

**ARLINGTON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
AUGUST 4, 2021 6:00 PM
MINUTES**

Meeting was called to order at 6:02 PM by Temporary Chairperson, Donna Romanak.

Pledge of Allegiance was recited.

Roll call was taken: Present: Joe Wooding, Rick Leland, Tina Loomis, Georgette Peterson, Donna Romanak.

Absent: Jill Murphy. Donna Bell until 6:50 PM.

Other Attendees: Scott Graham (Township Attorney), Judy Daniel, Cheri Duncan, Brian Alpert, Ron Klein, Pam Dorsewitz, Eric Starck, Danny Higgs, Annie Davidson-Funke, Matt Steele, John O'Connell, Fred Day.

Agenda Adopted

Public Comment on any Agenda Item:

Judy Daniel stated that she filed a complaint against Quality Cannabis because they caused erosion and brought in matter and it is causing the stream bank to erode. Rick Leland asked who she filed the complaint with and she responded it was to Scott, who stated it is being analyzed. Judy asked what they are going to do and asked about EGLE reports and about others who do these types of investigations. She stated the stream goes into the Paw Paw River. Cheri Duncan said she put in a complaint that a 6-month review was supposed to have been done. Scott Graham said we have a lot of facts that are relevant and we will get to them. Brian Alpert said he is managing William's (Steele) property and the Supervisor said if he had gone first, he would have been approved. Ron Klein said there are photos that show erosion, the South side of outflow and collapsed banks on the outside of Judy Daniel's property. Ron added that the October 2020 minutes predicted what was going to happen on this property and urged the Board to look at more historical data equivalent to a 10-year cycle.

Approval of Minutes of July 2021 Regular Meeting. Tabled due to not having the minutes available.

Old Business:

SUP Renewal Request by Green Standard:

There was no representation for this entity. Donna Romanak said they need a new Site Plan. Scott Graham said they have submitted a sealed Site Plan that is deficient in some ways; there are 34 conditions that must be met. Most notably, in this case, there is no elevation plan or properties shown surrounding the Site. Green Standard was notified Monday (2 days ago) of problems with their Site Plan. The SUP issued to Green Standard did not require any changes to the Site Plan-this one is close to being correct. Scott recommended to table for 1 month. Rick Leland asked how long they have had to comply. Tina noted the Site Plan had to be accurate. Scott said we told them to submit a sealed Site Plan.

The missing items are

1. Adjacent parcel information
2. Existing structures within 300 feet
3. No plans for ADA compliant sidewalk
4. Does not include finished driveway
5. No landscaping plan

Rick Leland asked if this would be consistent with what we have done. Discussion took place on when the SUP was first issued to Kula Farms in 2019.

Scott said he has developed a check list that he will present to the Board for their possible approval.

Pam Dorsewitz asked if they are given a copy of the Ordinance when they apply for a license. She was told that it is on the Website.

Cheri Duncan said they have sat in this room for 2 years and Jacque Phillipe (previous Supervisor) said if they don't comply, we will shut them down. Now we are giving them extra time. She asked why they are approved if they haven't been following the Ordinance.

Joe Wooding asked if the 34 points is the law. Scott Graham replied that it is.

Joe Wooding made a **Motion** with support from Donna Romanak

To table the matter for 1 month to allow the applicant to obtain a sealed Site Plan

Joe Wooding-Yes; Donna Bell-Yes; Rick Leland-Yes; Georgette Peterson-Yes; Donna Romanak-Yes

Tina Loomis-No **Motion** carried.

6-Month SUP Condition Review for Quality Cannabis

Attorney Eric Starck with Miller Starck was present to represent. Scott Graham summarized that a SUP renewal with a 6-month review of a driveway permit, EGLE report and planting of trees is now being done. The driveway permit has been obtained; there has been no EGLE report. Randy Counterman, from the Drain Commission, spoke with Mr. Graham regarding 3 issues he saw including sediment discharge into wetlands. Mr. Counterman is looking closely at this property. EGLE had been out at the property yesterday and the Road Commission is looking at the driveway. Scott recommended tabling stating that he has never seen so much scrutiny on a property before. He said it is not an active grow and the owner has been cooperative. Rick Leland asked how long ago the process started; Scott said the driveway permit was applied for immediately. Cheri Duncan said 15 months ago, in October, they had a Provisional License. Everyone was concerned it was a wetland. We gave him six months and she expected it to be reviewed in six months. It didn't happen. She asked how they can proceed when they don't have an EGLE report. Attorney Graham replied that one condition is an EGLE report. Attorney Starck said when they applied in October, EGLE came out and said there are no wetlands on the property.

Joe Wooding made a **Motion** with support from Donna Romanak

To table the matter to next month's meeting

Ron Klein said this is 80% wetland as shown by wetland maps from EGLE and a wetlands delineation study should be done. Cheri said this is the same motion Joe made 10 months ago. Donna Bell asked if people can petition EGLE. Judy Daniel said people should see the devastation on her property. Cheri Duncan said the Site Plan approved is not what they are doing.

Vote: Joe Wooding-Yes; Donna Bell-Yes; Rick Leland-Yes; Donna Romanak-Yes

Tina Loomis-No; Georgette Peterson-No **Motion** carried.

New Business:

SUP Renewal Request by Black River Botanicals

Owners Matt Steele and Danny Higgs were both present to represent their company. Danny commented that the sketch plan he submitted had been approved in 2019 by Ken Detloff, the Arlington Township Planner at that time. He cited Section D 5.02. He said he had gotten a sealed plan for the driveway and the buildings. He added that his SUP was renewed on 7/1/20. Attorney Graham said anyone who comes before the Board needs to be compliant. Joe Wooding asked if he has had problems. Mr. Graham responded by reminding him the Ordinance requires a sealed Site Plan to cover 34 points. Mr. Higgs said the Township official told him to go to Mr. Detloff who approved the sketch. Attorney Graham said it must be a Site Plan. Mr. Higgs requested it remain the same until such time when they request a 10% or bigger change and asked how it is practical to have an architect. Rick Leland said it is following the Ordinance. Georgette Peterson asked if they could give an idea of how long it would take for them to come up with the money for an architect to provide a sealed site plan. Danny Higgs asked what makes it not ok to consider accepting the drawings. Mr. Graham said he disagrees with Mr. Higgs interpretation of Section D 5.02.

Georgette Peterson made a **Motion** with support from Rick Leland to:

Recommend approval of renewal of the SUP to the Board with the condition of having a sealed Site Plan covering the 34 points by November 1, 2021.

Vote: Donna Bell-Yes; Rick Leland-Yes; Tina Loomis-Yes; Donna Romanak-Yes; Georgette Peterson-Yes; Joe Wooding-No **Motion** carried.

SUP Renewal Request by High Power

Fred Day was present to represent High Power. He stated it will be an indoor grow. He said there were 18 renditions of the drawings that he took to John O'Connell who gave them to Ken Detloff. Mr. Day said he has 6 partners with the largest partner, Barry Singer, owning 51%. Scott Graham asked if the SUP is in the name High Power and he asked if the current application has all the members listed. Mr. Day said it does not. Mr. Graham asked if was willing to update his application. Mr. Day replied in the affirmative. Mr. Graham asked Mr. Day if what he had given him today was his Site Plan. Mr. Day said he gave them to the Township and asked John O'Connell if he remembered getting them. Mr. O'Connell said he remembered giving 1 to Ken Detloff. Mr. Graham said that what Mr. Day had given him today was a sealed set of construction drawings. Mr. Graham said his recommendation was to recommend approval of the SUP renewal on condition of an updated application and a sealed Site Plan.

Discussion took place on sanitary and storm water holding tanks. Rick Leland asked Fred Day how he was getting past the sewer and well permits. Ron Klein stated the Health Department requires permits for tanks. Donna Romanak noted that on Ken Detloff's memo, this would be the first cannabis place hooked up to city utilities. Mr. Day said it will be on the Site Plan.

Donna Romanak made a **Motion** with support from Rick Leland to:

Recommend approval of the renewal of the SUP to the Board with the conditions of updating the application and providing a sealed Site Plan compliant with Article 5 of the Zoning Ordinance by the first Wednesday in October 2021.

Vote: Joe Wooding-Yes; Donna Bell-Yes; Rick Leland-Yes; Tina Loomis-Yes; Georgette Peterson-Yes; Donna Romanak-Yes **Motion** passed.

Public Comment on non-agenda items:

Brian Alpert stated that 2 or 3 years ago it wasn't described as everything had to be the same as on the Site Plan.

Board Comments

There were none.

Meeting adjourned at 9:02 PM

Respectfully Submitted,
Georgette Peterson, Secretary