
OLSON, BZDOK & HOWARD

July 19, 2020

Peninsula Township
Planning Commissioners
13235 Center Road
Traverse City, MI 49685

via Email to: planner@peninsulatownship.org

Re: Proposed PUD Amendment for
The 81 on East Bay

Dear Planning Commissioners:

I am writing on behalf of the Lewis Family, LLC and Simple Melody, LLC, neighboring property owners to the 81 development. I am writing to follow up on my correspondence of June 15, 2020 expressing our concerns about the proposed relocation of Lot 1 of the project to an area directly adjacent to my clients.

The last time this was before you we expressed our concerns about the lot relocation. Nothing has changed or has been added in the current application, despite the passage of time. The same deficiencies in the application still exist and have not been remedied over the intervening days. As noted previously, the 81 development was significantly vetted by the Township and litigated extensively in court. In light of that background, we suggest that the Township needs to strictly scrutinize any efforts to change the plans that were approved by that process. We firmly believe that the Planning Commission cannot, and should not, approve the proposed amendment to the 81 development.

1. The Proposed Amendment Does Not Have Enough Open Space

The documents provided in the requested amendment indicate that the open space for the project was calculated by determining the entire area of the project, subtracting out the units, roads, and beach parking area, and then counting everything else as “preserved open space.” The problem with this approach is that it is contrary to the requirements of the Zoning Ordinance. Section 8.3.4 states that

Open space according to Section 8.3.6 *Provided that only the following land uses may be set aside as common land for open space* or recreation use under the provisions of this Section:

- (a) Private recreational facilities (but not golf courses) such as pools, or other recreational facilities which are limited to the use of the

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owners or occupants of the lots located within the planned unit development.

(b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.

(c) Commonly owned agricultural lands.

It is clear from this language that preserved open space is something significant – not just anything else on the property other than a unit or road. It is also not the land in the setback areas that are already required by the Ordinance. And it is not the 30,000-gallon water storage tank for fire suppression. However, all of these items are shown on the Developer’s open space diagram as “preserved open space.” Notably, the application checklist for the project on page 7 does not identify the purported open space as falling in any one of the above three categories even though the Ordinance requires the preserved land to meet one of the three standards in order to qualify as preserved open space. If the property does not qualify as “open space” under the Ordinance, it cannot be counted for purposes of the SUP/PUD requirements. As such, the requested amendment must be denied as failing to comply with Sections 8.3.4 and 8.3.6.

2. The Proposed Amendment Does Not Meet the Standards of the Section 8.1.3

The proposed changes to the PUD/SUP are required to meet the standards contained in the Zoning Ordinance, including those of Section 8.1.3. However, the Application for the amendment only states “no change” in response to these standards and does not contain any explanation or rationale for this conclusion.

Relocating Lot 1 to its proposed new location is not harmonious with the character of the adjacent Lewis property. Section 8.1.3(1)(a) of the Zoning Ordinance requires that the development “[b]e designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.” The neighboring Lewis property is open space, which is consistent with the original planned open space. Placing a home lot among this existing open space fundamentally alters the character of the area in violation of the requirement of the code. The original open space location per the original approved PUD should be retained to keep that existing harmony and character.

Of particular concern is the impact of the new lot and home on the views from my clients’ property along with the noise and light pollution that will come from the relocated lot and associated home. My clients did not object to the original plans for development based on the promised open space plan. However, the relocation of Lot 1 will dramatically and fundamentally change the impact of the development on the essential character of the area. It changes the promise the developer made to the Township, my clients, and the other adjacent property owners.

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In addition, adding the new lot and a house will be a detriment rather than a substantial improvement to the property in the immediate vicinity. Section 8.1.3(1)(b) of the Zoning Ordinance requires that the change not be “disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.” As explained above, the prior planned open space is consistent with, and beneficial to, the existing neighboring land use. Relocating a unit and constructing a home is not beneficial to the property in the immediate vicinity.

Finally, part of the new proposed lot was to remain wooded open space in the original PUD application. Section 8.1.3(3)(f) requires that, as part of the amendment, “natural resources will be preserved to a maximum feasible extent.” Not only will the new proposed lot interrupt the open space on the north end of the project, it will further denude the property of trees. This is especially important as it appears that the developer has removed significantly more of the wooded areas that were supposed to be retained in the original approved plans. We have re-attached the previously submitted photos that show substantially more trees were removed from the property than the plans call for. It is important to hold the developer to its previous promises and keep the open space as forested as possible. The developer should not be rewarded with an amendment after not complying with its previous commitments.

These issues were raised at the last Planning Commission meeting, and there has been no direct response from the developer. Since there is no evidence that has been presented to support the requested SUP/PUD amendment, it must be denied.

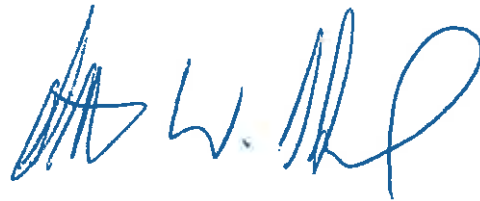
3. The Application Still Does Not Include All of the Required Information

At the last Planning Commission meeting it was pointed out that the application was missing the required legal documents establishing preservation of the open space for purposes of the amendment. Those documents still have not been provided. The application for the amendment references them, stating that “Legal documents reflecting open space will be updated pending approval. However, these documents are required as part of the application process to be reviewed by the Planning Commission and are not an after the fact requirement. This is not merely a technical detail to be complied with after approval. It is important for the Planning Commission to review the amount of open space provided as part of the proposed amendment, and also to understand how the open space will actually be preserved. As a result, the Planning Commission should deny the request because the application is not complete.

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Thank you for your attention to this matter and your consideration of our concerns. For the reasons stated above, the amendment to the 81 is not appropriate and should be rejected. We strongly urge the Planning Commission to reject the amendment to the 81 as proposed.

Sincerely,



Scott W. Howard

xc:

Donna Hornberger, Chair, dsh_44@yahoo.com

Susan Shipman, Vice-Chair, shipman.parks@gmail.com

Todd Oosterhouse, Secretary, todd@bonobowinery.com

Al Couture, Member/ZBA Representative, acouture@need-lawyer.com

Isaiah Wunsch, TB Representative, Wunschis23@gmail.com

Lawrence Dloski, Member, lwdloski@gmail.com

Randy Hall, Member, rand.plancom@gmail.com

Aerial photo Before



Aerial photo with plans superimposed



Aerial photo with trees as planned





Aerial Photo During Construction

To the Peninsula Township Planning Commission,

The proposed Bella Vue development (Permit #137) does not comply with the intent of the special unit permit for a Planned Unit Development defined by Peninsula Township's Zoning Ordinance Section 8.3. This development proposes to pack too many dwellings into an undersized space on a densely wooded hill that would need to be heavily altered from its natural state to allow the construction of the development. Please deny the permit request, and protect the character of the land as the township's Zoning Ordinance envisions.

This site consists of a total 4.25 acres of land zoned R-1A and R-1C
The 6 housing units would be constructed on a wooded hill that is zoned R-1A

At 4.25 acres, the size of the subject property does not meet the minimum of 20 acres of size outlined in 8.3.3; and the development is not a reasonable use of the land because it alters the natural character of land zoned R-1A and meets none of the objectives for Planned Unit Developments laid out in sec 8.3.2 below. In fact, the development appears to contradict many of them.

Section 8.3.2 Objectives: The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

ARTICLE VIII 109

1. (1) *To provide a more desirable living environment by preserving the natural character of open fields, stand of trees, steep slopes, brooks, ponds, lake shore, hills, and similar natural assets.*
2. (2) *To provide open space options.*
3. (3) *To encourage developers to use a more creative and imaginative approach in the development of residential areas.*
4. (4) *To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the by-passing of natural obstacles in the residential project.*
5. (5) *To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.*
6. (6) *To provide for the retention of farmland by locating the allowed number of housing units on the agricultural parcels of land in clusters which are suitable for residential use and keep the remaining agricultural land in production or fallow and available for production.*

Other issues to consider:

- Density does not meet requirements of districts 6.5A.1 and 7.2.6.1

- Exposed power lines will need to be moved from top of hill to side of hill. These are currently hidden from view but will now be on display.
- The road proposed for the traffic of all 6 units will run right next to an established home on the north side and will negatively affect that property. The traffic for all six units that must use this single entrance/exit and road and climb the hill is way more than what is suitable for this property.
- The septic field and tanks for all six units will be placed extremely close to the property line that borders my home at 10650 Center Rd.
- Most of the property is a hill, and any changes to it will likely bring unplanned erosion and runoff issues. My home sits at the bottom of the hill and any alteration of the grade and vegetation could result in runoff/erosion issues that would damage my home and land. The same may also be true for properties on the Bluff Rd side of the hill.
- Peninsula Township is considered a rural area of great natural beauty. Both Center Rd and Bluff Rd, which this development will border, are scenic routes through our beautiful township. Destroying a natural hillside for a development that is too dense and does not meet Township requirements will irreversibly damage the natural beauty of the area.

As a homeowner whose property would be adjacent on two sides to this proposed development that violates the intent of the special use permit for planned unit developments in Peninsula Township, I ask you to deny the Bella Vue Development Permit #137.

Regards,

Ben Rebant
10650 Center Rd
Traverse City, MI 49686
brebant@gmail.com
989-573-0375

William and Nicole Smethells
10547 Bluff Road
Traverse City MI 49686

July 11, 2020

Peninsula Township Planning Department
13235 Center Road
Traverse City, MI 49686

Dear Madams and Sirs:

This letter is in response to the call for comments issued by the Peninsula Township Planning Department in regard to the proposed construction of 6 units described as Bella Vue, Special Use Permit #137. The parcel IDs are 28-11-009-029-10 and 28-11-009-035-55. We share a 200 foot property line with the proposed development, running horizontally along a steep bluff behind our property.

One of us, Nicole, was raised in this home in the period of 1947 to 1964; she is now co-owner of the home with her husband, Bill. Nicole is very familiar with the local history of properties and people in the neighborhood; both of us consider it important that a strong sense of neighborliness continue into the future.

Regrettably, we will be not be available for the July 20 meeting, however we wish to express our concerns. Hence this letter. We are also aware that other neighbors will be writing letters and attending the meeting and hereby express our support for their concerns.

With respect to the planned development, we request that the Planning Commission seriously consider the following points:

- The bluff above the houses on Bluff Road is steep, probably near the maximum angle of repose, being held in check by the trees, vegetation, and stumps thereon. We are concerned that disturbance of this sandy bluff could lead to erosion and instability.
- The information about test holes, as presented on the latest plan available to us, shows that, geologically, the area is composed of sand in one form or another. That suggests that It is basically a dune between Bluff Road and Center Road. We request that regulations regarding construction on such land be investigated and incorporated in planning.
- The bluff is rounded; i.e., from the top of the bluff, the property descends directly toward Center Road. There is no flat area. Recontouring operations with heavy equipment combined with tree removal on such a forested dune might well lead to instability of the land and water runoff problems.

William and Nicole Smethells
10547 Bluff Road
Traverse City MI 49686

- It is not clear what the final elevations would be for the completed property. The most current plan that we have seen is not revealing. What are the planned elevations, what changes to the contour of the land are intended, to what extent is it planned that trees be removed, and how stable will be the result? We are particularly concerned that the crest of the dune above the houses on Bluff Road not be disturbed.
- In reference to the above comments, and In comparing the plan for the development available in 2019 to that now available in 2020, we see that in repositioning the planned location of units, four have been moved close to or right on the edge of the bluff, three of which are above our property. If this positioning is based on distance from the common property line with the property below, one must keep in mind that such distances are measured up a steep slope, not on the level. Considering the sandy geology of the land, a substantial setback from the crest would seem critical.

Considering all of the above, to what extent has the impact on the neighborhood been taken into account? Please keep in mind that the writers of this letter and other neighbors live *below* the planned development, including the 200 feet of common property line in our case. Specifically, we are concerned about the impact of a large development squeezed into a small area among existing properties, on land that is essentially a forested dune requiring substantial re-contouring to accommodate the intended residential units, a road, and any requisite common space. Further, the current plan places the housing units precariously close to the crest of the bluff.

These concerns suggest that placing 6 housing units on this property may not be wise or possible and needs to be reconsidered.

Thank you for your attention and consideration of these matters.

Sincerely yours,


William Smethells


Nicole Smethells

Robert, Dawn, and Grant Baetsen

10555 Bluff Road

(616) 301-5980

July 15, 2020

Peninsula Township Planning Department
13235 Center Road
Traverse City, MI 49686

We are writing in response to the call for comments issued by the Peninsula Township Planning Department for the proposed construction of 6 three-bedroom homes described as Bella Vue, Special Use Permit #137.

The following are our concerns with the proposed development:

We are not sure why a planned six-unit development is appropriate for this 4.25-acre parcel when the code requires 20 acres. When considering the proposed six home layout, it does not appear the layout can comply with a planned unit development and the current R1-C and R1-A zoning requirements for the proposed road and six homes. We built a home and lived in a planned unit development which required 65% open space as does Peninsula Township. Set back requirements applied to each individual identified unit exclusive of open space. Building envelopes were positioned on the unit so that all set back requirements are met within the identified unit. It does not appear there is sufficient space after the 65% open space to accommodate and locate six three-bedroom structures and road systems as proposed and meet the required setbacks within the individual unit. Does the township apply the setbacks for R1-C and R1-A for each individual unit identified in the Planned Unit Development exclusive of the open space like we were accustomed to when we built a home in a planned unit development?

In keeping with the Planned Unit Development guidelines, individual decking and storage should be located within the setback requirements per unit. It is our concern there is insufficient area to accommodate six homes plus decking and storage within the net acreage after open space is identified and set aside. How will that be handled given the space limitations. Allowing setbacks in the open space creates problems where unit owned decks, patios and outbuildings could be built in the open space which are not unit owned for instance.

We note there is going to be a shared septic system and an added reserve septic field. Is the septic designed exclusively to the number of homes in the PUD only and not for others outside of the PUD to hook in? What is the need for the reserved septic field? What happens if the septic system fails, who is responsible for remediation, repair, and or replacement?

The proposed project is located on and around a forested sand dune created by glacier deposits and high-water tables with a stabilized biosystem in the Great Lakes dune biosystem. The forested sand bluff is very narrow where the proposed project is and has highly steep fragile slopes. According to the Michigan Council of Governments the area is designated as a high-risk landslide area and the Michigan Department of Environment, Great Lakes, and Energy classify all of Peninsula Township as a High-Risk Erosion Area. The bluff is stabilized currently by forest and native plants. The forested sand dune has critical slopes and crest with residential housing at the base of the dune. We are concerned the amount of construction for road and six residential units as currently proposed based on the most current site plan dated 12-02-2019, (four building envelopes are placed at the crest of the forested sand dune), will de-stabilize the forested sand dune bluff and place the existing residential housing on Bluff and Center roads at the base of the dune at short and long term risk for dune collapse, erosion, landslides, and significant water runoff. The original plan provided to impacted residents in July of 2019 appeared to more effectively follow environmental and dune protection recommendations discussed below, i.e., construction away from the highly erodible dune crest and steep slopes, and shared drives. Neither the July 2019 or the December 2019 site plans appears to comply with Planned Unit

Development, R1-A and R1-C requirements. Of critical concern is the December 2019 revised plan appears to have moved the building envelopes on top of a highly erodible steep sloped dune crest placing existing homes surrounding the property and the entire dune at risk.

We are also concerned heavy mechanical equipment when used on and around the dune will shake the dune and increase vulnerability of existing trees and natural habitat which protect the dune. Shaking and cuts or leveling also increases the potential for dune collapse and landslides. Please note recent storms over the last several years have resulted in bluff trees to collapse falling on cars, housing and roadways illustrating the fragile nature of this forested dune. We have also experienced falling debris on our structures and on our persons when a brush hog was being operated at the top of the dune. The Michigan Land Institute recommends keeping mechanical construction distanced away from the dune to protect the existing vegetation and natural habitat from construction disturbances, stormwater runoff, erosion, and landslides. Reducing massive clearing through appropriate site planning, and reducing and distancing the operation of mechanical construction vehicles from the dune, reduces habitat disturbance and helps to preserve the dune bluff and the crest in its current state of stabilization and protect existing at risk residential buildings at the base of the bluff.

The Michigan land use institute for construction around bluffs, particularly sand dune bluffs states: "the steep bluffs are highly erodible both at the base and at the tops from clear-cutting, construction, and stormwater runoff. Bluffs can literally erode out from under homes." Any erosion will roll down and place the Bluff Road and Center Road homes at risk. This provides insight to the Township designations of landslide vulnerable and highly erodible by the State. The Michigan Land Institute recommends setting structures at least 50 to 100 feet from the crest of steep bluffs. The residents on Bluff and Center roads are at risk both short term and in the long term of landslides, erosion, and water runoff if building envelopes are allowed within 50 to 100 feet of the crest of the bluff. In addition, any clearing, reduction or cutting of rise, specifically the crest, and removal of trees from the actual dune and its natural habitat places this dune bluff and bluff crest at risk of collapsing both during construction and breaking down over the long term which places all housing at risk in and around the dune bluff.

We are concerned with the amount of construction, clear cutting, cutting into the bluff, and the removal of trees a massive six-unit development will require. We are unable to determine from site plans what the existing contour and planned contours are and where those will occur. What is the highest elevation and planned elevation, and does it impact the highly erodible dune crest? Cutting into this narrow bluff could create collapse or landslides and place existing housing at risk. With the December 2019 plan it appears the Crest will be contoured to accommodate four building envelopes on the bluff crest. Again, all expert opinions are to keep the fragile forested dune and dune crest intact using recommended setbacks and elimination of disturbances. Experts identify irreparable damage occurs if the crest of the bluff is disturbed or shaken in anyway. The Michigan Land Institute indicates cuts and disturbances on a vulnerable dune crest cannot adequately be remediated post disturbance, it will eventually lead to long term erosion and breakdown of the dune if the crest and steep slopes are disturbed.

We are concerned with erosion control measures of only silt fencing that will be used to prevent erosion down steep slopes, debris from flying down residential areas below, and storm and water drainage. The Michigan Land Institute identifies silt fencing alone is not effective for sandy, steep slope preservation and prevention and control of erosion. We are also concerned with the responsibility of erosion control remediation liability for only one year after establishment. In addition, with the critical nature of construction around a forested sand dune bluff area, with existing residential housing at the base, there is more vulnerability to erosion and run-off with the degree and volume of the current proposed construction of road and six three-bedroom homes. Again, the Michigan Land Institute identifies there will be long term effects of disturbing the natural habitat of a forested sand dune that has steep bluffs unless the bluff is not disturbed.

We are also concerned with proposing to merely seed disturbed areas where the natural habitat has been removed and or destroyed, particularly on this forested sand dune. The Michigan Land Institute and DNR recommend replacing removed trees and natural habitat with comparable trees and native ground cover, not just grass seed on the dune.

We are also concerned about whether the design of homes and roads to be constructed in an area identified as landslide vulnerable and highly erodible will be adapted to the terrain. Placement of homes and roads is critical to preserving the bluff in its current natural state to protect it and the at-risk residential housing that resides at its steep slope base. We have seen two plans which contradict each other, and both the July 2019 and December 2019 plans do not comply with Planned Unit Development and R1-A and R1-C requirements. Dune protection is eliminated in the December 2019 plan if buildings are placed at the steep slope dune crest. The original plan shown residents in July 2019 included housing more appropriately placed closer to the entrance which did more closely follow dune protection guidelines but not entirely. Based on the December 2019 site plan, homes appear to be located directly on the crest of the sand dune bluff which is not recommended by any experts. What would the Township require regarding building envelope placement? The recommendation is 50 to 100 feet from the bluff crest. Preserve the Dunes, Inc. and the State of Michigan recommends buildings be designed and placed as not to disturb dunes or bluffs and natural water runoffs for example:

1. build back from the crest of the dune as previously discussed which eliminates structural failure from erosion and movement. It will protect the existing at-risk housing at the foot of the bluff. Any erosion at the crest and foot of the bluff and gravity acting together will cause the crest of the dune to eventually recede and cause irreparable damage; maintain all trees and natural habitat within the required 50 to 100 feet of the crest;
2. locating housing at the point of arrival to reduce the length of driveways and extent of damage to the natural dune.
3. take advantage of site conditions in order to not interrupt the flow of rainwater runoff and leave steep slopes untouched to preserve native plants and minimize erosion risk and excavation or fill; replace any trees or woody bush that have been removed from the bluff with comparable trees and woody bush;
4. select gentle slopes or flatter slopes for buildings away from a crest as previously discussed to reduce environmental disturbance.
5. remove as little indigenous vegetation as possible to minimize disruption of the biosystems and reduce chances of invasive species and insects, critical to our existing agriculture; replace vegetation with native plants and trees removed.
6. place structures in locations with lower density of trees to minimize disruption of the biosystems.
7. combine building techniques to reduce footprint size of building envelope and reduce the need for excessive grading; orient the house by siting the building where the least amount of grading is required.

Roads

1. Consider sharing drives with neighbors to reduce square foot of road.
2. Build only a single lane drive with passing pull offs thereby reducing square feet of roadways.
3. Locate drives to minimize grading and changes in terrain; steep slopes in the roadway or in graded shoulders should be avoided to reduce risk of erosion and rapid water runoff.
4. Do not pave drives and parking areas except with porous materials; if paved, water runoff of rainwater guarantees erosion due to increasing large volumes of water moving rapidly; overtime sand that is not fully restrained on all sides will move causing concrete slabs and bituminous paving to crack and fail;
5. Use a park and walk approach, the driveway does not have to extend all the way to the house if it disrupts dune stability; use bridges from drives or elevated stairways to get from parking to building entrances.

In conclusion, we have not seen adequate site plans which fully comply with a Planned Unit Development and R1-A and R1-C requirements or accommodates a massive six three-bedroom home project. We need clarification regarding the shared septic system and drain fields. We do not see where any site plan provides protection of the steep slope forested dune and bluff crest using preservation guidelines as recommended by the Michigan Land Institute and the State of Michigan. Considering the existing at risk residential homes at the base of the bluff and the identified fragility of this forested sand dune and bluff, studies identify massive construction as proposed will have a deep negative impact and places existing homes and the stability of the bluff at risk both in the short term and over a longer term unless conservation measures are required appropriate for a highly erodible and landslide vulnerable designated area.

Thank you for allowing us to comment and we do respectfully request all at-risk landowner concerns be addressed before approvals.

Sincerely,



Bob Baetsen



Dawn Baetsen



Grant Baetsen

Richard and Denise Ryerson

10552 Center Road

(303) 513-2337

Peninsula Township Planning Department
13235 Center Road
Traverse City, MI 49686

We are writing in response to the call for comments issued by the Peninsula Township Planning Department for the proposed construction of 6 three-bedroom homes described as Bella Vue, Special Use Permit #137.

The following are our concerns along with the last paragraph at the bottom of page 4, please read all included here.

We are supporting the information provided by the Baetsen's: "not sure why a planned unit development is appropriate for this 4.25-acre parcel when the code requires 20 acres. When considering the proposed six home layout, it does not appear the layout can comply with a planned unit development and the current R1-C and R1-A zoning requirements for the proposed road and six homes. We built a home and lived in a planned unit development which required 65% open space as does Peninsula Township. Set back requirements applied to each individual identified unit exclusive of open space. Building envelopes were positioned on the unit so that all set back requirements are met within the identified unit. It does not appear there is sufficient space after the 65% open space to accommodate and locate six three-bedroom structures as proposed and meet the required setbacks within the individual unit. Does the township apply the setbacks for R1-C and R1-A for each individual unit identified in the Planned Unit Development exclusive of the open space like we were accustomed to when we built a home in a planned unit development? It does not appear there is enough room for six three-bedroom homes as currently proposed under current township R1-C and R1-A requirements.

In keeping with the Planned Unit Development guidelines, individual decking and storage should be located within the setback requirements. It is our concern there is insufficient area to accommodate six homes plus decking and storage within the net acreage after open space is identified and set aside. How will that be handled given the space limitations.

The proposed project is located on and around a forested sand dune created by glacier deposits and high-water tables with a stabilized biosystem in the Great Lakes biosystem. The forested sand bluff is very narrow where the proposed project is and has highly steep fragile slopes. According to the Michigan Council of Governments the area is designated as a high-risk landslide area and the Michigan Department of Environment, Great Lakes, and Energy classify all of Peninsula Township as a High-Risk Erosion Area. The bluff is stabilized currently by forest and native plants. The forested sand dune has critical slopes and crest with residential housing at the base of the dune. We are concerned the amount of construction for road and six residential units as proposed, (four building envelopes are placed at the crest of the forested sand dune), will de-stabilize the forested sand dune bluff and place the existing

residential housing on Bluff and Center roads at the base of the dune at long term risk for dune collapse, erosion, landslides, and significant water runoff.

We are also concerned with heavy mechanical equipment used on and around the dune will shake the dune and increase vulnerability of existing trees and natural habitat which protect the dune. Shaking and cuts or leveling also increases the potential for dune collapse and landslides. Please note recent storms over the last several years have resulted in bluff trees to collapse falling on cars, housing and roadways. It is recommended mechanical equipment be distanced from the dune to reduce habitat disturbance and preserve the dune bluff in its current state of stabilization.

According to the Michigan land use institute for construction around bluffs, particularly sand dune bluffs, "the steep bluffs are highly erodible both at the base and at the tops from clear-cutting, construction, and stormwater runoff. Bluffs can literally erode out from under homes." Any erosion will roll down and place the Bluff Road and Center Road homes at risk. The Michigan Land Institute recommends setting structures at least 50 to 100 feet from the crest of steep bluffs. The residents on Bluff and Center roads are at risk in the long term of landslides, erosion, and water runoff if building envelopes are allowed within 50 to 100 feet of the crest of the bluff. In addition, any clearing, reduction or cutting of rise, particularly the crest, and removal of trees from the actual dune and its natural habitat places this dune bluff and bluff crest at risk of collapsing in the short term and breaking down over the long term and places all housing at risk in and around the dune bluff.

We are concerned with the amount of construction, clear cutting, cutting into the bluff, and the removal of trees a massive six-unit development will require. The current natural surroundings, trees and existing plants are currently keeping this fragile forested dune in place. The Michigan Land Institute recommends keeping mechanical construction distanced away from the dune to protect the existing vegetation and natural habitat from construction disturbances, stormwater runoff, erosion, and landslides. It also protects the existing property owners at the base of the bluff from debris or trees that will surely fall and cause damage if the crest of the bluff is disturbed or shaken in anyway.

We are concerned with erosion control measures of only silt fencing that will be used to prevent erosion down steep slopes, debris from flying down residential areas below, and storm and water drainage. The Michigan Land Institute identifies silt fencing alone is not effective for sandy, steep slope preservation and prevention of erosion. We are also concerned with the responsibility of erosion control remediation liability for only one year after establishment. In addition, with the critical nature of construction around a forested sand dune bluff area, with existing residential housing at the base, there is more vulnerability to erosion and run-off with the degree and volume of the current proposed construction of road and six three-bedroom homes. The Michigan Land Institute identifies there will be long term effects of disturbing the natural habitat of a forested sand dune that has steep bluffs unless the bluff is not disturbed.

We are also concerned with proposing to merely seed disturbed areas where the natural habitat has been removed and or destroyed. The Michigan Land Institute and DNR recommend replacing removed trees and natural habitat with comparable trees and native ground cover, not just grass seed on the dune itself.

We are also concerned about how homes and roads are to be constructed in an area identified as landslide vulnerable. Placement of homes and roads is critical to preserving the bluff in its current natural state in order to protect it and the residential housing that resides at its steep slope base. Currently four homes appear to be located directly on the crest of the sand dune bluff which is not recommended by any experts. What would the Township require regarding building envelope placement? Preserve the Dunes, Inc. and the State of Michigan recommends buildings be placed as not to disturb dunes or bluffs and provides recommendations for location and building design near a dune:

1. build back from the crest of the dune as previously discussed which eliminates structural failure from erosion and movement. It will protect the existing housing at the foot of the bluff. Any erosion at the crest and foot of the bluff and gravity acting together will cause the crest of the dune to eventually recede and cause irreparable damage; maintain all trees and natural habitat within the required 50 to 100 feet of the crest.
2. locating housing at the point of arrival to reduce the length of driveways and extent of damage to the natural dune.
3. take advantage of site conditions in order to not interrupt the flow of rainwater runoff and leave steep slopes untouched to preserve native plants and minimize erosion risk and excavation or fill; replace any trees or wood bush that have been removed from the bluff with comparable trees and woody bush.
4. select gentle slopes or flatter slopes away from a crest as previously discussed to reduce environmental disturbance to place structures.
5. remove as little indigenous vegetation as possible to minimize disruption of the biosystems and reduce chances of invasive species and insects, critical to our existing agriculture; replace vegetation with native plants and trees removed.
6. place structures in locations with lower density of trees to minimize disruption of the biosystems.
7. combine building techniques to reduce footprint size of building envelope and reduce the need for excessive grading; orient the house by siting the building where the least amount of grading is required.

Roads

1. Consider sharing drives with neighbors to reduce square foot of road
2. Build only a single lane drive with passing pull offs thereby reducing square feet of roadways
3. Locate drives to minimize grading and changes in terrain; steep slopes in the roadway or in graded shoulders should be avoided to reduce risk of erosion.
4. Do not pave drives and parking areas except with porous materials; if paved, water runoff of rainwater guarantees erosion due to increasing large volumes of water moving rapidly; overtime sand that is not fully restrained on all sides will move causing concrete slabs and bituminous paving to crack and fail;
5. Use a park and walk approach the driveway does not have to extend all the way to the house if it disrupts dune stability; use bridges from drives or elevated stairways to get from parking to building entrances.

With that said we have not seen adequate building footprint envelopes on individual units identifying exact location and square feet. We are concerned the most recent revised plan places 4 buildings at the crest of the bluff which is not recommended by any authority for a forested bluff due to immediate and long-term vulnerability and viability of the bluff and the existing residents at the base of the bluff.


Considering the existing residential homes at the base of the bluff and the identified fragility of this forested sand dune and bluff, massive construction as proposed will have a deep negative impact and places our homes and the stability of the bluff at risk both in the short term and longer term."

In addition: We as the homeowner's on Center Road will now be faced with the loss of our one quiet use of our property as Center Road is a freeway of noise. IF you build the homes and cul-de-sac anywhere near our backyards, the noise will greatly increase, people will reduce our privacy and our overall right of enjoyment of our property. Above all this will greatly decrease the value of our property.

IF THIS DEVELOPMENT GOES THROUGH, THE FEW DIRECT RESIDENTS ON CENTER ROAD (INCLUDING OUR ADDRESS) SHOULD BE GIVEN DEEDED ACCESS AND THE SAME RIGHTS AND USE ENJOYMENT OF THE WATERFRONT OFF OF BLUFF ROAD AS THE NEW HOMES WILL HAVE. INCLUDING; THE CENTER ROAD RESIDENTS GIVEN PRIORITY WHEN ANY BOAT SLIP/DOCK USAGE IS IN PLACE. CENTER ROAD RESIDENTS TO BE GIVEN IMMEDIATE WATER ACCESS AT THE TIME THE CONSTRUCTION BEGINS, NO WAITING PERIOD. THIS AS PARTIAL COMPENSATION FOR OUR LOSS...

Thank you for allowing us to provide our sincere concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Ryerson". The signature is written in a cursive style with a long, sweeping underline that extends across the page.

Richard and Denise Ryerson