot of gravel pits in the area, and although glad he has a successful business, does not believe this is a need. She wondered why this is being put next to peoples' homes, as there are already several mines in Middleville, Caledonia, etc. She explained her respect that Smith and Sons want to make more money, but believes they should go somewhere where people aren't living and trying to raise a family. She explained she is stressed because she doesn't want to move, their house is small, and she's trying to raise a family. She noted that the site is already destroyed with a torn-up field. She commented that their house was shaking and she works from home. She implored Smith not to move next to them, as people love this place and don't want to leave.

Brendon Baird, No address provided.

Baird explained he has lived in this area all 22 years of his life and is a new property owner in Yankee Springs. He noted there's a gravel pit there and doesn't think another gravel pit is needed. He explained that people are at Township Hall for a reason. He commented he's not giving Smith grief about the project, but cares because other people care. He noted he wants to live here and cares about neighbors. Baird asked that they don't put a pit here.

Connie Hawk, 15 Oak Opening

Connie and her husband Dave bought their first and only house here and have lived in this area about 32 years. She noted the lake has been very quiet and was popular for fishing when they bought their house. She explained they took their kids out to play here and it's where they grew up. Now they have planned on it being their retirement home. She explained that it breaks her heart that this would be the outcome after investing so many years putting money into their home and working hard. She noted the gravel pit would be 1,000 feet from her house. She explained that she understands and appreciates that Smith wants to make money, but they do not want to have their property devalued by 30%. She commented that they were hoping to retire and have something to leave their kids, but now feel like this is going to be stolen from them without having any control. She appreciated the Planning Commission for listening and asked them to consider affected lives. She explained she has asthma and can't tolerate dust. She also noted vibrations will move the foundations of homes. She explained she doesn't want a new well put in by Smith, but wants the current one she paid for. She asked the Planning Commission to consider how many people would be affected and dust that would be in the water and air. She wondered what the fish would do and expects there would be no more fishing in lake or any other wildlife around.



Because sound travels, she believes the noise would be heard on other lakes. She explained that this feels like their livelihood is being stolen and wants Smith and Sons to go somewhere else where this many people won't be affected. She asked the Planning Commission to vote no.

Dana Hawk, 15 Oak Opening

Hawk noted that all lakes in this area are precious. He commented that they should be better stewards than they have been. He explained that allowing a gravel pit at this location would not be good stewardship. He noted that anything that happens could pollute a lot of water, stretching to the Thornapple and out. He hoped the Planning Commission would vote no. He noted they need to protect water and no amount of gravel is worth that protection.

Norton turned attention to Zoom attendees for public comment. Mehmed explained that attendees could raise hands to share public comment from Zoom.

Lexi Terpstra, 8305 Wilkinson Lake Drive

Terpstra commented that she and her husband have plans to build on lot. He explained he's a disabled veteran and they choose this area for its peace. She noted this is something he wants because of his past experiences and that they want a place he can go. She was concerned about the noise that would be created six days a week. She asked, like others, that the Planning Commission consider people trying to build a life and home, and how this affects them.

Ellen Berens, 8344 Nadell Street

Berens commented that the public has given evidence for all five very serious consequences. She asked the Planning Commission to do what is legal and deny the gravel pit.

Scott Arnold, 8329 Wilkinson Lake Road

Arnold commented that there are no other recreational lakes that would allow this to happen in Michigan. He noted there are no other lakes that have a gravel pit. He did not believe Torch, Higgins, or Houghton Lake would even consider this. He explained that Wilkinson is their Torch Lake. They want it to be that way and don't desire a gravel pit two doors down.

Karen Ellyatt, 8313 Wilkinson Lake Dr.

Ellyatt stated that while she understands Mr. Smith's rights, she believed "my right to swing my arm ends where your face begins." She explained that his property rights should end where damage begins to neighbors' property. She noted that financial damage, health risk, environmental damage, and others had been already discussed. She implored the Planning Commission to make the right decision and consider that consequences happen when the wrong decision occurs.

Mike from Pangea Environmental LLC

Mike explained he is a volunteer geologist from the Healthy Waters Alliance and had submitted a video. He provided a reference where this video can be seen.

Catherine Young, 1835 Wilkinson Lake Drive

Young commented that she works for a marketing agency and has relationships with many vendors. She explained that she stops working with them when they stop paying or lying. She asked the Planning Commission why they'd want to keep working with Smith when Smith has already lied, sued them, and not followed instructions regarding the Otis Lake mine.

**Closed Session – Attorney Catherine Kaufman**

Motion by McKelvey to enter closed session to get attorney opinion in accordance with the Open Meetings Act. Motion seconded by Homister. Roll call vote. All yes. Motion carried.

**Unfinished Business: R. Smith and Sons Inc Special Exception Use Application (8409 Miller Road, PN 08-07-030-003-00):**

Norton stated a list of 46 comments were received since the October 15, 2020 meeting through 5:00 PM on March 17, 2021. He noted most of these were received through email and all comments have been forwarded to the Planning Commission and would be included in a permanent record. Mehmed confirmed he received the same list. Mehmed further noted that additional information was received separately from Fishbeck and had been forwarded to the Planning Commission. Norton noted that the information from Fishbeck was received March 15, 2021.

Norton indicated that they will begin deliberating again. Jenkins commented there is additional information the Planning Commission believes would be valuable. He stated he would like to see an environmental impact statement covering each of the following in either one report or separate reports on hydrogeological study, health

related to (respiratory), and wildlife. Jenkins asked the consultant to obtain a copy of the Upjohn study that has been referenced and also contact local schools and the road commission to get counts and information regarding school bus routes. Motion made by Jenkins to request these studies, support by Junior. Norton reiterated that studies should address hydrogeological concerns (surface and groundwater), health (silica), traffic, property values, and wildlife. Roll call vote. All yes. Motion carried.

Norton asked Mehmed to obtain a third party to conduct each of these studies objectively. Mehmed agreed.

Jenkins requested information from Smith regarding an estimated number of trucks. Smith commented they would use historic values and make assumptions. Vermeulen asked for clarification and suggested maybe looking at Otis Lake. Smith indicated that this project would be a difference size and scope and wanted clarification on the units of measurement so there isn't confusion. Norton stated they want to understand the increased truck traffic on Miller road and have a way to look objectively at its impacts. McKelvey asked about how many trucks were used for Otis Lake. Smith thought 50 trucks. Norton requested that the information provided be clear so the Planning Commission knows what units are used and what it represents.

Homister noted that public comments identified fresh water as more value than oil. He also commented that there may be two aquifers on this site and that the Planning Commission is concerned about water that may go to the Great Lakes. Greene replied that people were addressing the perceived concern of salt water.

Smith indicated that Greene's report addressed saltwater. Greene claimed the report with this information regarding the presence of salt water was wrong. Junior stated he still had concerns and wants to make sure its drinkable when it gets to Lake Michigan. Jenkins commented that a third party is desired because Fishbeck has a vested interest and neighbors are concerned. Norton also noted the location of the water table has been an issue of some discrepancy and wants this addressed in the hydrogeological report.

Vermeulen commented that a hydrogeological scope could range from a couple of wells to a full-blown pump test and wondered what scope was desired by the Planning Commission. He noted the consultant should be told what they want to be determined, as a pump test is very different. Junior asked how large the proposed well would be and Greene replied that this is still to be determined. He noted that it wouldn't exceed the allowable state requirements, whether 6 or 18 inches. Junior asked how many wells are proposed. Greene replied that it could be more than one.

Smith stated a hydrogeological study could help determine how many and how big the wells could be. Greene added that the requirements will determine whether it is one well or two, but it won't exceed the registered window that the water withdrawal assessment from EGLE will allow.

Whalen noted that this information doesn't say anything about what's under the surface, only what you can do to the basin. He stated that they currently don't know if there's an aquifer down there. He noted that they need to know where the aquifer is, where it's going, and its impacts. He stated that the hydrogeological study should help.

Kaufman commented that the Planning Commission wasn't qualified to determine these items and would ask the consultant. Norton noted that the Planning Commission is concerned about what's occurring underground with aquifers and also what's on the surface, also dust. Mehmed and Whalen were noted as being able to inform the third-party consultant of their concerns. Norton asked for a motion to table the request, as the meeting had reached the 2.5 hour limit as stated in the bylaws. The next meeting would be scheduled for April 15, 2021. Motion to table made by Junior. Second by Jenkins. Roll call vote. All yes. Motion carried.

**Zoning Administrator:** Mehmed stated there is nothing to report. Mehmed noted permits are picking up, but there is nothing else to report to the Planning Commission.

Vermeulen noted that a hydrogeological report could take a while, depending on scope, likely more than 30 days. He stated they are planning on getting something for the April 15th meeting. Homister clarified that anything that they can send by next meeting would be good. Zoom meeting was disrupted by residents asking what is going on and stating that Smith should not be talking. Norton clarified that this is not public comment and that they are making plans for our next meeting. Kaufman explained that questions are being asked. Norton reiterated that they plan on meeting April 15<sup>th</sup>.

### **Adjournment**

Norton entertained a motion. Motion by Homister. Second by Pashby. Motion carried unanimously by roll call vote. Meeting adjourned by 9:03 pm.

  
Craig Jenkins, Secretary

3.30.21  
DATE