

PLANNING COMMISSION MEETING

DECEMBER 4, 2019

Commissioners present: Derek Babcock, Mike Koshar, Donna Romanak, Romanak Joe Wooding, Georgette Peterson

Other Attendees: Brian Knotek (Township Attorney), John O'Connell, Ken Detloff, Annie Funke (alternate PC); Nathan Shevick (appearing for attorney Mike DeLora), Matt Meany, Nate Groff (both representing Harvest of Michigan LLC and Pelican Farms), Lorainne Crandall, Cheryl Duncan, Mr. Duncan, Tina Loomis, John Loomis, Judith Daniel, Adam Warczynski, Ted Swanson, Bill Sobelski, Cybulski, Matthew Steele, Christopher Passmore, Suzanne Klein, Linda Stromyer, Ron Henry, Dan Higgs,

Meeting called to order by Derek Babcock (interim chair) at 6:00 PM.

Pledge of Allegiance was recited.

A motion was made by Donna and supported by Joe to approve the November 4, 2019 PC meeting minutes. All in favor. Motion passed)

Derek announced that Jim Funke has resigned as the PC chair. It was noted that the Township is grateful for Jim's 17 years of serving on the PC.

Joe motioned with support from Donna to elect Derek as Chair of the PC. Derek abstained from the vote, the other PC members all voted yes. Motion passed.

Re: 27035 CR 215 SUP & 50680 28th Ave. SUP (addition) being represented by Nathan Shevick, who is asking for a postponement until January 2020.

Re: 54347 28th Ave and 52000 M-43 Highway; also represented by Nathan Shevick, Derek received and e-mail stating the applications were withdrawn. Nathan said they are now requesting a delay until January. Annie Funke noted that Mr.(Delora) DiLaura (correction) (attorney) never completed the application. John asked Nathan if he had any SUPs to which he replied in the affirmative.

Mike made a motion, supported by Joe that we adjourn the Regular Meeting and open the Public Hearing. A roll call vote was done and all were in favor. Motion passed.

Pelican Farms

Derek noted this is a discussion about Pelican Farms LLC at 24958 CR 215 SUP and site plan. The Commission has received the site plans and Ken's notes.

Matt Meany stated he is with Harvest of Michigan LLC and in the construction aspect. Nate Groff stated he is with this operation as well. Matt explained that this will be about a 6 acre seasonal grow from April to October and closed the remainder of the year. Nate stated the total property is 23-24 acres and they have worked with Van Burn County and are now working with the Road Commission as well as with John O'Connell and Ken Detloff. Brian noted that the original application was Pelican Farms LLC. It was explained that Harvest of Michigan LLC purchased Pelican Farms LLC. Nate stated the entity is Mike Abdul. Brian stated that documents relating to the new member and from the entity are needed. Brian also informed that from the Township perspective, the applicant is Pelican Farms LLC.

Lorraine Crandall stated she owns the property behind this property, and they have dumped stuff on the property line. She stated she called John and John then gave the owner Lorraine's telephone number. She said "I cannot repeat what he said". She asked who takes care of the water. Nate replied there will be a reduction in water and Lorraine then asked about a drainage ditch and road work being paid for by the taxpayers. She asked "Who is going to pay for ditching?" and inquired about extra people. Matt said that there will be about 25 people. Lorraine asked about air pollution stating, "You cannot go into the yard because you can't breathe". Nate explained that the greenhouses are fully enclosed.

Cheryl Duncan voiced being in support of Lorraine and added that she has heard the same concerns. She said they are being called complainers and the Board, not the PC, shows a bias.

Tina Loomis asked how many plants there will be and the response was 1500 for each of the 6 licenses. She inquired if the access is from CR 215 and was told that it is. She noted that she lives in the yellow house that this surrounds. Nate said they have a permit from the Road Commission. Derek asked if the DEQ has been involved and the response was "Not yet".

Judith Daniels stated, "I understand what Lorraine is saying. We are going to have people around. I wish you would buy property where there aren't so many people. It's part of Article 13 that the Township will look at these things. All our neighborhood is being affected. I wish the Board would tell them to buy property without houses around. If anything happens to my son, there will be a lawsuit. You're going to start out small but you aren't going to stay small. I am also concerned about traffic and walking with a wheelchair"

Annie Funke asked what was proposed for the existing house. Matt replied they are only going to winterize it at this time. John Loomis asked why no one wants to stay on this property. Matt said the house is not livable. Derek said there are 5 licensed facilities and 3 or 4 of them have people that live there. John Loomis said "That makes me feel better". Adam Warczynski said he plans on living there. Mr. Loomis asked where Nate and Matt are from and Matt said he is from Phoenix and Nate is here.

Ted Swanson asked the Commission "What does the ordinance mean to you? Marijuana is a Schedule I drug. The fumes need to have its own definition. If people are having a problem with the smell, it is not harmony". Derek said "We have to follow the ordinance until we can change it or update it. I appreciate your researching the ordinance".

Judy Daniels said the glaring lights will shine into her son's house. She said she went past 28th and the motion lights are not supposed to affect anyone, but she said she could see the lights through the trees. She added "You are going to have lights shining into people's homes".

Bill ~~Sebolski~~ Cybulski (**correction**) said he can smell the fumes and he lives on 50th Street, which is 2 country blocks away. He added that the ditching isn't good.

Matthew Steele asked if they were expecting to have lights on all the time and Matt replied they plan to have minimal lights adding that the plants need darkness. Matthew asked what the size of the greenhouses will be. Matt replied 24,000 sq feet; greenhouses that are put together. Mike asked how many plants there will be per greenhouse and the response was 75% of the area and they will be on the ground with irrigation between them.

Suzanne Kline asked how many plants and was told if they could do the 9,000 they would by Matt. Lorraine asked how they got rid of them and Adam replied they will be dried.

Chris Passmore inquired if they are going to put rock on top and added that they will need to cover the dirt with 4" of stone and will need to extend the daylight hours to 16 or 18. Matt stated he doesn't know the plan. Adam said, "We will just have moms". Chris said you will need supplemental light and I am asking what the plan is. Matt said he can find out. Adam said they will have their moms in until April and then put them out. Derek asked if they would be in the ground or in pots. Matt's response was pots. Derek asked if the greenhouses were hoop houses or high tunnels and Matt said hoop houses. Derek noted that if they are high tunnel hoop houses with no electricity, the plants in the pots must be in the ground by State law from the Bureau of Fire Services.

Suzanne Klein asked about the topography and what is there now. Nate replied "Farmland". Brian asked if there will be any clearing and Nate responded that there will be no tree clearing and added that they have a storm sewer to take the water to the retention pond. Matt asked if we have documents from the drain commissioner and Derek replied in the affirmative.

Lorraine asked again if the taxpayers will have to pay for the drain and Derek explained that they are not putting in a special drain. Lorraine noted that the water goes to Lake Michigan and asked about drinking water.

Ted Swanson asked about security for the drying and Matt replied that the State sets the requirements. Mr. Loomis asked if all was in the site plan and Matt said it is. Mrs. Loomis asked if the people working on this will be local to which Matt responded "Yes, we prefer local people".

Bill Sobelski Cybulski noted they have filters and asked how often they will be changed. Nate responded they will need to be maintained. Ron Henry stated he owns the property North of this and asked if there will be a buffer between. He stated their North quarter is tillable up to his property line. Nate responded there are no plans other than fence and screening at this time. Mike asked how far back, and Nate said it's a 10 ft set back. Suzanne asked if setbacks show on the plans. Dan Hicks Higgs said although this is classified as commercial, for the purpose of setbacks it goes by AG which is 10 feet. However, MM requirements need to be checked on.

A motion was made by Georgette and supported by Donna to close the Public Hearing and return to the Regular Meeting. All in favor. Motion carried.

OLD BUSINESS

RE: 27035 CR 215, Brian reported that a Public Hearing was held and Attorney DeLora DiLaura is not here but he sent an associate, Nathan Shevick. He noted that these are new drawings and asked if this is the first time they have been dropped off at the Township Hall and the response was in the affirmative. Mike noted that this has been delayed several times and asked when we can say no more. Mike made a motion, supported by Donna to table this application due to incomplete information. Unanimous approval. Motion carried. Mike made a motion supported by Donna to instruct Brian, our attorney, to advise the Board of whether this is an abandoned application or not. Motion carried unanimously.

NEW BUSINESS

Pelican Farms: Brian explained the 3 ordinances in play and reminded the Commission that finding of fact cannot be based on speculation. He encouraged the PC to be open with their comments.

Re: Ord. No. 2018-02 Per Ken's verbal report and written comments, the Plan is in compliance with the lot size. Regarding the setbacks, Ken explained that he scales the drawings and the Site Plan has to be of a size that he can scale. Mike asked if the chain link fence has to have a setback and Ken replied that it can be right on the property line. Brian asked if the building floor space complies; Ken responded yes. Brian asked if security cameras are shown and Ken replied that the notes said the owner will supply. Brian noted the security cameras are a State regulation. Ken noted that he always encourages the Township to have a complete set of plans and said the notes said owner will supply. A motion was made by Mike and supported by Donna "THAT WE MAKE A FINDINGS OF FACT THAT THE REQUIREMENTS SET FORTH IN ORDINANCE NO. 2018-02 HAVE BEEN MET BASED UPON THE MEMORANDA OF KEN DETLOFF. All in favor. Motion carried.

Re: Article XIII. Brian noted that this relates to all SUP applications. Mike noted he is not in favor of bringing in gravel to cover the ground. Derek asked if there is another material and Matt replied that the reason for the gravel is because it is porous. Derek suggested to plant landscaping on the North, South and East sides; the West is wooded; so neighbors will view a green belt space. Brian noted that if a change to the Site Plan is over 10%, it must be approved by Ken. Derek said we are going to require some green spacing. There was then discussion amongst the PC about how much green space. Matt noted they are putting in another well with holding tanks Derek suggested a lighting plan be submitted within 30 days for Ken's approval and Matt responded their tech is working on it. Brian explained the definition of fumes stating a fume is generated by a process and an odor from a plant is not deemed a fume. Donna made a motion, supported by Joe and passed unanimously "THAT WE MAKE A FINDINGS OF FACT STATING THAT THE REQUIREMENTS SET FORTH IN ARTICKLE 13 OF THE ZONING ORDINANCE HAVE BEEN MET",

Re: Article V: Discussion ensued about the green belt, the hours of operation and removal of the greenhouse covers. Ken noted that the Township has a zoning ordinance; Michigan has a Right to Farm Act and other things are included in the AG zone like golf courses, driving ranges, animals and livestock trucks. He said the building inspector would not have to approve the building of silos. None of these allows for official public input. Derek noted that MM does not fall under the Right to Farm Act but hemp does. The State allows MM to be regulated under a local level and may not be approved by the State. And, as far as the State is concerned, these are industrial buildings. Ken encouraged using history of prior applications and asking if there is something unique about this that would make it incompatible. Donna made a motion, supported by Joe "THAT WE RECOMMEND APPROVAL OF THE SPECIAL USE PERMIT AND SITE PLAN TO THE TOWNSHIP BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

THE HOURS OF OPERATION WILL BE FROM DAYLIGHT TO 10:00 PM

THERE WILL BE A GREEN BELT USING 6 FOOT EVERGREENS WITH 12 FOOT ON THE CENTER WITH DIMENSIONS PROVIDED WITHIN 15 DAYS

THE LIGHTING PLAN WILL BE PROVIDED WITHIN 30 DAY

REMOVAL OF GREENHOUSE COVERS WITHIN 30 DAYS OF HARVEST

Re: Site Plan proposal for Satellite Emergency Service Structure. All members voiced they have reviewed the Site Plan. Georgette made a motion supported by Donna to approve the Site Plan. Roll call vote: Joe: Yes; Mike: No; Derek: Abstained; Donna: Yes; Georgette: Yes

Motion carried

Re: Review procedure for SUP application and renewal: A SUP renewal review form has been created and Brian recommended it be received at least 60 days before the renewal is due. Someone will ~~renew~~ review the application for renewal and provide a report. We have also created a complaint form. This is on the website. There are 5 renewals due in January and 2 people will review them. Donna made a motion which was supported and approved by all "THAT UPCOMING APPLICATIONS WILL BE REVIEWED BY DEREK AND MIKE WITH GEORGETTE AS AN ALTERNATE". Motion carried.

PUBLIC COMMENT

Chris Passmore suggested that as we are considering rewriting the ordinance to consider daylight to 10:00 PM for lighting. He commented that greenhouses do not stop the smell and that setbacks are insufficient. He said his property is perfect being 14 miles from one property and 700 feet from another. He noted that hemp stinks too and said it is going to be in the AG rotation.

Cheryl Duncan said she agreed with the previous comments and noted that if you are within 300 feet of the property, you get a letter. She stated she has been at meetings where no one shows up. She said her compound has 7 residences and her suggestion is to increase setbacks. She asked if they were going to be considered when we vote on recreational. Georgette explained that recreational isn't being talked about as we voted to opt out.

Dan Higgs suggested working on the ordinances and said he thought it was up to the PC. He noted that allowing facilities that are too large and that can limit the % of lot coverage for the number of licenses. He said he looked up voter districts and Arlington Township is one Township that voted against ~~MM~~. Recreational Marijuana.

Annie said her biggest concern is the density with one operation having 10 acres with 12 licenses where the green houses collapsed under the snow.

Mr. Duncan noted that Quality Cannabis was having problems with their driveway and asked about statutes.

Mrs. Daniels asked if the person who withdrew their application would have to apply again and was told Brian is looking into the legalities.

Derek noted that he received a 2-page document from the Johnson family regarding 52000 M 43.

Meeting adjourned at 9:05 PM.

Respectfully submitted,

Georgette Peterson

