



**HELENA TOWNSHIP
ADVOCACY GROUP, NFP**
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Helena Township Planning Commission
PUBLIC HEARING – SHORELINE ORDINANCE 5.02.02
ZOOM - NOT available
April 3, 2025 @ 5:00 pm
HTAG RECAP

Present:

Joe Bassil
Sue McGlovkin
Mike Robinson
Jim Gurr
Jim Schilling
Fay VandenBerg

Absent

Butch Peeples
Gordy Schafer

Robinson called the meeting to order at 5:03 pm
Pledge of Allegiance
Roll Call

Approval of Agenda

Gurr made a motion to accept the agenda as presented; Schilling seconded. All in Favor – All Aye - Motion passed.

Statement of Conflict of Interest: All PC Members indicated “none.”

Approval of March 6, 2025

Gurr made a motion to approve the minutes of the March 6th meeting, as presented.” McGlovkin seconded the motion. Motion carried.

Gurr stated about what occurred during Antrim County Planning Commission – there is no new guidance from Leslie regarding FEMA and there is no concern that the Township would miss any deadline at this point.

VandenBerg: Provided the PC with a packet with updated ordinance language – explained the yellow, highlighted language is from the attorney (Chris Bzdok) and pointed out stricken language with a red line through it. She confirmed notifications went out to all the contiguous townships, and the County, the Antrim Review.

Elimination of 2nd Public Comment Period:

A lengthy discussion took place about how the removal of the 2nd Public Comment Period, which has been a long-standing opportunity for residents to comment and ask questions, came about.

It was concluded the removal of the 2nd Public Comment period (which was announced last October) was arbitrarily decided by ONE of the Commission Members, without the knowledge or consent of the Commission and, most concerning, outside of a public meeting.

The Planning Commission was reminded of the fact almost every other township has at least (2) public comments including the Antrim County Planning Commission and Helena Township Board and there are things which happen between the beginning and end of the meeting which would benefit from further discussion.

Jim Gurr admitted there was a benefit of continuing to have a 2nd public comment period and assured the public it would have more information at the next meeting in June of 2025.

Public Comment Period (Regular Meeting):

Boats, Docks & Hoists Ordinance (Section 5.02.02):

There was confusion amongst the public and Planning Commission regarding the current version of the Ordinance language being presented for consideration as it was different than what was posted in the Public Hearing Notice. The Secretary indicated a Planning Commission member, who was not present, had told her to change the language regarding the number of watercraft allowed to a previous version of the ordinance language which she said will be discussed later in the meeting.

Robinson: "Review of the ordinance 5.02.02 and definitions with the attorney's input.

A long and lengthy discussion took place regarding the shoreline (Boats, Docks and Hoists) Ordinance Language Section 5.02.02.

Questions received and reviewed related to Proposed Shoreline Ordinance Changes

1. Should the ordinance provide a timeframe for exceeding the allowed number of powered watercraft after which noncompliance is established? For example, if a friend visits via powered watercraft and ties up to my dock when I already have two powered watercraft moored on my 100-foot lot, exactly when does that third powered watercraft become a violation? Immediately upon tying to the dock, after the powered watercraft remains in place for 24 hours, or what?

2. Should the ordinance provide a timeframe for remedying noncompliance for exceeding the number of powered watercraft allowed? For example, should violators have 24 hours, 30 days, or some other timeframe to remedy noncompliance?

3. How will enforcement of the ordinance take place? Will the township publicize who is

to be notified for reporting instances of noncompliance? Will formal letters be sent to violators of this ordinance? Will there be provisions for follow-up and stepped up enforcement for continued noncompliance?

4. What penalties will be used to enforce compliance with the ordinance?

5. Has the Planning Commission analyzed costs to the township to enforce this ordinance? If so, please provide the analysis.

6. What is the logic behind allowing two more powered watercraft for 50 feet of additional waterfront when initially only two powered watercraft are allowed per 100 feet of frontage? Consistency would suggest that only one additional powered watercraft be allowed per 50 feet.

7. Please define what constitutes a boathouse in the ordinance. Does a boathouse need to have sides or just a roof?

8. How will the renting of dock space and/or watercraft be monitored by the township?

9. How will this ordinance apply to the South Shore Association properties and Northaire Resort and Pontoon Rentals?

VandenBerg answered the last one... "they are grandfathered in; they were business before the area was zoned so there is no change for them.

***Note*:** The above questions were reviewed, discussed, or referred back to by the Planning Commission prior to moving forward with approving language.

A discussion then began about the number of boats allowed per foot of frontage.

Resident P. Sak then discussed the original ordinance which was taken out in 2012 for reasons unknown as well as boat to shoreline ratio chart for the Planning Commission's consideration.

PRESENTATION CHART (Resident P. Sak):

Proposed Amendment 5.02.02			
Frontage	Watercraft	Total Watercraft	Density
100 ft.	2	2	1 per 50 ft.
150 ft.	+2	4	1 per 37.5 ft
200 ft.	+2	6	1 per 33.3 ft.
250 ft.	+2	8	1 per 31.25 ft
300 ft.	+2	10	1 per 30 ft.
Counter to Master Plan!			

McGlovkin mentioned the Commission had capped it at (8) boats but the language was not included in the latest version of the language.

Resident (Wilcox): Mentioned the word "Greenbelt" still missing under Land Alterations.

Resident (Mike Haley): Mentioned a couple simple typos questioned the Definition of "Marina."

After a lengthy discussion, the following Definition of "Marina" was agreed upon by the Planning Commission:

"Marina" means a facility that is **owned or operated by a person, corporation, legal entity, representative or owner's agent**, extends into/over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft."

Note: The EGLE definition of marina – Part 301 Inland Lakes and Streams, Section 324.30202(j)) did not include the words "corporation" or "legal entity".

Schilling: Asked if there were many property owners who had 200, 250, and 300 foot of frontage? Sak referred to a study conducted - On Clam Lake, there are (10) properties over 150 feet; (8) over 200 feet; (1) over 300 feet. About 20% of the owners on Torch have 150-300+. There are about (9) properties on Torch which are 100-150 and below. On Torch, there are (29) properties over 150 feet; (16) over 200; (9) over 300 feet. These numbers are strictly for Helena Township properties on Clam Lake and Torch Lake.

Resident (Ken Masck - 8658 SETLD) "What Paul is suggesting is the old ordinance we dropped – that's exactly what the old ordinance was - we were very happy with the old ordinance."

M. Hayley: "One quick comment to follow up – the gentleman who did such a logical presentation and the logic would be perfect when you're talking about (c)(ii)....to change it to allow only (2) boats per 100 feet of frontage.

Gurr: "No, that's the point well taken...people were wondering where the (4) came from.
Robinson: "I was wondering where the (4) came from."

Public Comment Period closed at 5:53 pm

PUBLIC HEARING

PLANNING COMMISSIONER'S THOUGHTS:

Gurr: Directed Robinson to ask the Planning Commission members what they thought so they could deliberate and move towards taking action to move forward.

Bassil: Voiced his concern over the ordinance in its entirety and questioned if the Township could regulate the number of boats.

Gurr shared Bassil's sentiments. Robinson asked if anything in this ordinance as of right now would have caused a problem...Wouldn't the attorney have said something?

Gurr indicated the attorney was comfortable with the language and asked the Commission to begin finalizing the language. Schilling agreed.

The Commission then begin reviewing the Ordinance Language, making changes along the way. Below is the FINAL AND AGREED UPON ORDINANCE LANGUAGE.

FINAL AND AGREED UPON ORDINANCE LANGUAGE

After much discussion, deliberation and listening to comments, ideas and concerns from the public, correspondence received, and reviewing previous versions of the ordinance language the Planning Commission had developed over the last 4 months, the Commission voted upon and PASSED the following ordinance language and Definitions: ***Note*: The text in yellow is content added by the attorney** and comments from the Commission are noted.

CHAPTER 5: SUPPLEMENTAL REGULATIONS

SECTION 5.02: SUPPLEMENTAL WATERFRONT, LAKE, STREAM, FLOOD PLAIN, AND WETLANDS REGULATIONS

Section 5.02.02 – Restrictions Applicable to Property Abutting Lakes, Rivers, or Streams

VandenBerg: "The attorney has added what is highlighted in yellow..."

Many lands within Helena Township are connected to, adjoin, or abut lakes, rivers, or streams. In the interest of protecting the water quality, **aesthetics, property values, quiet environment of homes and cottages, and the natural setting of the shoreline, and to prevent overcrowding of shorelines and water bodies;** the following provisions shall be applicable.

1. No permanent groin wall structure, **defined as any shore perpendicular structure used to maintain updrift beaches or restrict longshore sediment transport,** shall be installed as a shoreline erosion control device on any of the inland lakes, rivers, and streams within Helena Township.
2. All man-made extensions from the shoreline into or over said inland lakes, rivers and streams shall have an open sub-structure construction so as to allow the free and unrestricted movement of the inland waters littoral current.
3. A strip of natural vegetation shall be maintained to a depth of twenty-five (25) feet from the high-water

mark of the inland lakes, rivers, or streams abutting or traversing the property in question. Within such area, no more than thirty (30) percent of all living trees and shrubs shall be removed by cutting them to grade level. The remaining trees and shrubbery may be trimmed and pruned for a view of the water from the property.

4. A site plan that prevents erosion and sediment from entering the water and an approved permit from the Antrim County Soil Erosion officer shall be presented to the Zoning Administrator prior to commencement of work;

a. Dimensional and structural conditions are as follows:

5. Dimensional and structural conditions are as follows:

- a. Upper limit on total land alterations with the shoreline **greenbelt** protection buffer shall not exceed fifteen (15) percent of the shoreline greenbelt protection buffer. A path or walkway may be constructed to the water's edge to width of eight (8) feet. No continuous concrete path shall exceed five (5) feet in width;
- b. No permanent roofs or canopies.
- c. Use of powered watercraft shall be limited as follows based upon the amount of water frontage per parcel as identified by county tax rolls:
 - i. Less than 100 feet – 2 powered watercraft are allowed...
 - ii. Every additional fifty (50) feet – additional one (1) powered watercraft are allowed.
- d. Powered watercraft may be placed in front of property by any means: lifts, docked, sea legs, moorings or anchoring.
- e. No dock space or watercraft shall be rented in residential R-1 Zones (atty added)
- f. Powered watercraft must have a legal state watercraft registration.

6. Additional Restrictions and Requirements

- a. Marinas are not allowed in residential R-1 zones.
- b. New boathouses are prohibited.
- c. Use of powered watercraft shall be limited as follows based upon the amount of water frontage per parcel as identified by county tax rolls:
 - i. Less than 100 feet – 2 powered watercraft are allowed;
 - ii. Every additional fifty (50) feet – additional one (1) powered watercraft are allowed.
- d. Powered watercraft may be placed in front of property by any means: lifts, docked, sea legs, moorings or anchoring.
- e. No dock space or watercraft shall be rented in residential R-1 Zones
- f. Powered watercraft must have a legal state watercraft registration.

The FINALIZED Ordinance Language will be posted on the Township's Website in its entirety and presented to the County Planning Commission and Township Board as required as next steps.

DEFINITIONS:

The Commission then continued to review the Definitions:

DEFINITIONS USED AND NEEDING UPDATING IN SECTION 1.03 – DEFINITIONS

Docked or Docking: Tethering of a watercraft directly to a pier, platform, pole, dock, bulkhead, boat house or mooring; and also, the placement of a watercraft in an off-shore boat house, or the regular or overnight beaching of a watercraft.

Marina: “Marina” means a facility that is owned or operated by a person, representative, or owner’s agent, extends into / over an inland lake or stream, and offers service to public or members of the marina for docking, loading, or other servicing of recreation watercraft. **(Note: This is the EGLE definition of marina – Part 301 Inland Lakes and Streams, Section 324.30202(j)).**

Mooring: A space for a single watercraft at or adjacent to a dock, in an offshore boat hoist, an overnight anchoring offshore, or a beaching location.

Private Waterfront Access: A privately-owned way or means of approach to provide physical entrance to a body of water.

Shoreline Greenbelt Protection Buffer: A strip extending along the shoreline with features that prevent erosion.

Shore Station: A floating or fixed structure used to dock and secure watercraft to protect it from the elements and which may include equipment to lift a watercraft out of water.

Gurr: “Getting near the end.”

Powered Watercraft

1. Powered Watercraft in which there is any type of mounted motor (gas, electric, solar and/or battery), or in-board motor for propulsion. A vehicle used or capable of being used as a means of transportation on water. Any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having propulsion that is stored on a boat hoist or mooring, but does not include canoes, kayaks, paddle boats, rowboats (without an engine), or other human powered craft or beached sailboards and sailboats.

Gurr: Continued...

2. A vehicle used or capable of being used as a means of transportation on water. Any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having propulsion that is stored on a boat hoist or mooring, but does not include canoes, kayaks, paddle boats, rowboats (without an engine), or other human powered craft or beached sailboards and sailboats.

Note: The language in Paragraph 2 (above) was not previously reflected in the language

DEFINITIONS(Cont'd):

A lengthy discussion took place about the definition of “**Marina**” after which the Planning Commission, with the input of residents including Mike Haley (retired attorney and judge), agreed on the following:

“Marina” means a facility that is **owned or operated by a person, corporation, legal entity, representative or owner's agent**, extends into/over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.”

VandenBerg asked the public and Commission if they knew a definition of “Boathouse” as she could not find one anywhere. A couple of residents shared input about it having a roof, walls and sides but no definition was reached and voted upon.

Gurr interjected saying...“At this point in time, after 6 months of public discussion on this...I do not want to wait...I want to see the actual black and white language...and we can come back afterwards and make minor adjustments in the Definitions language if we get advice from the attorney to do it. But we’re not going to say anything controversial that’s going to put us in a tight spot, so I’m thinking that we should be able to finalize language this evening and not have it hang for an additional length of time.

Gurr: “Ok, so now...if we have the black and white language, we all have it in our hands, we’ve all been through it...we’re going to conduct a findings of fact about its applicability in our zoning ordinance...these are findings of facts that we use for special use permits and might have to tweak the language a little bit as we ask the question because we are talking about particular properties and so it’s going to talk along those lines so....instead of...alright, let me start it...

FINDINGS OF FACT:

Gurr facilitated the process of asking the Findings of Fact questions required to determine the final ordinance language...“so that we know what it is we are saying is the last word in black and white, okay?”

- a. Properties affected by the changes in the ZO are located in the zoning district in which the proposed use is allowed – ALL SAID “YES”
- b. The Proposed changes will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the township...or the natural environment as a whole... - ALL SAID “YES”
- c. Proposed alterations to the Zoning Ordinance will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glares, odors, or the accumulation of scrap materials that can be seen from any public highway or seen from any adjoining land owned by another person....ALL SAID “YES”

- d. Proposed use will be designed, constructed, operated and maintained so as not to diminish the opportunity or surrounding properties to be used and developed as zoned....ALL SAID "YES"
- e. Proposed use will not place demands on fire, police or other public resources in excess of current capacity. ALL SAID "YES"
- f. Proposed use will be adequately served by public or private streets, water and sewer facilities and refuse collection and disposal services. ALL SAID "YES".
- Gurr: "I say not applicable; it does not affect our determination."**
- g. Proposed site plan meets the standards of Chapter 7
- Gurr: "Chapter 7 roughly talks about the manner in which we make these changes; we are fitting that...so the answer to that is "yes, it does meet the standards of Chapter 7.
- Gurr: "Just for the public's information, Chapter 7...is under the general title of Site Plan Review Regulations....should it be needed...and it meets those standards."
- h. Proposed use complies with all specific standards required under this ordinance applicable to it – ALL SAID "YES".
- i. If the proposed use poses a significant risk of environmental contamination, the applicant has agreed to obtain liability insurance covering the cost of cleanup and the damage to the township and its residents would suffer if the contamination occurred. NOT APPLICABLE.

Gurr: "In addition to standards above and in order to find that section 6 which is the procedures as met, the proposed changes must meet any additional applicable standards required by the ordinance – there are none that apply.

Gurr: Um...completion...so, the amendments to the zoning ordinance shall expire...no, this doesn't apply...it talks about a special use permit to do something – you've got a year to get it done or get a year extension...this doesn't apply.

Robinson: "Based on the above findings of Fact, a motion to recommend to the Township Board for approval.?"

Gurr made a motion..."I'll make the motion that having gone through the exhaustive criteria that we have established that we met all the standards and that the Planning Commission recommends to the Board that they approve these ordinance changes."

Schilling: "I'll second."

Gurr directed Vandenberg to "send the completed, satisfied document off to the next round of agencies that require notification."

Robinson called for a vote.

Robinson: "All in favor?" – AYE

Robinson: "Any opposed?"

Bassil: "Opposed".

Motion to accept the ordinance changes carried.

Public Hearing ended at 6:43 pm



Helena Township Planning Commission

REGULAR MEETING FOLLOWING PUBLIC HEARING – SHORELINE ORDINANCE 5.02.02

ZOOM - NOT available

April 3, 2025 @ 6:45 pm

HTAG RECAP

Present:

Joe Bassil
Sue McGlovkin
Mike Robinson
Jim Gurr
Jim Schilling
Fay VandenBerg

Absent

Butch Peeples
Gordy Schafer

The Planning Commission returned to their Regular Meeting at 6:45 pm

A resident, who attended the most recent County Planning Commission meeting on Tues., 5/6/25 reminded the Commission of the importance that the finalized ordinance language presented to them is in the proper format as one of the Members (Brian Graham) emphasized. Otherwise, it would be rejected for review.

Gurr assured the public he was aware of the requirement and will make sure VandenBerg prepares it properly.

Short-Term Rentals:

Gurr: "Informational overview Short-Term Rental Letter."

Note: *The letter referred to is a response from a letter sent to the Planning Commission, dated October 23, 2024, from Helena Township Advocacy Group (HTAG).*

VandenBerg provided a vague overview of the response received from the PC's attorney (Christ Bzdok) to a letter it received, dated October 23, 2024, requesting the Planning Commission confirm with the attorney, its responsibilities, to amend the current ordinance to comply with the Master Plan.

VandenBerg stated "Short Term Rentals are currently allowed by right. We are open to putting this on the agenda and we are protected from anything that may come up regarding short term rentals...The Planning Commission is protected and following the current ordinance."

Gurr: "The seven-day minimum is not being adhered to but language is in the Master Plan allowing the Planning Commission to address this issue. This is not necessarily the final word."

Resident (G. Mayes) asked for confirmation short-term rentals would be put on the agenda and mentioned MiSTRA (Michigan Short Term Rental Association) and because of the commercial activity of these rentals, there are many more restrictive ordinances being created. Mayes reminded the Commission of his (3) questions which have been asked of them several times one of which is "...is a short-term rental considered commercial or residential? This is a major question throughout the entire state. There are now 45 X more restricted ordinances on Short Term Rentals now since 2019. The number is going up – it's a pattern and Spring Lake is a prime example..." "use by right" was voided regarding short-term rentals."

Wilcox asked what the attorney's (Bzdok) response was to his comment he, himself, made in 2011 that, by definition, short-term rentals are not allowed in R-1 Zone? The Commission offered no reply, but Gurr stated the Commission is aware of the scope of the problem and it will be put on the agenda.

Abandoned House:

Resident (Carolyn Nofel – 9418 Park Street, Alden) said property across the street has been abandoned and falling down for decades and would like to see the township take action. Owner is Harry Dickson (Clyde Smith's old property) is in assisted living, his affairs are being taken care of by a nephew. Would like to see a letter from the Township to go his representative or a letter from an attorney or have the sheriff visit them and get it taken down. Referenced Nuisance Ordinance section (f) and (g). Has asked the PC for the past 5-7 years to do something.

Resident (P.Sak) asked if the Private Waterfront Access 5.02.01 will be covered at the next, formal Planning Commission meeting in June?

Gurr: confirmed, "5.02.01...yes...anti-funneling."

A discussion then took place amongst the Planning Commission and public about the next steps needed to get the ordinance language approved by the additional governing agencies.

Gurr: "In order to get these changes in the hands of the Township Board at their May 8th meeting; we would have to meet on the 7th as a special meeting or earlier in the day on the 8th of May. At that point in time, I could make sure we streamline the recommendation from the County Planning Commission to make sure we've got their suggestions, as to where we proceed, in our hands, when we meet at the special meeting, confined strictly to the business of approving the language to the Township Board. So, we could do it easily inside of an hour before the township board meeting.

Gurr: "If the four of us can make it, we've got a quorum....let's...we could even preface this to say we're not going to introduce any suggestions other than those that come from the superintending agencies (laughs) which there won't be any. The County Planning Commission asks themselves...the question they ask is there an incompatibility with the County Master Plan and there seldom is."

Gurr: "Alright, I make the motion that we hold a special meeting on May 8th at 5:30 pm to consider solely the business of the waterfront regulations before us.

Gurr: "I need a second."

VandenBerg: "I second it."

Robinson: "Any other discussion?" All in favor? – "AYE."

Robinson: "It's that simple?"

Gurr: "It's that simple."

Meeting adjourned.

Prepared by:

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