

**CHARTER TOWNSHIP OF HAMPTON
PLANNING COMMISSION
SEPTEMBER 12, 2019**

The regular meeting of the Charter Township of Hampton Planning Commission was called to order at 7:00 p.m. by Chairperson Basket in the Hampton Township Board Room.

PRESENT: Klass, Brey, Talaga, Dewyse, Basket, Leinberger

ABSENT: Mulders

ALSO PRESENT: Sheppard, Ettema, Hebner, Joe Dewyse, and 25 people in the audience.

Motion by Dewyse seconded by Leinberger that the minutes of the August 8, 2019, regular meeting be approved and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

Motion by Klass seconded by Dewyse that the communications from Jim Lillo, Bay County Road Commission, in regards to the Henika pond, and also the ZBA minutes from 8-15-19 be received. Motion carried.

UNFINISHED BUSINESS:

There was no unfinished business

NEW BUSINESS:

Weaver Investments, 951 N Callahan Rd, appeared before the board to request a special use permit and site plan review for the operation of a medical marijuana grow facility in the existing building.

Discussion was held on the following: Keith Schofner, Weaver's attorney, explained the changes from the last denial. All the issues for the last denial have been addressed. The noise level will be no different than what is already there. When the business is first starting there will be one full time and one part time employee. The maximum number of employees at one time would be 8. The attorney also discussed the air vacuum system for the transportation of the product. It would be a closed loop system. There would be no heavy traffic in the area. There is no extra dumping of water or excess water that would be used. All water would be recycled. Horses would come back once the business is operational. The building would not change in appearance. Security would be highly monitored 24 hours.

The applicant would not grow hemp outdoors if a special use permit was granted for the medical marijuana. The applicant can grow hemp outside under the right to farm act. They have all the necessary permits to grow hemp. Hemp has a stronger odor than Marijuana. They would cultivate the entire 14 acres for hemp.

This would be the only grow operation in the township. The township also has the leverage to revoke the special use permit if complaints exist and the township also has the

leverage to deny the annual permit. The attorney also noted the references that were included in the packets. The applicants are trust worthy, valued, respectable hard working, and humble people. Tax revenue would also increase.

Discussion continued: Leinberger addressed the bathroom fans and the air supply. Weaver advised the fans will have scrubbers installed. At this time there is no good way to monitor smell. There is no way to measure odor.

Lori Ettema, Spicer Group, discussed their review. Landscaping has been provided. The applicant has attempted to address odor and noise through Ozone filters and the HVAC system. No updated drawings were provided. Spicer Group is not sure how the proposed new system can use no outside air and vent no air to the outdoors. Spicer Group is also not sure how there can be no noise from the HVAC system when the condensing units with fans are still located outdoors. The security plan is only an assessment from an outside company. It is not a complete security plan. The use of a generator would be needed. The applicants have received a level one license from the state to grow MM.

Items for consideration for approval are as follows: have the conditions changed since the denial of not being harmonious to the surrounding neighbors, updated HVAC plan, a generator shown on the site plan, and the monitoring of noise.

Weaver addressed some the conditions as follows: the HVAC system would produce minimal noise, they would install landscaping and sound barriers if needed. A generator would be installed if deemed necessary at a later date.

Rich Sheppard, township attorney, discussed the following: The applicant does have a hemp growing license. This license cannot be regulated by the township.

At this time the meeting was open to the public for comments.

Sandy Stachowiak, 1180 N Knight Rd, asked what hemp was and what it was used for. Sandy also asked how the applicant found Hampton Township.

Weaver advised hemp is same as medical marijuana but without the THC compound. It does not cause the hallucination effect that MM does. The applicant saw that Hampton Township allowed MM grow facilities and found this building. The township approved their business license. They were led down this road by the township. They have been to over 20 countries providing missionary work. The letters in the packets state a lot about who they are. They also stated if they do not have to grow the hemp they would bring back horses and allow boarding free of charge. They would be forced to grow hemp to recover the cost of what they have invested in this property.

Paul Hugo, 821 Warner Rd, asked if the building currently has a negative draft. He also stated the property values will go down and he doesn't want it in his backyard.

Weaver advised the building currently does not have a negative draft but will have one when the business is operational.

Karen Chevalier, 695 Warner Rd, stated the business is too close to residential houses. Can the township change the setback rules?

Jan Graczyk, 1114 W Borton Rd, state the applicants are absentee landlords. They are not township residents and do not reside here. She does not want the operation in the township.

Mary Ellen Estabrook, 693 E Center Rd, stated Weaver's found a loophole in the system. They are trying to stick it to the neighbors. They purchased the building before they knew about the permitting process. Doesn't want the operation in her neighborhood.

Dave Overholt, 777 E Warner Rd, stated he talked to the Weavers and they need the revenue. He doesn't want it in his backyard either, but understands that they have to recoup their costs. This would benefit the future of the township.

Mary Smith, 1164 W Hampton Rd, asked how much revenue this operation would bring into the township. And what would happen to the property values in that area.

John Szelogowski, 1014 N Callahan, asked why the board made the decision to rescind the ordinance.

Sheppard and Klass explained why the Board of Trustees rescinded the ordinance and found the community is not receptive to MM.

Mrs. Szelogowki, 1014 N Callahan Rd, asked if the applicant can grow anything else other than hemp or MM. She also asked what the procedure is if the applicant were to violate the conditions of the special use permit.

Sheppard explained the planning commission could hold a public hearing to revoke the special use permit and also the township board can choose not to renew their annual business license.

Karen Chevalier, 695 Warner Rd, if farmers grow hemp why don't other farmers in the area grow it.

Mark Weaver, Weaver Investments, asked what the problem is with them being in that location.

Rick Samyn, 651 Warner Rd, asked if the applicant was allowed to put additions and more buildings on this property. Sheppard advised that the applicant can add on with an amendment to the special use permit and site plan.

Leinberger asked if there was any byproduct that would be disposed of and how would that be taken care of. Weaver stated it gets mixed 50/50 with other materials and disposed of.

Brey asked when the first crop would be harvested. Weaver stated it would be approx. four months after seeding.

At this time the meeting was closed to the public.

Motion by Dewyse seconded by Klass to deny the special use permit to Weaver Investments, 951 N Callahan Rd, for the operation of a medical marijuana grow facility in the existing building as the use does not fit in with the neighborhood.

AYES: Dewyse, Klass, Talaga
NAYES: Brey, Basket, Leinberger
ABSENT: Mulders
Motion tied.

Discussion was held on what do to in the case of a tie. There has to be a majority to approve the permit. The planning commission can table the request so that the full board can be present.

Motion by Basket seconded by Leinberger to table the site plan and special use permit request and recess the public hearing for Weaver Investments, 951 N Callahan Rd, for the operation of a medical marijuana grow facility in the existing building until September 23, 2019, at 5:30 pm so that all board members can be present. Motion carried

Discussion was held on the conditions for approval: address the issues in the planner's report, board would like to see a maintenance schedule for the scrubbers, and an updated site plan showing the generator.

At this time the meeting recessed for a 15 minute break. Talaga left the meeting.

There was discussion regarding updating the Zoning Ordinance per a request from the Township Board. The Planning Commission is going to hold off looking at the large solar ordinance until a later date. There was discussion about forming a committee to look at the zoning ordinance and suggest updates for regulations related to accessory buildings. This committee would consist of board members of each board and also other employees. Setting up a committee would take longer to get the ordinance updated. At this point Basket directed Spicer Group to bring potential mark-ups and potential new regulations for accessory buildings to the October Planning Commission meeting. A committee will not be used at this time. The timeline for any changes to the ordinance are as follows: The planning board would make a recommendation to Spicer Group to produce wording changes, at the October meeting the board could discuss the changes

and set a public hearing in November. Then the changes would go to the board of trustees for approval and then adopt in December.

OPEN TO THE PUBLIC:

Russ Gorski, 65 E Borton, stated how upset he is that he had to go to three meetings and still doesn't have what he wanted. The township has issues with its ordinances and hopes something will change. He also appreciates the effort the township puts in to make changes to promote investment in the township.

Discussion was also held on alternates for the planning board and zoning board.

At this time the meeting was closed to the public.

Motion by Dewyse seconded by Brey that the meeting adjourn. Motion carried. Meeting adjourned at 9:45 pm.

Respectfully submitted:

Mark Basket, Chairperson

Jodie Hebner, Recording Secretary