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Developer, township may be in conflict over Walloon Lake

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An area developer is under scrutiny over complaints about its work on a Melrose Township home with frontage on Walloon Lake.

That scrutiny, propelled by complaints from neighbors, led Melrose Township to impose a stop-work order on the site about two weeks ago, halting any potential overreach by the contractors that might be in violation of regulations requiring a vegetative buffer zone along the shoreline.

The site, a residential property some 1,200 feet northwest of M-75, is undergoing renovation by Petoskey firm Young & Meathe. The township's zoning board of appeals in late 2019 approved a plan for the property owners to remove a porch and shed on the property and construct a two-story addition. But officials say they weren't aware of apparent shoreline work that may have taken place alongside building renovations in recent weeks.

The home falls in the Walloon Lake Shoreline Protection Overlay District, which places special restrictions on Melrose Township properties the border the lake. In particular, the zoning ordinance requires properties extending at least 40 feet from the shoreline to

maintain a natural line of trees and shrubs along the waterfront. Any work that would disturb that buffer zone requires a landscape plan to be submitted and approved by the township.

In an interview June 16, township supervisor Vern Goodwin said the stop work order was initiated because of reports that crews were disturbing that natural overlay district without submitting the paperwork required to do so.

"That was not part of their waterfront overlay (plan)," said Goodwin. "There was nothing ever approved for them to pull out the whole front yard."

Pictures provided separately to the News-Review show workers taking shovels to the property, which appears to have been cleared of grass and vegetation, leaving only an expanse of flat soil on the surface.

He said the shoreline work "probably wouldn't have been able to be done in the manner they" did it, even with the proper approvals.

"It's a little bit late to tell hem they can't do it," he said. "They already tore it up. Now it's managing what they've done and making it comply as much as possible."

He said at that time the township planner was working with the contractor to receive a landscape plan. The contractor is still able to do work on other parts of the project that were already

approved, but Goodwin indicated the order against shoreline disturbance was being enforced.

Jennifer McKay, policy director at Tip of the Mitt Watershed Council, said waterfront overlay requirements are important in maintaining a buffer zone of vegetation, filtering out pollutants, stabilizing the soil, and preventing sediment erosion into the lake.

The Watershed Council got involved in the South Shore Drive issue following complaints brought to them by residents in the area. The Watershed Council participates in watershed protection efforts of all types in the Northern Michigan counties it represents.

"The Watershed Council wants to see the ordinances that are in place implemented and enforced (in a way) ... that will protect the fragile shoreline ecosystem of Walloon Lake," McKay said.

On June 16, she sent an email to Goodwin and Melrose Township planning commissioners relaying concerns that neighbors had raised. That email also recounted a conversation she'd had with township planner Randy Frykberg, which suggested he would no longer be actively enforcing the stop work order.

In response to an request for comment on that issue, Frykberg said, "it's quite complicated."

"At this point we are waiting to get more input and it's being looked at by

the township attorney," he said Friday.

When asked Thursday if he was previously aware of Frykberg's alleged non-enforcement, Goodwin said he "was aware at that time yesterday," when he was first interviewed about the stop-work order.

When reminded that he had indicated in the previous interview that the order was being enforced, he replied that he knew about it that day but not at the time of the interview.

The township is consulting with its lawyers about the next steps, Goodwin said.

He said he wouldn't discuss personnel issues, but said he would be enforcing the order, even if Frykberg wasn't.

"It is being enforced, he's just disregarding it," Goodwin said. "That's why we're talking to our lawyers."

Multiple attempts were made to speak with a representative of Young and Meathe for the purposes of this article.

McKay said ordinances like Melrose Township's watershed overlay district are necessary to "protect the fragile lake shoreline ecosystems, but they're only worthwhile if they're actively implemented and enforced."

"That's the only way we can actually insure the long-term protection and the health of our resources," she said.