

## **PLANNING COMMISSION MEETING**

**MARCH 4, 2020**

Commissioners present: Derek Babcock (Chair), Mike Koshar, Joe Wooding, Donna Romanak, Georgette Peterson, Annie Davidson-Funke (Alternate)

Other Attendees: Brian Knotek (Township Attorney), Ken Dettloff (Township Planner), Alan Shamoun (Attorney for Euclid), Ron Klein, Suzanne Klein, Teresa Campbell, Lorainne Crandall, William Neiggemann Jr., Bill Cybulski, Carmine Pistolesi, Susan Wilson, Jud Samson

Meeting was called to order by Derek Babcock at 6:00 PM.

The Pledge of Allegiance was recited.

Roll call was taken. All Commissioners were present.

A motion was made by Donna, supported by Georgette:

**To accept the minutes of the February 5, 2020 meeting as written.**

All in favor. Motion carried.

Derek asked if there were any Public Comments. There were none.

Mike made a motion which was supported by Joe:

**To close the meeting and go into a Public Hearing on 27240 50<sup>th</sup> St./3967 Euclid LLC**

All in favor. Motion carried.

### **PUBLIC HEARING on 27240 50<sup>th</sup> St.**

Derek commented that a few of the buildings are close to the neighbors and this will be an indoor/outdoor grow with thirty six 6,000 sq ft greenhouses. There was a question about the construction of the greenhouses and Derek said they will be snow rated. Alan Shamoun said the greenhouses will have electricity and there will be plantings toward the residences. Derek asked if there had been a study done to determine how much electricity will be required. Annie asked if Alan had walked the property; the response was that he had not. Annie said "Part of that is muck swamp. How much fill do they intend to get?" Alan's response was they had an engineer look at the property. Derek referred to Ken's Memo, which in part, states "The site plan shows impervious surface on the site of over 5 acres. This is likely to generate a significant amount of storm water runoff." Ron Klein asked if they wanted to do a wetland delineation request. Lorraine Crandall told Derek that she had dropped off a lot of information for Derek and asked if he had looked at it. Derek stated he had not seen it and Susan stated she had received it the week before. \*Note: these will be described later in these minutes\* Mr. Shamoun stated they will be going by State license regulations and are getting prequalified. He added they must get permits for the Township which include EGLE, the Energy Company and the Building Department Permits. He said the State does an inspection which includes fire and law enforcement. Brian noted that when the application goes through a Certificate of Occupancy will be needed from the Township which then goes to the State. Brian noted the Township puts the burden on the applicant for this. Alan stated that part of the reason for today is to get preliminary permission. In response to a question about the number of employees, Alan stated 15-20 at times. Annie stated she would like the PC to recommend a condition on the use of generators. She said there are too many houses there to have generators. Derek asked Alan if odor control has been discussed and the response was there will be HEPA filtration. Derek inquired as to other businesses the owner may have and Alan responded there are other grow operations. Derek noted we had asked the have distances on the plan for the nearest houses. He said the greenhouses on the far end look to be about 100 feet which gives a buffer for the neighbors and noted we had set a precedent.

Teresa Campbell read the following statement:

"I would just like it put on record that I am against putting in another pot plant in our area. We already have several now. When going down 28th Ave. it always smells like skunk. If they put another one up on 50<sup>th</sup> St. it will be right across the road from us. We already have enough traffic on 50<sup>th</sup> St. The road is like a wash board and more traffic will only make it worse. We can't even go outside and enjoy our yard in the summer or open our windows because of the dust. My husband is disabled and can hardly breathe when the traffic just flies down the road creating so much dust. I believe if this goes through the traffic will be horrendous, the dust more of a problem, and the potholes even worse. I have seen where they put the buildings up on 28<sup>th</sup> Ave. all the traffic especially trucks that went through. I as a homeowner am against this project."

Lorraine said she agrees with Teresa and added "We cannot go outside. I'd like to know why you people voted on this pot when the people are against it." William Neiggemann, Jr. said he lives on 28<sup>th</sup>, where they built those plastic greenhouses and they smell. Joe asked Alan if the greenhouses will be sealed; he said yes. Joe asked if there is a way to put carbon filters in stating that HEPA filters are not carbon. Alan said he could discuss this with the owners. Suzanne Klein asked if the goal is 7 licenses but only one in Phase 1 now and Alan replied in the affirmative. Ron asked how many people they expected to employ. Lorraine said that she thought it was said, in a meeting, this couldn't be done. Derek said this discussion is for 1 license only and if he buys more licenses to stack on this property, it will be reviewed by the Ken, the Township Planner. William asked what time of the year harvest is. Alan responded late September for the second harvest and, if they can plant in May, they will get a first harvest a few weeks later. Mike asked how many plants per greenhouse and it was noted that Ken's memo says 36. William asked if there was any other benefit besides employment and Derek responded there is infrastructure. Alan added there are license fees. Joe stated that he wanted a second set of trees to be planted on the outside. Judy Daniels asked if they ever said what type of trees and if cedar had been discussed and how big the trees will be? Donna responded that in Ken's Memo, the plan is 6-foot pines planted 15 feet center to center. Judy commented that pine will not survive. Derek said it is a barrier for sound and a landscape block. Ron Klein said the technical term is "Vegetative environmental barrier." Derek said one of the big concerns is that there are 36 greenhouses on the Plan which is 216,000 sq ft and there is only 1 license and the plan does not say Phase 1 or 2. Alan responded the plan is to build them all now. Brian asked how many sq ft per plant is usual and Carmine responded that the most common is 9 sq ft per plant. Mike asked if we can change the amount of plants and Brian responded that it is possible with a change to the Ordinance and added that where it becomes important is when there is a need to change the Site Plan at which time Ken would review it and it would need to go before the PC again. Mike inquired as to whether the PC can require that any stacking of licenses comes before the PC before they get approved, adding that we would then be able to look at current complaints and density and make a recommendation to the Township Board accordingly. Brian said he would need to research that, and Mike said that he would like Brian to do so. Lorraine stated she is concerned about the water needed and the discharge from it. Joe asked Carmine how much water a plant needed, and the response was that is is a very large range, but a large plant can consume as much as 5-7 gallons a day. Lorraine said she is worried about the wells and Derek told her there is a well on the Site Plan. Bill Cybulski inquired if these people are asking the people around them if they want this and said they aren't concerned about the wildlife but only about themselves. William asked when the vote would take place and Derek said tonight. William added that he is seeing some issues. A motion was made by Mike and supported by Joe:

**To close the Public hearing.** All in favor; motion carried.

A motion was made by Mike, supported by Joe:

**To open the Public Hearing for 27035 CR 215/27035 CR 215 INC.** All in favor. Motion carried.

. \* Lorraine gave each of the Commissioners copies of the following articles: MI ENVIRONMENT 'Environmental Impacts of the Marijuana Industry' EGLE 'Protecting Water Resources When Growing and Processing Marijuana' EGLE 'Solid Waste and Hazardous Waste Regulations For Growing and Processing Marijuana' and EGLE 'Protecting Air Quality When Growing and Processing Marijuana'

Tina asked about the number of employees, cameras etc. Derek told her the cameras are determined by the State and Dan commented that the Ordinance says cameras can't be aimed at a public right of way or other properties. Brian said an option is that we can recommend approval by phases and not all phases at once. Derek noted that Ken's Memo and the Plan is about Phase 1. Tina noted the fence is beyond the creek and asked if they were planning to grow there to which Derek replied they plan to do an outdoor grow. Ken commented there is no access there and Annie said there is a tube in the road. Mike noted we require an access road. Derek said that is for buildings. Susan asked if the bridge they drove the combine over will support emergency vehicles. Suzanne commented that it is awkward to review the Plan without the grower being present. Lorraine asked if it could be tabled and Derek asked what questions would she have if they were here and explained that it isn't a requirement. Tina asked about the number of employees regarding them moving the driveway and for parking. Derek said 4 spaces for 8 employees. Tina inquired as to where the owners are from and Derek said he will find out and he will have them call her. Brian reminded him that we can require the owner attend the Board Meeting.

Mike made a motion, supported by Joe:

**To close the Public Hearing and Open the Regular Meeting.** All in favor. Motion carried.

Facts and Findings

Brian explained the 3 Ordinances in play.

Ordinance No. 2018-02 which is Specific Criteria For Medical Marijuana Facility Special Use Permits

Article 13 of the Zoning Ordinance

Article 5 of Zoning for Site Plan Approval

Brian reminded that the Commission is only making recommendation to the Township Board who gives the final approval.

**Regarding: 27240 50<sup>th</sup> St/3967 Euclid LLC**

Brian read the Criteria for Ord. 2018-02 regarding minimum lot size; per Ken's Memo this complies. Regarding minimum yard depth and distance from lot lines; per Ken's Memo, this complies. Regarding indoor production and processing, per Ken's Memo, this complies. Regarding maximum building floor space, per Ken's Memo this complies. Regarding security cameras, this has not yet been determined by the State and this must be in compliance with their regulations.

Donna made a motion, supported by Georgette:

**The requirements of Ordinance 2018-02 have been met based on Ken's recommendation.**

Discussion: Mike asked about the neighbors and Derek replied they are residential and AG.

All in favor. Motion carried.

Brian read the Criteria for Article 13 which applies to all Special Use Permits. Article 13 #1: Regarding the location, scale and intensity of the proposed use being compatible with adjacent uses and zoning of land, Mike asked what the

neighboring properties were. Derek replied they are residential and AG. Regarding the proposed special use being compatible with and in accordance with the general principles and future land use configuration of the Township Land Use Plan, per Ken's Memo this complies. Regarding the other elements of Article 13, discussion took place regarding screening and hours of operation, construction hours and use of generators. Joe talked about the fumes and noted that he was addressing this by suggesting charcoal filters. He also asked why the buildings can't be built so as the runoff can be in containment. Brian asked who regulates this and Derek responded that it is the Drain Commission and EGLE; they also address fumes and noise. Joe stated, "We need to do something about odors".

A motion was made by Donna, supported by Georgette:

**I move that we make a findings of fact as discussed concluding that the requirements set forth in Article 13 of the Zoning Ordinance have been met.**

All in favor. Motion passed.

Brian read the criteria for Article V Site Plan Approval. Derek noted there are low spots and water will be addressed by EGLE. Mike said a wet land study should be done. Regarding Article V B, per Ken's Memo, the site plan complies. Regarding Article V C, Mike said "They are clearly not going to keep it natural". Derek said there is a spot where they are removing some but not all and we will have a condition to plan a double row of trees. It was noted that the drainage is in the Plan and a permit will be needed from the Drain Commission and EGLE. A commercial driveway permit will also be required.

A motion was made by Donna and supported by Georgette:

**I move that we make a findings of fact as discussed concluding that the requirements set forth in Article 5 of the Zoning Ordinance have been met.**

All in favor. Motion passed.

A motion was made by Donna, supported by Georgette:

**I move that we recommend approval of the special use permit and site plan to the township board subject to the following conditions: Generators will be used only during construction and only during daylight hours and then for emergency back up only. The hours of operation will be from sunup to 10:00 PM. A second row of trees will be added to the border. Two NE and two SE greenhouses will be removed. A commercial driveway permit will be obtained. EGLE and Drain Commission documentation of approval will be provided. Screening and filtration will be in place to alleviate odors from greenhouses.**

Discussion: Mike stated he would like to limit the number of greenhouses and Georgette agreed. Brian stated it could be a condition imposed to provide the number of plants per greenhouse and the PC could recommend limiting the number of greenhouses to try to prevent problems rather than going back to remedy them. Derek asked Mike if they had 8 licenses if this would be a discussion and Mike said that it would. Derek noted this is a 20-acre parcel. Mike noted that we don't know how many plants per greenhouse. Joe asked Mike why we should limit, and Mike replied because of the houses nearby.

Vote: Joe, Derek and Donna "Yes" Mike and Georgette "No". Motion carried.

**Regarding 27035 CR 215/~~Dragonfly Kitchen II Inc.~~ (Removed)**

A motion was made by Donna, supported by Georgette:

**I move that we make a findings of fact as discussed that the requirements set forth in Ordinance No. 2018-02 have been met based on the memoranda of Ken Detloff.**

All in favor. Motion carried.

Regarding Article XIII Special Use Permit Criteria:

Discussion about trees, hours of operation and generators. Mike asked how many Phases there and Derek replied 3. Mike asked about the number of licenses and Derek replied 1. Derek noted this is a Class A County Road.

Joe made a motion supported by Donna:

**I move that we make a findings of fact as discussed that the requirements set forth in Article 13 of the Zoning Ordinance have been met.**

All in favor. Motion carried.

Regarding Article 5 of the Zoning Ordinance/Site Plan Approval:

Criteria was read by Brian regarding Article 5A and discussion about EGLE report and County Drain report occurred.

Criteria of Article 5B was read by Brian; Ken's Memo found this to be in compliance.

Article 5C was read; discussion about the location of fencing and the removal of trees has been minimized.

Article 5D was read and discussion about adding 2 rows of trees and storm water retention area took place.

Article 5E was read and discussion took place about a Commercial Driveway Permit and Drain and EGLE reports.

Article 5F was found to be not applicable.

Article 5G discussion referred to a Commercial Driveway Permit.

Article 5H discussion: there will be 4 parking spaces for 8 employees.

Article 5I was found to be in the Plan,

Article 5J was noted to be required by State, Local and Federal Statutes.

A motion was made by Donna with support by Georgette:

**I move that we make a findings of fact as discussed concluding that the requirements set forth in Article 5 of the Zoning Ordinance have been met.**

All in favor. Motion carried.

Discussion about Phase 1 recommendation to the Board occurred.

A motion was made by Donna, supported by Georgette:

**I move that we recommend approval of the Special Use Permit and Site Plan to the Township Board subject to the following conditions: generators will be used only during construction, only during daylight hours and thereafter, only as an emergency back-up. The hours of operation will be from sunup to 10:00 PM. Two rows of landscape trees will be**

**planted to block view from the neighbors. An EGLE report and County Drain Commission approval report for wetlands will be obtained. A Commercial Driveway Permit will be obtained for the driveway on CR 215.**

All in favor. Motion carried.

Review of 26980 CR 215 *Dragonfly Kitchens II Inc.* ( Added) Mike and Derek were there on Thursday night of last week. The Site Plan was reviewed, and they walked through the building. Per their report to the Commission, there were two things not in accordance with the Ordinance: The trees are dead and need to be replanted and put back in place this Spring and the second was driveway access. Jude Samson said the trees will be replanted. Regarding the driveway access, coming in past the gate, Derek said you could not get an emergency vehicle past the buildings. The aggregate is not appropriate for load bearing and the plan is to bring in more aggregate this Spring; and a Commercial driveway. Discussion about hours of operation, generator use complaints, odors.

A motion was made by Donna, supported by Mike:

**To recommend renewal approval of the Special Use Permit and Site Plan for one year, to the Township Board subject to the following conditions: generators will be used only during construction, only during daylight hours and thereafter, only as an emergency back-up. The hours of operation will be from sunup to 10:00 PM. The trees need to be replanted no later than 60 days from today. More aggregate will be brought in this Spring for the Commercial Driveway which will be corrected to allow emergency vehicle access past the buildings.**

All in favor. Motion carried.

## **OLD BUSINESS**

Review of 24685 CR 681/C. Pistolesi

Carmine said they have talked to the County regarding the Commercial Driveway Permit. Brian asked Jude if he saw any changes if they had 3 added licenses and the response was in the negative. Derek said that we have asked for a full-size drawing which was produced. Brian asked Jude if there is a relationship between Dragonfly 1 and 2 and the response was in the affirmative. Jude said he will provide something from the State and the Commission requested the trees be planted no later than 60 days from this date. A handout was provided to the Commission with the changes that have been made since last month's vote of the recommendation to suspend the license. Carmine reported that a Commercial driveway permit was obtained as well as a Drain Commission Soil Erosion Permit. The freezer has been removed. Carmine reported, that as of today's date, they are in compliance with EGLE. Derek reported we had received a Site Plan on which Ken did a Memo and there were added buildings. The current Site Plan shows it as it is right now. Ken will review and report by this Friday. Kaiser, the State approved entity, has a plan for soil erosion and Carmine said they are taking NRCS input since Ron Klein put him in touch with Jeff Douglas from there. He added that his goal is to be compliant while trying to enhance the Plan. Ron gave a report on the NRCS which is a Conservation Service and Derek noted they are going above and beyond EGLE. Ken said he sent a Memo to Derek, that none of this would happen if the permit was revoked; working to remediate is much better than shutting it down. Georgette told Derek she would have appreciated his sharing this Memo with the Commission and it was determined it was an e-mail; not a Memo. Derek asked Ron if he is satisfied with the changes made and Ron said things have vastly improved and Carmine has a good mentor. Jude said he is phasing out the name Dragonfly and since he first came here on January 30<sup>th</sup>, he has met some great people and he is proud of the work he and Carmine have done. It was noted the relationship between Carmine and Dragonfly will continue. Derek noted the Wahmhoff Report with a quote for the trees and asked if a deposit has been given; Carmine responded "No". Georgette asked if they knew how long the quote was good for. Donna noted the shipping date on the quote is 4/3/2020. Jude said they paid for trees twice and they died. Carmine said they have

adequate electricity. Mike asked about noise and said it was the cooler and reefer that were on concern. Carmine said there is one left, but it is baffled. The other concerns have been addressed.

A motion was made by Donna, supported by ~~Mike~~: Georgette (Correction)

**To recommend renewal of the SUP for 1 year with the conditions of, obtaining a Commercial Driveway Permit, adding more aggregate, hours of operation being between sunup and 10:00 PM, generator use only during construction, only during daylight hours and thereafter only for emergency backup use, replanting of trees within 60 days of today, and providing a quarterly review of the EGLE work.**

All in favor. Motion carried.

## **PUBLIC COMMENT**

Ted said size does matter. Today there could be 1,000, then there could be 15,000. A couple people on the board do get that, Mike and Georgette. I'd like you to think about that. Ron said he agreed with Ted and it is important to enforce ordinances. Suzanne said the board should consider providing support to John and Ted Swanson would be happy to do that. Judy said "I know everything is changed because the other partner is no longer there. There are other properties that are going to be left sitting there. You haven't thought about setting money aside to fix the properties- reclamation." Lorraine asked what is the goal of how many marijuana places? Dan said "I think you are starting to see the value of adding language to ordinances. The Loomis's are a good example. They are surrounded. Maybe provide something that says a legal entity is responsible for the actions of its managers. There is 1 provisional license left". Derek said there is no more new business coming into the AG district. Bill Cybulski asked when they got the property on 50<sup>th</sup>, did they realize how wet and how much fill they will need?

Meeting adjourned at 9:26 PM

Respectfully submitted,

Georgette Peterson