



**Minutes**

THOMAS TOWNSHIP PLANNING COMMISSION  
Thomas Township Public Safety Building, 8215 Shields Drive, Saginaw, MI 48609  
June 20, 2018 at 7:00 p.m.

Rod Iamurri called the Planning Commission meeting to order at 7:00 p.m.

Present in addition to Mr. Iamurri were: Dave Sommers, Ruth McDonald, Pat Lynch, Doug Bird and Jennifer Curry. Also present was Dan Sika, Director of Community Development.

Absent: Steve Yockey.

**1. Call to Order and Roll Call**

Roll call was taken.

**2. Pledge of Allegiance.**

**3. Approval of Agenda:**

It was moved by Sommers, seconded by McDonald to approve the Agenda for the June 20, 2018 meeting. Motion carried unanimously.

**4. Approval of Minutes:**

It was moved by McDonald, seconded by Bird to approve the minutes of the May 16, 2018. Motion carried unanimously.

**5. Communications – Petitions – Citizens Comments – None.**

**6. Presentations-None**

**7. Sign Board of Appeals-None**

**8. Hearings-None**

## 9. *New Business*

### *A. Review/Discussion of Ordinance Section 3.2 (i)-Fencing Requirements for Swimming Pools.*

Iamurri stated that in the last 2-3 months there have been ZBA requests for variance for swimming pool fences for in ground pools. They both were granted but since that time information has been brought to the Planning Commission for them to review the possibility of a change to the zoning ordinance or should it be left as is. Russ Taylor, Thomas Township Manager addressed the members. He stated that for years there has been a requirement for fencing in ground swimming pools. More recently there has been requests to allow for pool covers in lieu of fencing. The ZBA has considered these and granted two variances. The concern is that it is difficult for Dan and his staff to differentiate cases where these would be allowed or not allowed. There was not a lot of uniqueness to either case that would create a difference between those and any others in the community which indirectly undermines the fence ordinance. In fairness the issue got intertwined when the decision was made concerning the Building Code. First, the Building Code allows for mechanical covers to replace fencing. The problem using that in context with the variance request is that the Building Code has little or no relevance to the zoning variance. The Building Code stands alone. The Zoning Ordinance stands alone. The ZBA has no authority over the Building Code. There is a separate Building Code Board of Appeals that oversees their appeals. Secondly ponds were brought into the discussion because of having no fencing requirement. Ponds have their own ordinance that applies when constructing one. They require a 1-3 slope for a three foot depth. You have an option of not doing this but then you have to fence it. Pools are not built on a slope. You jump in and you are under water or waist deep. This is in part why they are required to have fencing. So the question becomes does the Planning Commission and Board amend the ordinance and recognize this change in the Building Code? I don't think we should eliminate fencing. I feel mechanical covers will not replace fencing. Even though the manufacturers have put into place a lot of safeguards to cover everything, cameras, communication with cell phones, generators to back up a power outage, the simple fact remains you could take a nap poolside and the pool cover remains open or you're out of town and you get the message that the pool cover is open. You may or may not have someone available to shut it. These covers are not visible at grade. It's difficult if not impossible to see if they are open or shut from the road or a neighbors. A fence is elevated and easily seen. My thought, why not use a combination of both if you are concerned to that extent. Maybe a double safe system. The covers hold about 345 pounds, but that is already showing it has a limited capacity. My encouragement for the Planning Commission is to re-establish the fencing ordinance and that it is important to retain it. Recognize that there is new technology but you want to see some experience with it. In two years put it back on the Planning Commission calendar to review the experience and revisit the ordinance at that time. There was discussion among the members. Iamurri was in agreement that this should be held off for two years and then the Planning Commission should revisit at that time once there is more information on their use. Motion by Sommers, supported by McDonald to keep the current Zoning Ordinance regulations found in Section 3.2(i) unchanged for now, and review the situation in 24 months. Motion passed unanimously.

## **10. Administrative Review-None**

## **11. Old Business**

### ***A. Solar Farm Ordinance/California Solar Installation Requirement.***

An article from the “Wall Street Journal” relating to California’s new requirement to install solar panels on nearly all new homes was discussed. McDonald questioned Thomas Township’s Solar Farm Ordinance as it relates to the removal of solar panels if a business who placed the solar panels should cease. Sika advised that a bond could be required or a document could be drafted by the Township Attorney that would cover that issue should a company express interest in a property to set-up a solar farm.

### ***B. Medical Marijuana Articles***

Articles were given to the Planning Commission relating to Medical Marijuana for further education on the issue.

## **12. Receive and File All Correspondence-Planning & Zoning News-None**

## **13. Adjournment**

Prior to adjournment, Sika requested a date change for the regular July meeting from July 18<sup>th</sup> to July 17<sup>th</sup> due to a request by a party who will be presenting a site plan to the Planning Commission and had a conflict on July 18<sup>th</sup>. Sommers noted he would not be able to attend either date. Curry noted that she would not be able to attend on July 17<sup>th</sup>. The remaining members can be present. Motion by Sommers, seconded by McDonald to accept the date change of the next regular Planning Commission meeting from July 18, 2018 to July 17, 2018. Motion carried unanimously.

Motion by McDonald, seconded Bird by to adjourn the meeting at 7:50 p.m. Motion carried unanimously. ***The next regular meeting date is July 17, 2018.***

*Respectfully submitted by Connie Watt, Planning Assistant/Code Enforcement Officer*