

**Au Train Township, Planning Commission
Special Meeting**

Wednesday, September 18, 2024 – 6:00pm
Au Train Township Hall - N7569 Spruce St – Au Train, MI 49806

MINUTES

- **CALL TO ORDER** - The meeting was called to order by Chair Cain at 6:00pm, followed by the Pledge of Allegiance.
- **ROLL CALL** – Members present: Chair Jason Cain, Secretary Donna Shields, Member Billy Gramm. Township Board Liaison Jake Miller and Vice Chair Bill Weisinger were not present.

Others present: Township Supervisor Michelle Doucette and Zoning Administrator Kathleen Lindquist. Also, as noted on the sign in sheet: Mary & Kerry Mousseau, Wyatt Seaberg, Dan & Phyllis LaCombe, Bob & Tina DesArmo, Greg & Kris Lindquist, Duane Newton, Matt Lang, John Carr, Scott & Peggy Smith, Amy Hernandez, and Susannah LaCombe

- **APPROVAL OF AGENDA** – Motion by Cain, second by Shields to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Cain, second by Gramm to approve minutes of the September 12, 2024 Planning Commission Regular Meeting. Motion Carried
- **ZONING ADMINISTRATOR COMMENTS** – None
- **PUBLIC COMMENT** – Was heard from Duane Newton
- **BOARD COMMENTS** – None
- **PUBLIC HEARINGS**

- a **Conditional Use Permit – Parcel 001-325-020-00 – Wyatt Seaberg requesting 10 cabin Resort at N7840 Ridge Road, Munising**

Note: This CUP application was originally heard and approved at the December 14, 2023 meeting of the Au Train Township Planning Commission. In a ruling dated July 24, 2024, Brian and Kristen VanWieren et.al v. Au Train Township, the Honorable Brian D. Rahilly, 11th Circuit Court Judge, vacated the decision of the Au Train Township Planning Commission. Mr. Seaberg requested his application be heard again as is, without any amendments.

Chair Cain opened the hearing at 6:08pm.

When asked to present his application, Mr. Seaberg stated he had no further comments to make.

Chair Cain opened the public comment period at 6:08pm

Public comments were heard from the following:

- Kris Lindquist read her letter she emailed to the Au Train Township Planning Commission 9/11/24 which reiterated Judge Rahilly's ruling and made arguments for how the standards of Section 802 cannot be met.
- Bob DesArmo opposes the project citing wear and tear on the private road and fears of property values dropping.
- Phyllis LaCombe citing the wear and tear on the road already done by large equipment from the construction. She added concerns of having an extra 40 people using septic and well and how it might affect the water table.
- Mary Russo stated how their road was just fixed (Ridge). She has lived there 20 years and it's been a nice quiet area. She has concerns for the extra traffic this project would create along with more snowmobile traffic as well.
- Duane Newton spoke of the minutes of the Township Board meeting of 8/12/24 which summarized the recent Judge's decision to vacate the decision of the Planning Commission. He spoke of the process of the Zoning Administrator and the review of the site plan and required screening for commercial uses.
- Tina DesArmo commented on the judge shutting down the project due to the private road issue. She stated that Mr. Seaberg never did have the meeting with the neighbors he was asked to do. She spoke of noise ordinance violations that are reported yet nothing done. Also concerns for heavy equipment on the road, the increase in property insurance, and property values dropping.
- Lynda Cross asked why are we here again? With the private road, standards of 802 cannot be met. She stated the Planning Commission has failed to follow the Zoning Ordinance and that they needed to set aside feelings. Also, she would rather see the resort on M-28 and that if approved it have the condition that it be removed from its current location and put on M28.
- Susannah LaCombe spoke on behalf of the VanWieren's by reading a letter previously sent to the Township Planning Commission dated 9/12/24 from Brian & Kristen VanWieren which summarized the standards of 802 and gave argument how they could not be met. Stating concerns for noise and potential issues with the water table and requesting the CUP for Mr. Seaberg's Resort be denied.
- Michelle Doucette asked the following statement be recorded in the Minutes:

"On 8/1/2024 I received both the Memorandum of Decision and the Order RE: Motion for Summary Disposition and also Opinion and Order both from Judge Rahilly. Immediately I called Joe Cilc, Building Inspector for Alger County and forwarded him both of these documents. He told me he was going out to speak with Wyatt Seaberg immediately that day and ask him to cease building on his resort."

“With that being said, as Supervisor of Au Train Township, I am asking the Planning Commission tonight to follow through with Judge Rahilly’s Opinion and Order written on 7/24/2024. The Last page reads:”

““Access to the proposed resort is only on a private road easement. There is no evidence that the Seaberg’s can provide adequate access to the resort. The private road easement is for use only by owners of benefited parcels. The owners are required to maintain that easement. Because there is no public road and no private road entirely maintained by the Seaberg’s this standard (Section 802A #6) cannot be met. This private road issue also likely makes it difficult to comply with the other standards in 802. Conclusion – The court vacates the decision of the Au Train Township Planning Commission for the reasons stated above.””

Supervisor Doucette went on to also say: “One last thing, No, I am not being paid by the Seaberg’s under the table. I want to make that clear. Thank you”

- Wyatt Seaberg stated there was nothing in the ordinance that says you can’t use a private road. He stated that Bower built that road to County specs to try and get the County to take over the road but Bower didn’t have enough money to get the road paved and the County refused to take it over.

Secretary Shields also recognized receipt of letters from the following which were distributed to each member prior to the meeting:

- Brian & Kristen VanWieren – Opposed
- Lynda Cross – Opposed
- Dan & Phyllis LaCombe – Opposed
- Kristine Francis – Opposed
- Gregory & Kristine Lindquist – Opposed
- Bob & Tina DesArmo – Opposed
- Duane Newton – Not opposed

Chair Cain closed the public comment period at 6:35pm

After some discussion by the Board, a motion was made by Shields, but motion failed. This was followed by more discussion regarding Judge Rahilly’s order and also the failure of the site plan to meet the Zoning Ordinance review standards of Section 1006.


Motion by Shields, second by Gramm to reject the conditional use permit application for Wyatt Seaberg’s Resort, based on the fact that the site plan does not meet the Site Plan Review Standards in the Zoning Ordinance, Section 1006, #5 which states: Every structure or dwelling shall have access to a public street, walkway, or other area dedicated to common use. Because the site plan does not meet that standard, the application is rejected.

Shields yes, Gramm: yes, Cain: yes, Motion carried 3-0

Chair Cain closed the public hearing at 6:58pm

- **PUBLIC COMMENT** – Public comments were heard from Wyatt Seaberg, Duane Newton, and Matt Lang
- **BOARD COMMENT** – Comments were heard from Gramm and Shields.
- **NEXT MEETING** – The next meeting of the Planning Commission will be held on October 3, 2024 at 6pm for a special workshop with CUPPAD to work on the Master Plan.
- **ADJOURN** – Motion by Cain, second by Shields to adjourn at 7:09 pm. Motion Carried

Minutes submitted by: Donna Shields, Secretary, to the Au Train Township Planning Commission

Approved: October 3, 2024 Signed: 
Donna Shields