



**HELENA TOWNSHIP
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Helena Township Planning Commission
PUBLIC HEARING
Zoning Ordinance 5.02.02 (Boats & Docks) THIRD PUBLIC HEARING
January 15, 2026 @ 5:00 pm

HTAG RECAP

(The content contained herein was extracted directly from recordings of the above-referenced event and prepared as accurately as possible based on the room's conditions including number of people simultaneously conversing. At such times, comments are unrecognizable, it is so noted as such as being "(inaudible)."

Present

Mike Robinson
David Hunstad
Jim Gurr – Chair
Fay Vandenberg - Secretary
Darren Whipple (Arrived Late)
Bob Logee – Zoning

Absent

Gordy Schafer
Jim Shilling – Board Liaison
Butch Peeples - Supervisor

Pre-Meeting Conversation / Comments:

Gurr: "Alright (sighs)...let's get this over with."

Gurr mentioned Commission Member, Darren Whipple will be late but there was a quorum to proceed.

Hunstad (referring to a communication presented by Leffew): "Are we going to read it out loud?"

Gurr: "We don't have to."

Hunstad: "It's less than 3 minutes."

Gurr: "For the people who need to testify or are going to speak at a hearing are required to identify themselves..."

Hunstad: "But if somebody makes an effort to write a letter..."

Gurr: "Yep...but even the Public Hearings at the State level, ya know, where they get long 6 months' worth of Public Comment Period, they summarize those...summarize."

Hunstad: "At best...at a minimum...we should say we received correspondence..."

Call to Order:

(Whipple arrived at the meeting)

Gurr: "It is 5:05 and it's time for us to begin the Public Hearing of the Helena Township Planning Commission on Thursday, January 15th with respect to **5.01.02**"

VandenBerg: "5.02.02"

Pledge of Allegiance:

Roll Call:

Darren Whipple
Fay VandenBerg
Jim Gurr
Dave Hunstad
Mike Robinson

Absent

Gordy Schafer
Jim Schilling

Agenda:

Gurr referenced the agenda; confirmed the purpose was a Public Hearing.
VandenBerg stated she had no printer access; therefore, couldn't print it out for attendees.
Robinson made a motion to approve the agenda; Hunstad seconded.

Conflict of Interest

Gurr asked if any Commission member had a conflict of interest with anything on the agenda.
All responded "no."

Approval of Minutes – 12/5/2025:

A motion was made to approve the Minutes of **12/5/2025**.
Resident L. Wilcox asked permission to point out a correction but was denied.
Whipple seconded. Motion passed.

Communications:

Citizen Planner Program

Gurr mentioned a **Citizen Planner Program (Antrim County)** being facilitated by University of Michigan which begins Tues., April 14, 2026 (6:00-9:00pm). It's a 6-week program ending May 19, 2026. Two of the Six sessions are via Zoom. Anyone interested may register through a link on the Township's website. Cost is \$250.

Public Comment Period:

Gurr opened the Public Comment period saying "...this is where...you can share your views on 5.01.02."
Whipple: "5.02.02."

Gurr: "...at Public Hearings....you do have to identify yourself and give us an address that ends up in the Minutes..." "...we gotta a little form here...if you intend to address the Public Hearing and be included in the official documentation fill out one of these forms so we'll have your information and we'll go from there."

Resident G. Mayes asked the Commission to clarify what the need was for the development of this Ordinance as he "kind of lost sight of what problems we're actually trying to solve?"

Whipple: "Basically, Gary all we're trying to do is make sure that...um...there's not funneling...that was a concern of some township member...or Township residents I should say that people were gonna have, ya know...have properties not on the lake and be allowed to put boatload of boats and docks. So, that was brought to our attention...it's been addressed...it's been talked about for many years and nothing was ever put a pen to paper so that's what brought it up."

G. Mayes then indicated Gordy Schafer originally indicated it had something to do with Cedar Shores...this was never for funneling. Wilcox confirmed the Township already had an ordinance for Funneling.

Gurr: "This is to address the general issue of perception of possible congestion on the number of boats on the waterway. Um...Planning commissions are well advised never to be specific as to a particular problem, property or **it's just kind of a general consideration to try to live up to the terms of our Master Plan which clearly are designed to protect natural resources.**

VandenBerg: "...Our current ordinance, there is no limit on boats that can be in front of somebody's property. So that is, that was the real instigator of reviewing this."

VandenBerg then called on Carol Fricke who wanted to speak during Public Comment.

Resident C. Fricke: "**Carol Fricke, 9566 Fowler Lane, Rapid City. I'm curious to understand why this type of a topic would be handled in January when probably 80 to 90% of the people that this affects are not here.**"

Gurr (laughing): "Do you want me to try to handle that one?"

VandenBerg (laughing and shaking head): "uh...yeah."

Gurr: "A year ago, um when this process for coming up with language for 5.02.02, um...a year ago when we initiated the conversation, it was expected that it would develop over the course of the summer and all the people most directly affected would be here. **Um...we're here this evening because of a failure to meet a posting guideline, and we're trying to err on the side of uh...proper adherence to the strictures.** Um...we don't want to follow a procedural deadline difficulty that gives rise to a challenge about the legitimacy of the ordinance in the first place."

C. Fricke: "That took six months?"

Gurr: "Right."

C. Fricke: "And I'm just surprised that it takes six months now to readjourn to this question.

Gurr: "That's part of the problem."

Whipple: "It was approved prior to this, but we missed the deadline for filing by 10 hours (**not true**) and rather than have there be an open loop, we're doing it again. That's why....am I in the right?"

Gurr: "Yeah. We went away from a meeting after a Public Hearing fully expecting we could make a recommendation to the Township Board to approve the language. And then it arose there was the potential for that loophole to come back to bite the Township. And I want to say that we're risk averse, **but we do try to spend the taxpayers' monies responsibly. So, to make sure that that loophole doesn't exist, we're here tonight to do the process all over again.** Have a Public Hearing, develop the language, have a vote, make a recommendation to send it off to all the affected parties. I'll make a recommendation to the Township Board.

C. Fricke asked, "what is the proposed enforcement?"

Gurr: "It's a zoning administrator's discretion to deal with enforcement...and if it's brought to his attention that there's a violation, he would inform the violator, the alleged violator, that the condition exists and needs to be rectified. "We don't have formal penalties...Township enforcement of its ordinance is "nuisance" per se...which is a civil court matter. The township would have to decide to pursue it."

VandenBerg: "Trish."

(VandenBerg looked at a Resident but did not require her to say her full name or address for the record).

Resident Patricia Narwold urged the Planning Commission to look again at the Milton and Torch Lake Township boat ordinances and consider only allowing (3) boats. She is **very concerned about this ordinance and the impact it will have on a critical zone between the land and the water.** She then referred to previous comments which the Commission misinterpreted as those individuals "weren't willing to accept change." **People of the older generation were trying to alert the Commission to the effects on our lakes due to the changes allowed on the land.**

There are fewer minnows, fewer perch, fewer crawdads and fewer frogs. We're seeing that with this increase in development; we're losing our aquatic creatures. And this is what I think that older generation was trying to alert us to. **There's a term for that, and it's called "shifting the baseline syndrome."**

Whipple indicated to Vandenberg T. Narwold's 3 minutes were up. Leffew said "let her talk". Gurr allowed her to "try and wrap it up."

T. Narwold indicated, the proposed ordinance language, as written, will allow commercialization on the waterfront. Gurr indicated the language, as written works and "it's a compromise." T. Narwold didn't understand how the Planning Commission was compromising.

Gurr: "Compromising with waterfront owners who would like to have a whole lot more boats." L. Wilcox indicated "a true compromise," based on the ordinance language passed in April of 2025 (which allowed (2)) and what is now being proposed, (which is (4)), would be (3) per 100 foot of frontage.

D. Packer asked the Commission how a violation of renting dock space would be enforced. Vandenberg: "...We're looking for ratification and compliance. If a complaint were to come, it would be checked out **but this Township is so little we just don't have the resources for someone to be driving around checking on it...so...we're trying to put something in place that will limit the number of boats cuz there were some people that were over that that will not have that** and in lieu of the current ordinance where there is nothing."

Whipple then said, "You realize it's not eight boats automatically...you can have (4) boats up to 100 feet and then one more...for each additional 25 feet."

T. Narwold: "Still up to 100. I mean, there's some properties that are nine feet wide."

Whipple: "Okay." I didn't want it to be a misconception that everybody can have eight."

Resident L. Wilcox reviewed the history of the current ordinance language:

- The Township did have an ordinance which was passed April 3, 2025, allowing (2) boats per 100 feet of frontage.
- People who were not in town between Dec. 2024 and April of 2025, claimed they were completely unaware of the Public Hearing.
- Also, a Commission member stated waterfront discussions should be held in the summertime when people are here to participate.
- As a result, a new Public Hearing was scheduled for 6/19/25.
- The Planning Commission was advised several times it could not, legally proceed with the 6/19/25 Public Hearing due to improper notice – the Commission proceeded anyway.
- Another Public Hearing, which had to be redone due to improper notice, (Funneling_ was initially held on 8/25/25. A REDO Public Hearing took place on 10/2/2025.
- Although proper notice for today's Boats & Docks Public Hearing was provided this time, it was published in The Antrim Review on Christmas Day when most people were out of town, busy with the holidays and, most likely, unaware of this Public Hearing.

L. Wilcox asked why the Commission would do exactly what they said caused the ordinance to have to be redone in April of 2025 - which was holding a Public Hearing during a time of year

when a majority of residents were unable to attend? "This meeting must, by law, be treated as a full-blown Public Hearing where you are open to the public's comments, ideas, discussions, and amongst yourselves. She asked the commission, as others also had done, to consider a true compromise between the ordinance that was already passed in April of 2025 and what is before you now."

Whipple: "That's not why we're having a meeting."

Whipple (referring to correspondence received) read into the record a letter received from Megan Raphael from Clam River Legacy, LLC, 6693 Crystal Springs Road as follows:

"As a Helena Township property owner whose family has paid taxes in the township for over 100 years, I'm completely against the proposed ordinance that is being discussed at the upcoming January 15th public meeting. Have you been on Clam Lake recently? Have you seen how many powered watercraft there are already on such a small lake? Allowing up to eight watercraft on 200 feet of lakefront is ludicrous. Add to this the large number of boats, lifts, and soon one won't be able to even see the lake from the shore as a view will be so obstructed. This is true for the property owner with the numerous watercraft as well as their neighbors on the other side.

"In addition, although funneling in the township is restricted, doesn't this amend the ordinance to encourage funneling? It will be impossible to determine if all the moored watercraft belong to the actual property owners or are they letting other non-property owners simply moor their boats there. This revised ordinance certainly seems to encourage funneling.

I do not understand why such an ordinance is even being considered. The old ordinance allowed two watercraft per 100 foot and a maximum of four per 200 feet is quite adequate as it serves the township. It protects the finest resources, the water, the lakes, while allowing property owners their right to own and moor up to four watercraft. I urge you to vote no on revising Ordinance Chapter 5, Section 5.02.02."

C. Fricke voiced her concern not only about degradation of disappearing marine life but also about incoming invasive species like golden brown algae and Eurasian Milfoil. She also asked the Commission **"What's the hurry? Why can't you delay this Public Hearing until May or June, again, when we have more of the population back, that this is going to concern?"**

Whipple: "...the whole reason we're doing it is just because there was a 10-hour delay. We could have gladly just left it that way with the hopes that one of our fellow residents didn't take...ya know..legal action...It's kind of, for lack of a better word, cover your butt."

C. Fricke: "Well, I understand that, but again, why can't you just table it?"

Whipple: "Nothing was going to change...it's not gonna change...we had what the rules were going to be - It just didn't get filed in a manner." "We'll still listen to more public...."

C. Fricke: "Yeah, you've already made your mind up."

L. Wilcox: "But this is a Public Hearing, so you're supposed to be, by law, open to ideas."

Gurr (looking at Wilcox and holding up his hand): "Laura, that's enough!"

Whipple: "I didn't say we didn't listen to your other stuff."

Wilcox: "And I'm sorry, but it was not 10 hours."

Gurr: "Enough....Laura....enough!"

Whipple: "What was it, Laura?"

Wilcox: "You had said repeatedly that you were 10 hours off on the notice."

Whipple: "How long was it off?"

Wilcox: "Eight DAYS."

Whipple: "Okay, then eight days. Ten hours, eight days, either way, that's why we're here today."

Gurr: "And the easy solution to falling through the time guidelines labyrinth is to use the Record Eagle. Record Eagle publishes legal notices. All they need is two days' notice. We would always be able to meet our deadlines if we used the Record Eagle, but it would cost us several hundred more dollars for every notification, and practically only a handful of people in Helena Township would read the Record Eagle on a regular basis for a legal notice with respect to the township. And, you know...over the years it's been satisfactory. We're going to make sure that going forward we meet all of those time deadlines, every...every...every stricture that applies. We're going to make sure we are steadfast in our resolve to meet them, which is why we're here. Ya know...you're right...All of this could have been decided and everybody, who doesn't winter over here, could have gone away knowing that when they come back in the spring, there's only going to be a maximum of eight boats for every 200 feet. That's what they're going to discover when they come back."

Wilcox: "But that's what happened last spring. Everybody came back and they were upset, and then you redid it all, just for that reason."

Gurr: "**And...and...if someone from either side of this discussion comes back and is able to persuade the Planning Commission to amend the zoning ordinance, the whole process can start all over again.** We're going to take a definitive step and put some practical guidelines in effect on the shorelines in Helena Township and that's our determination to realize that."

Gurr: "So, we are doing our best. And, you know, to not everybody's satisfaction, we've achieved that goal...we're ready to close the Public Hearing. If there's no further comment, we can deliberate on the matter amongst ourselves....Okay, we're going to close the Public Comment period at 5:53 pm."

Note: No further discussion with attendees or amongst the Planning Commission took place.

Gurr: "Okay, Planning Commission members, we have language in front of us. You know, I'm looking for a motion to approve the language that we're all familiar with now for five months. I'm looking for a motion to approve that language and recommend sending it to the County Board. Do I need a motion to that effect?"

Hunstad made a motion; VandenBerg seconded; motion passed.

VandenBerg announced the Commission's next meeting is February 5th at 5:00 pm. "And there will be no meeting in March unless something comes up that needs to be addressed. Other than that, our next meeting will be in April. We're going every other month now, which gives us time in those 60 days to look at what needs to be announced in public. And so, we're managing our time, everyone's time better than meeting on a monthly basis."

FEMA Flood Maps:

VandenBerg mentioned articles in the Antrim Review that she will try and find and post on the website.

Wilcox: "May I ask the question I was going to ask at the beginning of the meeting, and I was told I couldn't at that moment when you guys were talking about the minutes?"

(LONG pause)

Gurr: "Because the Chair is such a generous soul. It's not part of the public hearing."

Wilcox then pointed out the date on the Minutes which the Commission previously approved is incorrect – the date of the meeting was **December 5, 2025, not December 4.**

Adjournment:

Whipple made a motion to adjourn; meeting adjourned at 5:58 pm.

Next Regular BI-MONTHLY Meeting:

February 5, 2026, at 5:00 pm.

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