City of Boyne City
Founded 1856
319 N. Lake Street Boyne City, Michigan 49712 Phone 231-582-6597
www.boynecity.com Fax 231-582-6506

BOYNE CITY
HISTORIC DISTRICT COMMISSION

Tuesday October 15, 2013, 7:00 p.m.
Boyne City Commission Chambers
319 North Lake Street

Scan QR code or go to www.cityofboynecity.com click on Boards & Commissions for complete agenda packets & minutes for each board

1. **CALL TO ORDER AND ROLL CALL**

2. **APPROVAL OF MINUTES**
   Minutes of the May 21, 2013 meeting.

3. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

4. **OLD BUSINESS**

5. **NEW BUSINESS**
   A. Swear in new Board Member Kelly Martin.
   B. Review board application from Chris Glassford.
   C. Review Preservation Standards as per 36-CFR67.7
   D. Review Historic Preservation-General City Ordinance (Chap. 30)
   E. Set Calendar for 2014 meeting dates.
   F. Renew board appointments for Bandy and Wellman for three year terms.

6. **COMMUNICATIONS**
   A. MDEQ application for 411 Pearl Street
   B. Main Streets project to promote the Boyne City Historic District

7. **ANNOUNCEMENTS**

8. **ADJOURNMENT**

9. **NEXT MEETING: February 18, 2014**

INDIVIDUALS WITH DISABILITIES REQUIRING AUXILIARY AIDS OR SERVICES IN ORDER TO PARTICIPATE IN MUNICIPAL MEETINGS MAY CONTACT THE BOYNE CITY HALL FOR ASSISTANCE: CINDY GRICE, DEPUTY CLERK, 319 NORTH LAKE STREET, BOYNE CITY, MI 49712. (231) 582-0334.

Meeting of May 21, 2013

Call to Order: Meeting was called to order by Jeff Wellman at 7:01 PM.

Present: Chris Bandy, Marie Sheets, Jeff Wellman.

Absent: none

Guest: Jane Mckenzie, Bill Beeman, Kelly Martin

Staff: Michele Hewitt, Scott McPherson

Approval of Minutes: It was moved by Sheets, second by Bandy to approve the minutes from the February 26, 2013meeting, all ayes. Motion carried.

Public Comment: Jane McKenzie gave a brief update on 417 Boyne Avenue property that Northern Homes is working with the Charlevoix County land bank to purchase. Once purchased the home would be renovated back to its original state and transferred into senior housing which would include four rental units. Parking lot changes with entrance coming in off of Pearl Street only. Remove dumpster enclosure.

Grant money is being sought to help with costs. Jane asked the commission what she would need to do once property has been purchased. Commission replied that first step would be the Certificate of Appropriateness and drawings.

Old Business: none

New Business: A. 411 Pearl Street Certificate of Appropriateness application review for driveway reconstruction. McPherson would liked to of seen more information on materials to be used but was ok with it. Motion by Bandy, Second by Sheets, all ayes, motion carried.

B. Scott McPherson explained the procedures that will begin immediately for filing applications within the Historic District. The Planning/Zoning department will be the first point of contact for homeowners who are looking to do any type of work or construction within the Pearl Street Historic District. Once they have the proper applications and supporting documents they will contact the Historic District Commission to schedule the review at the next meeting or special meeting.

McPherson indicated that we need to have a formal denial process, and our application for Certificate of Appropriateness would need some changes

Notice to Proceed must meet standards in order to be issued. Do good fact finding, if denied it kicks in appeal process.

Bill Beeman resident of Pearl Street spoke, expressed concerns in regards to the ordinance and indicated that the commission should be aware of 36 CFR 67.7.

Wellman asked for copies of the 36-CFR67.7 that Beeman referred to so it could be reviewed with the commission.

C. Board applications:

Kelly Martin was asked to give a few words, she explained her strong longstanding interest with history and her involvement with Bob Morgridge regarding Boyne City History. Bandy motioned to recommend her application to the City Commission, second by Sheets, all ayes, motioned carried.

Chris Glassford application was tabled until next meeting allowing the applicant to update information on his application.

Announcements: none

Next Meeting: October 15, 2013

Adjournment: motioned by Bandy to adjourn, second by Sheets, all ayes. Motion carried.
Meeting adjourned at 7:41 PM

DRAFT

CITY OF BOYNE CITY

319 North Lake Street Boyne City, MI 49712 (231) 582-6597

RECEIVED APR 25 2013

BOARD MEMBER APPLICATION

The City understands you are interested in becoming a member on one of the City Advisory Boards/Commissions. We appreciate your interest and future dedication to Boyne City. In order for the City to have information on file as reference when the next board has an opening, we ask you please complete the following and return to City Hall.

Name: Chris Glassford

Address: 317 S. Lake Street, Boyne City

Telephone: (231) 497-4976 **(daytime)** _____ **(evening)**

Email: cfglassford@gmail.com

Occupation: HVAC owner

Please check any Advisory Board or Commission you may be interested in.

- ☐ **Airport Advisory Board**
- ☒ **Historical Commission**
- ☐ **Planning Commission**
- ☐ **Board of Review**
- ☐ **Local Development Finance Authority**
- ☒ **Historic District Commission**
- ☐ **Economic Development Corporation**
- ☐ **Main Street / DDA Program**
- ☐ **Parks and Recreation Commission**
- ☐ **Housing Commission**
- ☐ **Zoning Board of Appeals**
- ☐ **District Library Board**

Reason(s) you wish to serve:

I wish to become more involved and help out where I can.

Other community or civic service activities:

Signature Chris Glassford **Date** 4-25-13

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF CHARLEVOIX

William R. Beeman,

Plaintiff,

vs

Boyne City Historical District Commission and Boyne City Commission,

Defendants.

Case No: 12-0270-24 AW

Honorable: Richard M. Pajtas

William R. Beeman In Pro Se 445 Pearl Street Boyne City, MI 49712 (303)619-1907	James J. Murray (P40413) PLUNKETT COONEY Attorneys for Defendants 303 Howard Street Petoskey, MI 49770 (231)348-6413

CONSENT JUDGMENT

This matter having come before the Court upon the Petition for Writ of Mandamus or, in the Alternative, Injunctive Relief, of Plaintiff, William R. Beeman, (hereinafter "Plaintiff); and

WHEREAS, Defendants City of Boyne City and the Boyne City Historical District Commission, (hereinafter collectively the "City" or "Boyne City") having filed its Answer and Affirmative Defenses; and

WHEREAS, this matter having come before the Court upon the stipulation of the parties, by and through their consent as set forth below; and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. This Court declares that the City of Boyne City's Historical District Commission Ordinance ("Historic District Commission Ordinance") complies with the Local Historic District

Act; MCL 399.201 *et seq.* (the "Act").

2. Consistent with the Act, the Boyne City Historical District Commission shall comply with the Michigan Open Meetings Act, MCL 15.261 et seq.

3. Consistent with the Act, the Boyne City Historical District Commission shall comply with the Michigan Freedom of Information Act; MCL 15.231 et seq.;

4. The Boyne City Historical District Commission, consistent with Section 4 of the Act, shall be confirmed by the Boyne City Commission.

5. Pursuant to Sections 5(3) and 5(9) of the Act, the Boyne City Historical District Commission shall follow the Standards of Rehabilitation, as amended in the form of **Exhibit A** attached. The "Standards of Rehabilitation," being consistent with the Act and 36 CFR, Part 67, shall remain in full force and effect unless otherwise amended by the City of Boyne City.

6. Nothing in this Consent Judgment shall preclude the City of Boyne City or its Historical District Commission from amending the Standards of Rehabilitation according to applicable law. Nor shall anything in this Consent Judgment preclude the City of Boyne City or its Historical District Commission from operating contrary to this Consent Judgment in the event of amendments to the Act or any federal or state laws cited herein.

7. Plaintiff's Complaint and asserted and unasserted claims are hereby dismissed with prejudice and without costs to either.

This is a final order and closes the case.

Entered: _____, 2013

_____
Hon. Richard M. Pajtas
Circuit Court Judge

NOTICE OF ENTRY IS HEREBY WAIVED:

William R. Beeman
Plaintiff, In Pro Se
Dated: 05/02/2013

James J. Murray (P40413)
PLUNKETT COONEY
Attorneys for Defendants
Dated: 5/6/13

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EXHIBIT A

Preservation Standards

INTRODUCTION:

The City of Boyne City and its Historical District Commission, intending to comply with the federal standards for rehabilitations set forth in 36 CFR, Part 36 and 67, hereby adopt the following Standards of Rehabilitation. In addition, these Standards are intended to meet the purposes of the Local Historic District Act; MCL 399.201 *et seq.*, as follows:

(a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.

(b) Stabilize and improve property values in each district and the surrounding areas.

(c) Foster civic beauty.

(d) Strengthen the local economy.

(e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

STANDARDS FOR REHABILITATION

(a) The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(b) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. (The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.)

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use.

Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: improper repointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the NPS. "Preservation Briefs" and additional technical information to help property owners formulate plans for the rehabilitation, preservation, and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the SHPOs and NPS WASO. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(d) In certain limited cases, it may be necessary to dismantle and rebuild portions of a certified historic structure to stabilize and repair weakened structural members and systems. In such cases, the Secretary will consider such extreme intervention as part of a certified rehabilitation if:

(1) The necessity for dismantling is justified in supporting documentation;

(2) Significant architectural features and overall design are retained; and

(3) Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

Section 47 of the Internal Revenue Code of 1986 exempts certified historic structures from meeting the physical test for retention of external walls and internal structural framework specified therein for other rehabilitated buildings. Nevertheless, owners are cautioned that the Standards for Rehabilitation require retention of distinguishing historic materials of external and internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, i.e., external walls that detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the Standards for Rehabilitation.

(e) Prior approval of a project by Federal, State, and local agencies and organizations does not ensure certification by the Secretary for Federal tax purposes. The Secretary's Standards for Rehabilitation take precedence over other regulations and codes in determining whether the rehabilitation project is consistent with the historic character of the property and, where applicable, the district in which it is located.

(f) The qualities of a property and its environment which qualify it as a certified historic structure are determined taking into account all available information, including information derived from the physical and architectural attributes of the building; such determinations are not limited to information contained in National Register or related documentation.

ROOFS

The existing building height, roof lines, pitch, chimneys, dormers, towers, and gables shall not be changed or modified.

Dormers and sky lights may be added to rear facing roofs subject to Historic District Commission approval.

OPENINGS

The location, style, and materials of window and door openings including the number and arrangement of panes shall be retained (on street facade).

Window trim and ornamentation should resemble the original.

Adding openings, blocking openings, or making changes in the size of existing openings would require approval.

Stained glass, curved glass, and cut glass windows and door panes contribute to the historic and aesthetic value.

ADDITIONS

The setbacks and spatial relationships of the building determine the street scape and character of the district. No additions shall be made on the street facade.

Additions to the side and rear should conform to the preservation standards stated here and should blend in so as not to destroy the aesthetics of the home.

Specifically, any alteration to the homes located on the Boyne River should be designed to protect the river views and park like qualities that have existed in the past.

PORCHES, TRIM AND ORNAMENTATION

No changes in porches, trim, shutters, and other ornamentation on the street facade can be made without approval. Replaced or repaired portions including columns, railings, baluster, steps, foundations, and fascia must match the original members in scale and material.

Porches on all facades shall be constructed with roofs and pillars so as to conform with the original architecture.

MATERIALS

Brick, stone, and other masonry shall not be painted or covered. Any repairs to mortar or other elements should match the original in color, style and texture. Every attempt should be made to use the original materials necessary for repairs or replacement.

Original siding of wooden shingles, boards and batten, and clapboard siding should be retained. The style of new siding should closely resemble the original in material, width and texture, and should not cover up trim or ornamentation.

With approval of the Historic District Commission, substituted siding can be used to cover the original. The wood framing, trim, and ornamentation around doors, windows, eave lines, corner and skirt board must be retained.

Other original details such as fish scale, diamond, and other decorative treatments used for siding and trim must be retained.

FENCES, AWNINGS, STORMS AND SCREENS

Chain link or similar security type wire fencing is prohibited. Other fences and structures would require Historic District Commission approval. Metal, fiberglass, or vinyl awnings and unpainted aluminum storm and screen doors and windows are inappropriate to the historic character of the homes, and replacement materials will require approval from the Historic District Commission.

LANDSCAPING/ STREET SCAPE

Significant historic landscape/ land features should be retained/maintained.

New landscape/ land features or alterations to existing landscape and land features should be compatible with surrounding historic properties and other structures on the property.

Landscape/land features should not be visually dominant, intrusive or suggest a false sense of history.

Open space adjoining the street shall be developed in scale and character with the neighborhood.

Existing buildings shall not be demolished to create additional open space.

Trees with trunks greater than 10" in diameter should not be removed unless diseased or unsafe, or without prior approval of the Historic District Commission.

New construction or rehabilitation activity shall work around trees with trunks greater than 10". Exceptions to this standard must be approved by the Historic District Commission.

The determination of archaeological significance is recommended before site work begins. If archaeological significance is determined, this shall guide proposed alterations, new construction or demolition.

Location of air conditioners, meter boxes, garbage receptacles and television antennas or dishes shall be located in a place not visible from the street, and will require Historic District Commission approval.

The back of those properties on the Boyne River shall have the same requirements as the front facade.

Chapter 30

HISTORIC PRESERVATION

Article I. In General

Secs. 30-1—30-18. Reserved.

Article II. Historic Districts

Sec. 30-19. Definitions.
Sec. 30-20. Purpose.
Sec. 30-21. Districts; study committee.
Sec. 30-22. Commission created.
Sec. 30-23. Permits.
Sec. 30-24. Grants, gifts, and programs.
Sec. 30-25. Historic resource; acquisitions by local legislative body.
Sec. 30-26. County historic district commission; coordination with township and municipality.
Sec. 30-27. Filings with delegated authority; duties of local public officials, employees, and bureau of history.
Sec. 30-28. Construction of article.
Sec. 30-29. Appeal of decisions.
Sec. 30-30. Effect of article as to existing legislation and historical commissions.
Sec. 30-31. Powers and duties of historic district commission.
Sec. 30-32. City commission responsibilities; powers.
Sec. 30-33. Violation a municipal infraction.

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. HISTORIC DISTRICTS*

Sec. 30-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means work that changes the detail of a resource but does not change its basic size or shape.

Bureau means the Bureau of History of the Michigan Department of State.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Commission means the historic district commission created by the city commission pursuant to section 30-22.

Committee means the historic district study committee appointed by city commission pursuant to section 30-21.

Demolition means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

Demolition by neglect means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

Historic district means the area of Pearl Street, defined as the Boyne City Historic District (appendix A), that contains one resource or a group of resources that are related by history, architecture, archeology, engineering, or culture.

Historic preservation means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

Historic resource means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.

Local unit or *city* means the City or its city commission, where applicable.

Notice to proceed means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 30-23(f).

Open space means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or buffer between other resources.

Ordinary maintenance means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this article.

Proposed historic district means the area of Pearl Street, defined as the Boyne City Historic District (appendix A), under review by the historical district study commission for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

Repair means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this article.

*State law reference—Local Historic Districts Act, MCL 399.201 et seq.

Resource means one or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within the historic district.

Standing committee means a permanent body established by the city pursuant to section 30-32 to conduct the activities of the historic district study committee on a continuing basis.

Work means construction, addition, alteration, repair, moving, excavation, or demolition.
(Ord. of 6-11-2002, § 1)
State law reference—Similar provisions, MCL 399.201a.

Sec. 30-20. Purpose.

The city hereby declares that historic preservation is a public purpose and the purpose of this article shall be to regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the city. The purpose of this article shall be to do one or more of the following:

(1) Safeguard the heritage of the city by preserving one or more historic districts in the city that reflect elements of the units history, architecture, archaeology, engineering, or culture;

(2) Stabilize and improve property values in each district and the surrounding areas;

(3) Foster civic beauty;

(4) Strengthen the local economy; and

(5) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the city and of the state.

(Ord. of 6-11-2002, § 2)
State law reference—Similar provisions, MCL 399.202.

Sec. 30-21. Districts; study committee.

(a) *Established; administration; appointment.* This article hereby establishes a historic district. The historic districts shall be administered by the historic district commission established pursuant to section 30-22. Before establishing a historic district, the city shall appoint a historic district study committee. The committee shall do all of the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the bureau;

(2) Conduct basic research of each proposed historic district and the historic resources located within that district;

(3) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the national register of historic places, as set forth in 36 CFR 60, and criteria established or approved by the bureau, if any;

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

a. The charge of the committee;

b. The composition of the membership;

c. The historic district or districts studied;

d. The boundaries for each proposed historic district in writing and on maps;

e. The history of each proposed historic district; and

f. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria;

(5) Transmit copies of the preliminary report for review and recommendations to the local planning body, to the bureau, to the state historical commission, and to the state historic preservation review board; and

(6) Make copies of the preliminary report available to the public pursuant to subsection (a)(4) of this section.

(b) *Public hearing; notices.* Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with Act No. 267 of the Public Acts of 1976, as amended, (MCL 15.261—15.275). Public notices of the time, date, and place of the hearing shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. Written notice shall be mailed by first class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the city.

(c) *Final report recommendations; ordinances.* After the date of the public hearing, the committee and the city shall have not more than one year, unless otherwise authorized by the city, to take the following actions:

(1) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the city. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances; and

(2) After receiving a final report that recommends the establishment of a historic district or districts, the city, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the city passes an ordinance or ordinances establishing one or more historic districts, the city shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. A city shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, al listed on the tax rolls of the city, have approved the establishment of the historic district pursuant to a written petition.

(d) *Writings, availability.* A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, (MCL 15.231—15.246).
(Ord. of 6-11-2002, § 3)

State law reference—Similar provisions, MCL 399.203.

Sec. 30-22. Commission created.

(a) *Establishment.* With the enactment of the ordinance from which this article is derived, the city hereby creates the Boyne City Historic District commission.

(b) *Qualifications.*

(1) Each member of the commission shall reside within the city.

(2) A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.

(c) *Composition.* The commission shall consist of not less than five or more than seven members.

(d) *Appointment.*

(1) The members shall be appointed by the city commission.

(2) Initial members shall be appointed within six months after the ordinance establishing the commission is enacted.

(e) *Terms; reappointment.*

(1) Members shall be appointed for three-year terms except the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time.

(2) Members shall be eligible for reappointment.

(f) *Vacancy.* A vacancy on the commission shall be filled within 60 calendar days by an appointment made by the appointing authority.

(g) *Additional membership.* The commission shall include as a member, if available, a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in this state.

(Ord. of 6-11-2002, § 4)

State law reference—Similar provisions, MCL 399.204.

Sec. 30-23. Permits.

(a) *Required.* A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under section 30-22, work affecting the interior arrangements of a resource is performed within a historic district.

(1) *Application required.* The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the commission, or other duly delegated authority.

(2) *Referral.* If the inspector of buildings or other authority receives the application, the application shall be immediately referred together with all required supporting materials that make the application complete to the commission.

(3) *Review process.* The review process by the commission shall begin within 30 days from the applicant filing the application for permit.

(4) *Certificate of appropriateness; notice to proceed.* A permit shall not be issued and proposed work shall not proceed until the commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this article.

(5) *Process fee.* A local unit may charge a reasonable fee to process a permit application.

(b) *Appeal.*

(1) *Filing.*

a. An applicant aggrieved by a decision of a commission concerning a permit application may file an appeal with the state historic preservation review board of the state historical commission within the department of state.

b. The appeal shall be filed within 60 days after the decision is furnished to the applicant.

(2) *Form.* The appellant may submit all or part of the appellant's evidence and arguments in written form.

(3) *Date of consideration.* The review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering an appeal.

(4) *Certificate of appropriateness; notice to proceed.* The review board may affirm, modify, or set aside a commission's decision and may order a commission to issue a certificate of appropriateness or a notice to proceed.

(5) *Circuit court.* A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the state historic preservation review board.

(c) *Rehabilitation; standards and guidelines.* In reviewing plans, the commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 CFR 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the bureau. The commission shall also consider all of the following:

(1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;

(2) The relationship of any architectural features of the resource and to the surrounding area;

(3) The general compatibility of the design, arrangement, texture, and materials proposed to be used; and

(4) Other factors, such as aesthetic value, that the commission finds relevant.

(d) *Exterior features of a resource; review.* The commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the city or unless interior work will cause visible change to the exterior of the resource. The commission shall not disapprove an application due to considerations not prescribed in subsection (c) of this section.

(e) *Adverse affects.* If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the city, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(f) *Notice to proceed.* Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structure's occupants;

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances;

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner; or

(4) Retaining the resource is not in the interest of the majority of the community.

(g) *Public meeting; notice; meeting agenda.* The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261—15.275). Public notice of the time, date, and place of the meeting shall be given in the manner required by Public Act No. 267 of 1976. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.

(h) *Record.* The commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Public Act No.442 of 1976 (MCL 15.231—15.246).

(i) *Rules of procedure; adoption.* The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this article.

(j) *Issuance of certificates; delegations.* The commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

(k) *Demolition by neglect; commission response.* Upon a finding by a commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:

(1) Require the owner of the resource to repair all conditions contributing to demolition by neglect; or

(2) If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(l) *Restoration to former condition.* When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. When acting pursuant to an order of the circuit court, a commission or its agents may enter a property for purposes of this section.

(Ord. of 6-11-2002, § 5)

State law reference—Similar provisions, MCL 399.205.

Sec. 30-24. Grants, gifts, and programs.

The city may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The city may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

(Ord. of 6-11-2002, § 6)

State law reference—Similar provisions, MCL 399.206.

Sec. 30-25. Historic resource; acquisitions by local legislative body.

If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the city that public ownership is most suitable, the city, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the commission or standing committee. The commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the city. Upon recommendation of the commission or standing committee, the city may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

(Ord. of 6-11-2002, § 7)

State law reference—Similar provisions, MCL 399.207.

Sec. 30-26. County historic district commission; coordination with township and municipality.

The jurisdiction of a county shall be the same as that provided in Public Act No. 183 of 1943 (MCL 125.201—125.232), or as otherwise provided by contract entered into between the county and a city, village or township. If a county historic district commission is in existence, coordination between the county historic district commission and township and municipality historic district commissions shall be maintained. The overall historic preservation plans of cities, villages and

townships shall be submitted to the county historic district commission for review, and county plans submitted to cities, villages, and townships having historic district commissions. Day-to-day activities of a commission shall not be reviewed unless the activities affect resources of importance to another commission.
(Ord. of 6-11-2002, § 8)

State law reference—Similar provisions, MCL 399.208.

Sec. 30-27. Filings with delegated authority; duties of local public officials, employees, and bureau of history.

(a) The commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the inspector of buildings or other delegated authority. A permit shall not be issued until the commission has acted as prescribed by this article. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(b) Local public officials and employees shall provide information and records to committees, commissions, and standing committees, and shall meet with those bodies upon request to assist with their activities.

(c) The bureau shall cooperate with and assist local units, committees, commissions, and standing committees in carrying out the purpose of this article and may establish or approve standards, guidelines, and procedures that encourage uniform administration of this article in this state but that are not legally binding on any individual or other legal entity.
(Ord. of 6-11-2002, § 9)

State law reference—Similar provisions, MCL 399.209.

Sec. 30-28. Construction of article.

Nothing in this article shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the date the ordinance from which this article is derived was enacted.
(Ord. of 6-11-2002, § 10)

State law reference—Similar provisions, MCL 399.210.

Sec. 30-29. Appeal of decisions.

Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 30-23(a) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 30-23(b).
(Ord. of 6-11-2002, § 11)

State law reference—Similar provisions, MCL 399.211.

Sec. 30-30. Effect of article as to existing legislation and historical commissions.

This article does not affect any previously enacted legislation pertaining to historical preservation and does not affect historical commissions appointed by local governing bodies to foster historic preservation. An existing local historical commission organized under Public Act No. 213 of 1957 (MCL 399.171 and 399.172 of the compiled laws of 1948), may be designated as a historic district commission, if its membership and structure conform, or are revised to conform, to the provisions of section 30-22.
(Ord. of 6-11-2002, § 12)

State law reference—Similar provisions, MCL 399.212.

Sec. 30-31. Powers and duties of historic district commission.

The city may prescribe powers and duties of the historic district commission, in addition to

those prescribed in this article, that foster historic preservation activities, projects, and programs in the city.
(Ord. of 6-11-2002, § 13)
State law reference—Similar provisions, MCL 399.213.

Sec. 30-32. City commission responsibilities; powers.

(a) *Activities; duties.* The city may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the city shall, except as provided in section 30-20, comply with the procedures set forth in section 30-21 and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, local units may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(b) *Elimination considerations.* If considering elimination of a historic district, a committee shall follow the procedures set forth in section 30-21 for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

(1) The historic district has lost those physical characteristics that enabled establishment of the district;

(2) The historic district was not significant in the way previously defined; or

(3) The historic district was established pursuant to defective procedures.

(c) *Review of permit applications.* Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the city may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 30-23 and 30-27. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the city approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(d) *Declaring emergency moratorium.* If the city determines that pending work will cause irreparable harm to resources located within an established historic district or proposed historic district, the city may by resolution declare an emergency moratorium of all such work for a period not to exceed six months. The city may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.
(Ord. of 6-11-2002, § 14)

Sec. 30-33. Violation a municipal infraction.

(a) Any person who violates any provision of this article is responsible for a municipal civil infraction.

(b) Repeat offenses under this article shall be subject to increased fines, as provided by the city's municipal civil infraction ordinance, as amended.

(c) Each day in which any violation of this article occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article. Any person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this article may not be fined more than $5,000.00 for each separate offense.

(d) A violation of this article is deemed to be a nuisance per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this article. Any violator may be ordered by the court

to pay the cost to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.
(Ord. of 6-11-2002, § 15)

State law reference—Similar provisions, MCL 399.214.

Chapters 31—33

RESERVED

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT

ISSUED TO:

Gow Litzenburger
7132 Hedrick Road
Harbor Springs, MI 49740

Permit No.	13-15-0064-P
Issued	September 5, 2013
Revised	
Expires	September 5, 2018

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- ☒ Part 301, Inland Lakes and Streams
- ☐ Part 315, Dam Safety
- ☐ Part 325, Great Lakes Submerged Lands
- ☐ Part 323, Shorelands Protection and Management
- ☐ Part 303, Wetlands Protection
- ☐ Part 353, Sand Dunes Protection and Management
- ☐ Part 31, Floodplain/Water Resources Protection

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Construct shoreline protection and kayak launch on the Boyne River. Construction shall include the removal of existing shoreline armor and replacement with bioengineering and associated riprap along 155 feet of shoreline; additionally discharge clean fill along 12 feet of shoreline to provide river access. All work shall be done in accordance with the following conditions and attached plans.

Water Course Affected: Boyne River, Property Location: Charlevoix County, City of Boyne City, Section 35 Town/Range 33N, 6W, Property Tax Number: 15-051-345-012-00

Authority granted by this permit is subject to the following limitations:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.
G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31, and wetland).

M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the State (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the State and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.

P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.

Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.

R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

S. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

T. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.

U. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from Charlevoix County. Please contact Mr. Marc Seelye at 231-547-7236.

2. No work or dredging within the water authorized by this permit is allowed from April 15 to May due to critical spawning, migration, and/or recreational use periods.

3. Prior to the initiation of any permitted construction activities, a sedimentation barrier shall be constructed immediately down gradient of the construction site. Sedimentation barriers shall be specifically designed to handle the sediment type, load, water depth, and flow conditions of each construction site throughout the anticipated time of construction and unstable site conditions. The sedimentation barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, the accumulated materials shall be removed and disposed of at an upland (non-wetland, non-floodplain) site and stabilized with seed and mulch. The sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.

4. During removal or repair of the existing structure, every precaution shall be taken to prevent debris from entering any watercourse. Any debris reaching the watercourse during the removal and/or reconstruction of the structure shall be immediately retrieved from the water. All material shall be disposed of in an acceptable manner consistent with local, state, and federal regulations.

5. All natural and engineered stabilization materials shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice. Vegetation, including plantings and other potentially viable material such as live stakes, brush bundles, or other gathered woody material, shall be comprised only of plant species native to Michigan according to the Floristic Quality Assessment for the State of Michigan and appropriate to the site. Engineered plant material such as jute and coconut fabric, shall be comprised of inert plant fiber that may be nonnative.

6. If necessary, any excavation or backfill approved in this permit and plans shall be limited to the minimum necessary to stabilize slopes and to place bioengineering structures.
7. If necessary, any natural stone or riprap authorized by this permit shall be limited to the minimum necessary to stabilize biological materials, and shall allow for the free growth of plants. Stone used for this purpose shall be placed at the toe of the streambank to prevent scouring, shall be properly sized based on velocity, and shall consist of natural field stone or rock.
8. This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that associated lake, stream, wetland or floodplain areas can be developed and serviced by the structures authorized by this permit.
9. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval or authorization, necessary to conduct the activity.
10. This permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.
11. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

By: Roxanne Merrick

Roxanne Merrick
Water Resources Division
989-705-3442

cc: Ms. Laura Garrett, USACE, Detroit (LRE-2013-00575-215-A13)
Mr. Marc Seelye, Charlevoix CEA
City of Boyne City, Clerk

Notice of Authorization

Permit Number 13-15-0064-P

Issued: 9/5/2013
Expiration Date: 9/5/2018

The Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and specifically:

- ☐ Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- ☒ Part 301, Inland Lakes and Streams.
- ☐ Part 303, Wetlands Protection.
- ☐ Part 315, Dam Safety.
- ☐ Part 323, Shorelands Protection and Management.
- ☐ Part 325, Great Lakes Submerged Lands.
- ☐ Part 353, Sand Dunes Protection and Management.

Authorized activity:

Construct shoreline protection and kayak launch on the Boyne River. Construction shall include the removal of existing shoreline armor and replacement with bioengineering and associated riprap along 155 feet of shoreline; additionally discharge clean fill along 12 feet of shoreline to provide river access. All work shall be done in accordance with the following conditions and attached plans.

To be conducted at property located in: Charlevoix County, Waterbody: Boyne River
Section 35, Town 33N, Range 6W, City of Boyne City

Permittee: Gow Litzenburger
7132 Hedrick Road
Harbor Springs, MI 49740

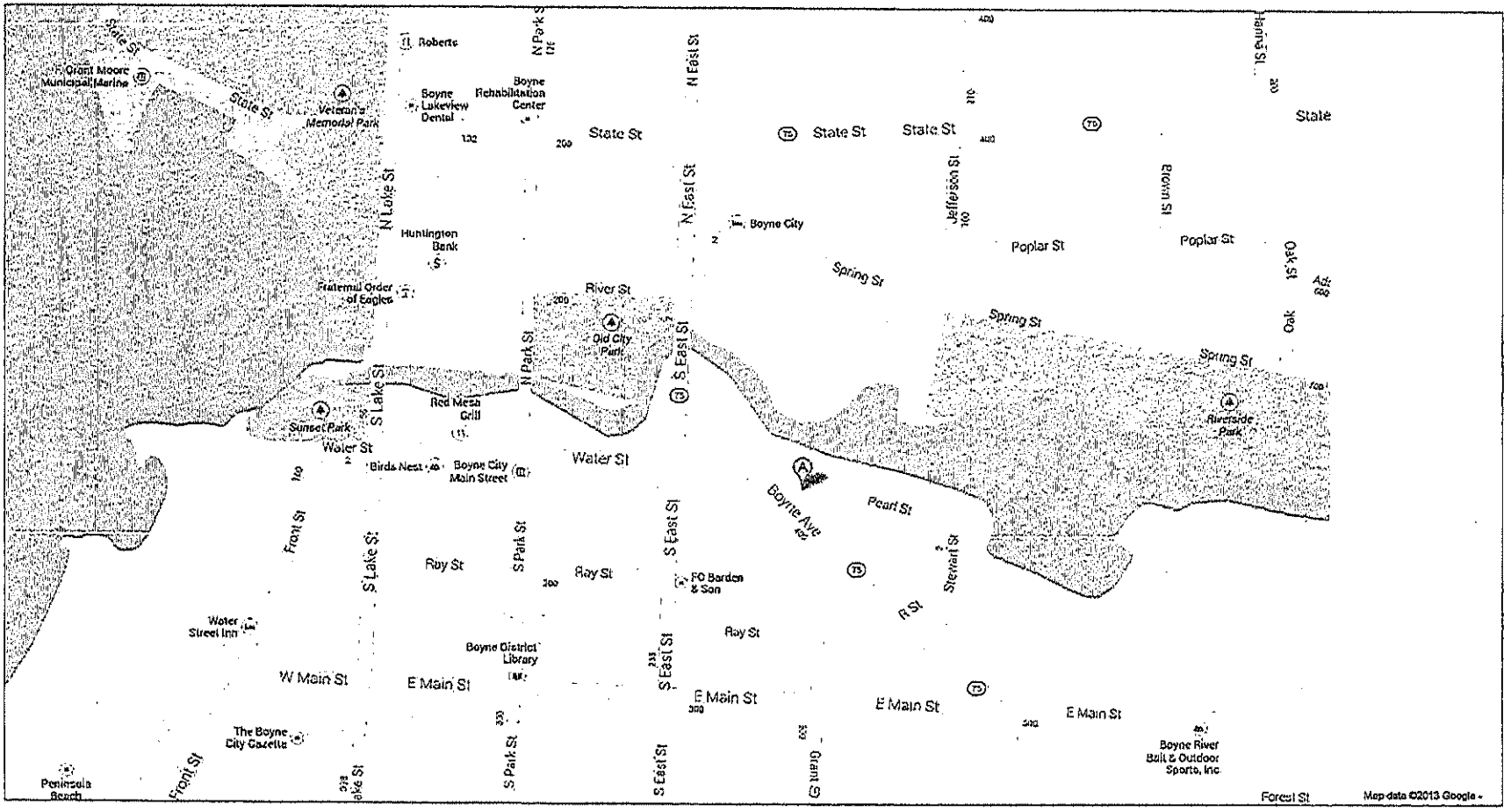
Roxanne Merrick
Water Resources Division
989-705-3442

This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.

Please refer to the above Permit Number with any questions or concerns.

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Received
WRD/DEQ

AUG 05 2013

GAYLORD FIELD OFFICE

WRD/DEQ
Permitted Plan

SEP 05 2013

File No. 13-15-0064
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Litzenburger, Gow

WRD/DEQ

AUG 0 5 2013

GAYLORD FIELD OFFICE

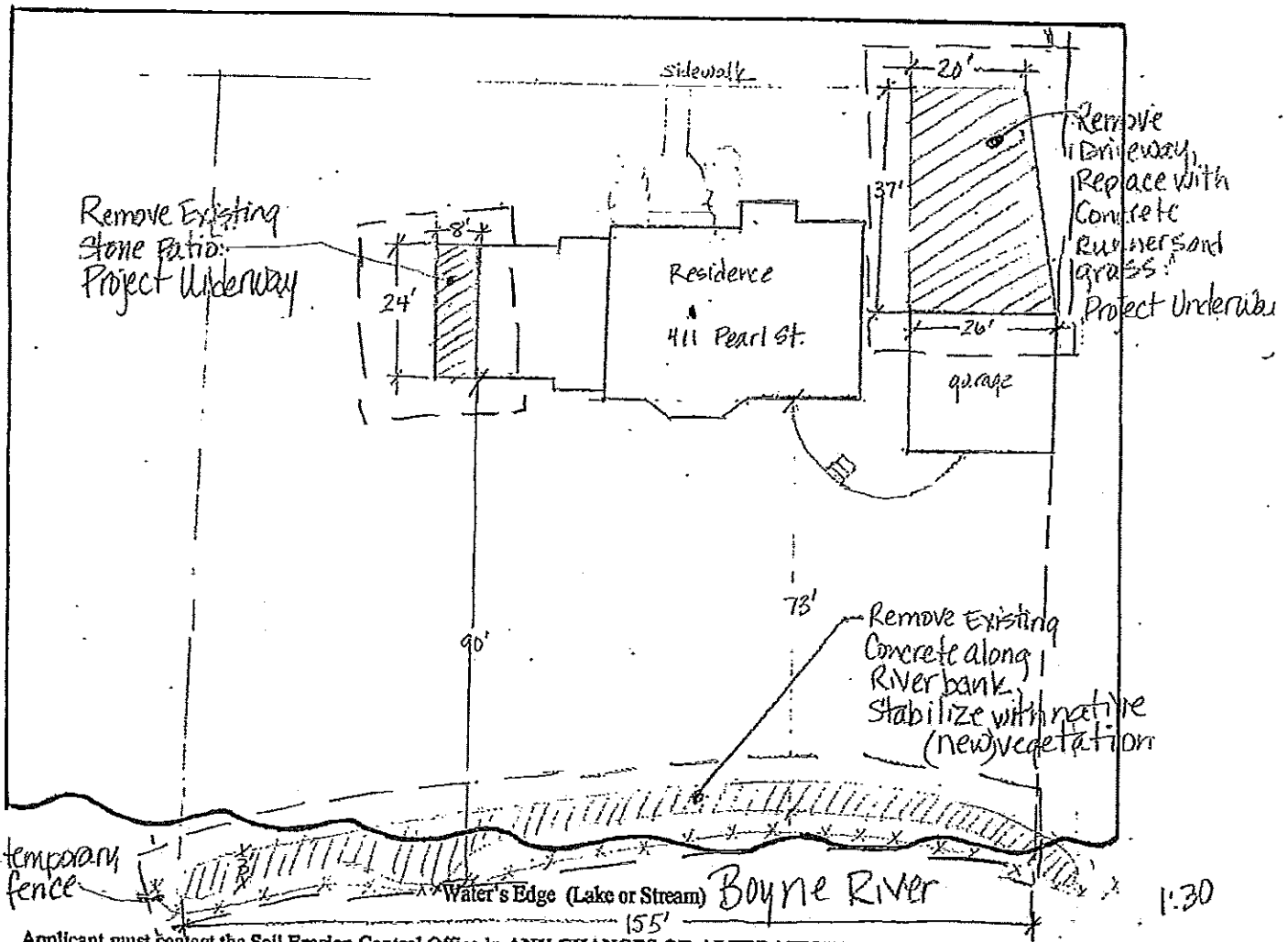
Detailed Directions To the Site:
(Please indicate landmarks and if there is a sign present)

From the south, take 131 N to M-75 N for approximately 5.6 miles. Turn right on Pearl St. The brick and stone house is the 2nd on the left.

SITE PLAN

Please show the following on your site plan:

__ Existing/proposed buildings ___ Driveway ___ Well/ septic ___ Stockpile locations
___ Distance from water ___ Distance from adjacent property lines
___ Measurements of all site changes ___ Slope information ___ Soils information
___ Permanent/temporary erosion control measures
(* Note: Outline the entire proposed earth change area with a dashed line*)



Applicant must contact the Soil Erosion Control Office in **ANY CHANGES OR ALTERATIONS** are necessary on the site plan as submitted in this application.

WRD/DEQ
Permitted Plan

SEP 0 5 2013

File No. 13-15-0004
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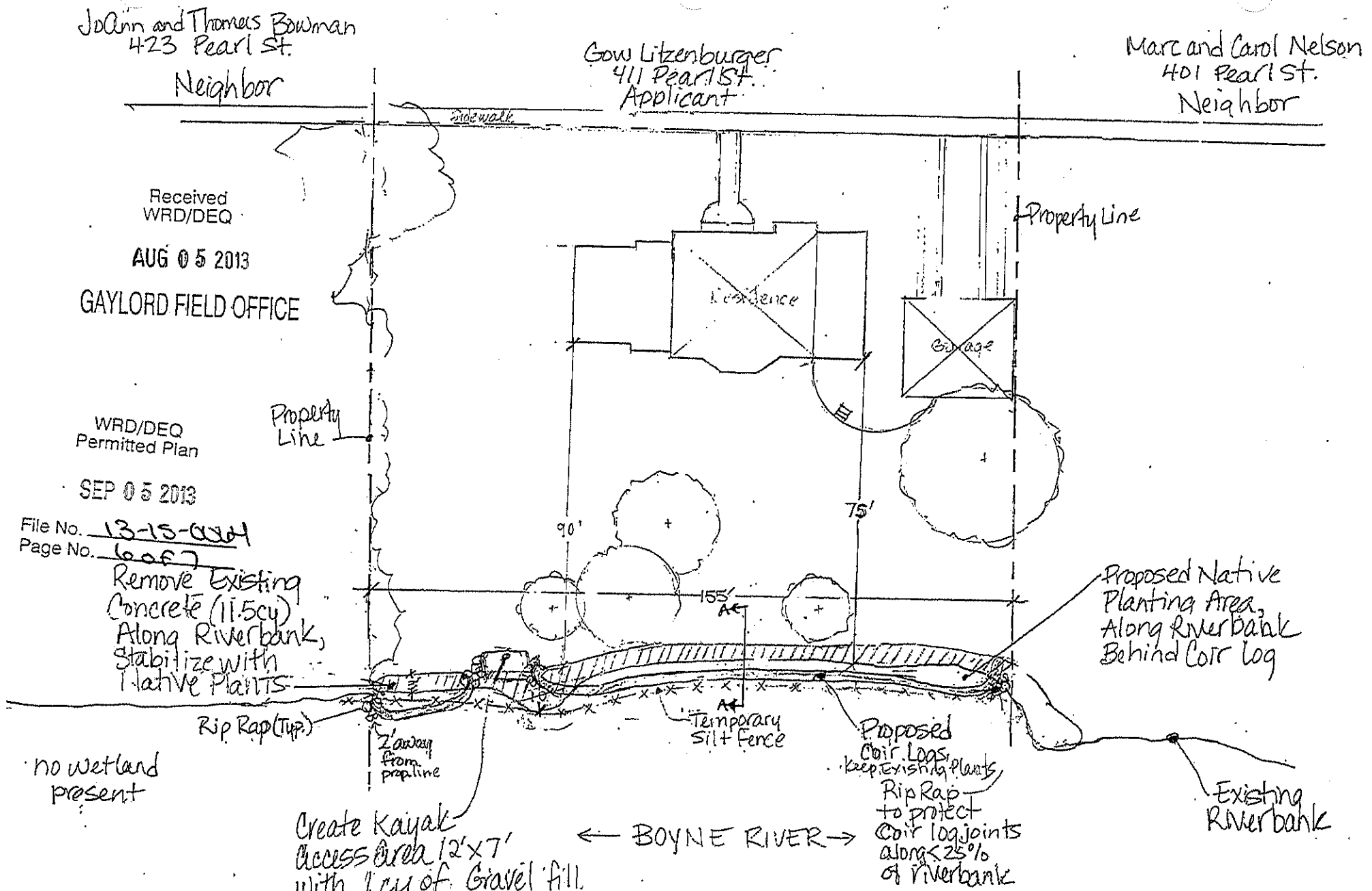
Aug. 2, 2013
Litzenburger, Gow
7. Compliance Charlevoix Cty Soil Erosion Permit app.



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WRD/DEQ

AUG 05 2013

GAYLORD FIELD OFFICE

WRD/DEQ
Permitted Plan

SEP 05 2013

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Site Plan
Scale = 1:30
N

Gow Litzenburger
411 Pearl St.
Boyne City, MI 49712

WRD/DEQ
Permitted Plan
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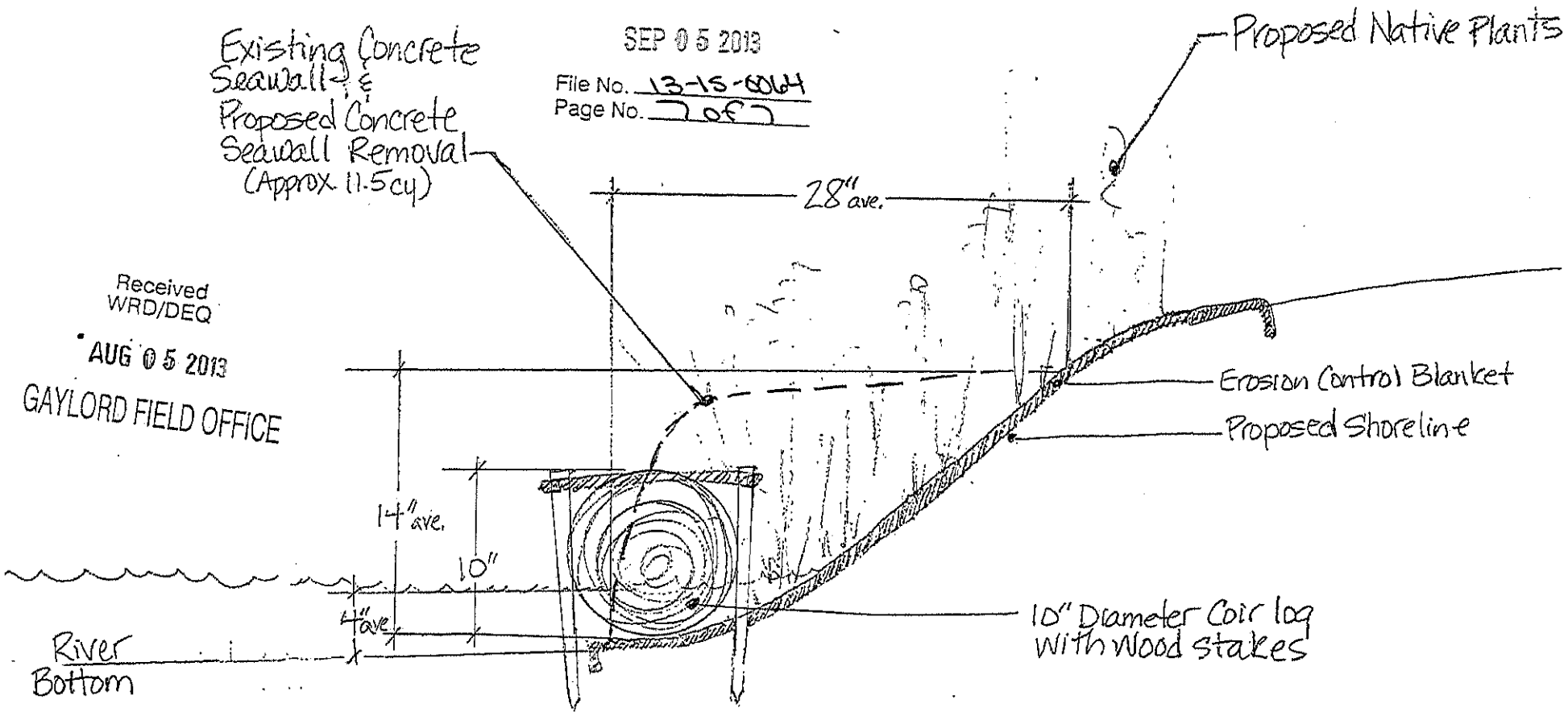

Section A

Gow Litzenburger
411 Pearl St.
Boyne City, MI 49712

Michele Hewitt

From: Mainstreet
Sent: Wednesday, October 09, 2013 11:48 AM
To: Michele Hewitt
Subject: RE: historic district

Michele,

Since Boyne City is a Certified Local Government community we are eligible for CLG grants through SHPO. The grant deadline is December but this year they have a revised process. Rather than submitting a grant application, which is due in early December, they created an extra step. They now have an Oct. 1 deadline for receiving grant proposals. They will review the proposal and then get back with communities with comments so the grant application is stronger and more comprehensive. Apparently in the past there have been issues when work was put into grant applications that did not meet the expectations of SHPO which caused some concern with SHPO and communities submitting grants.

Here is the proposal we submitted. It is very basic. Once we receive input from SHPO we will further refine and define it.

Project goal: To identify and promote the Boyne City Central Historic District. We will accomplish this with a historic walking tour and signage for the district.

Details for the Walking Brochure:

- Create an attractive brochure and map which explains the historic walking tour of the Boyne City Central Historic District. The brochure would also include a summary of the community's historic past and describe the historic district.
- Create a historic walking tour logo which would be used for all buildings in the walking tour.
- The historic walking tour would include 15 or 20 of the most historically significant buildings within the district. Each of those buildings would have a window sticker or sign with the walking tour logo, a QR code, and a website address. Either through the QR code or the website, an audio history of the building will be available. The basic content will be the narration of the building's history as presented in the National Registration nomination. For all other buildings within the district their histories will be available on the Main Street website.

Estimated cost for the brochure and walking tour signage, narration and execution is $6,000.

Details for the historic signage:

- Create two prominent signs located in highly visible locations within the historic district. The signs would explain the historic district to residents and visitors alike. We would also erect smaller signs and key entry points into the district.

Estimated cost for the signage is $4,000.

- Hugh

From: Michele Hewitt
Sent: Wednesday, October 09, 2013 11:20 AM
To: Mainstreet
Subject: historic district

Hugh,

I am working on the agenda for our Oct. 15th Historic District Commission meeting and wanted to get more information on the Historical Marker that you are pursuing for the district so I can share this with my board.

Shelly