

Vassar Township Planning Commission September 8th, 2021 Special Meeting Minutes

Meeting called to order at 6:30 PM by Chairman Foether and pledge followed.

Roll call was conducted:

Shaun McDonnell – Excused
Sam Tester – Absent
Ben Partridge – Present
Jane Caesar – Present
Orville Hartung (Co-Chair) – Present
Devin Foether (Chair & Acting Secretary) – Present
Bob Reil – Present

D. Foether opened the public hearing for Vasmed, LLC MMFLA Special Land Use Permit Renewal at 6:31 PM. Reil abstained for conflict-of-interest reasons.

Bruce Foether, acting Marijuana Coordinator, indicated that the property in question was broken into on Labor Day. LARA and local authorities are involved. The entry was made by cutting through the fence and walls of the building. Other than the recent break-in, the facility is in good standing.

Applicant asked what the plan was for the township to increase security presence in the area. Was there a plan to allocate resources to more security? The sheriff takes a long time to respond to calls. It took time for the theft to trip security sensors because the intruders cut through the walls and entered a location where no motion sensors were located. Applicant said he was running his own internal investigation, increasing security, and having to help local law enforcement on how to properly investigate. Would like the township to look into local law enforcement options to help prevent or at least respond faster to future issues.

With no members of the public present wishing to make comment on the renewal in front of the Planning Commission, the public hearing was closed at 6:39 PM by D. Foether.

D. Foether said he was not sure what the proper course of action would be for increasing security in the area. Was under the understanding that the recent millage was supposed to lead to an increased patrol in the county. Will need to talk with the sheriff to see what it would take to dedicate more time in the area, but not super hopeful with them not wanting to help enforce zoning in township or even investigate violations of the pen growers. Willing to escalate to State law enforcement. If all of that fails to produce results, will need to discuss with the Board of Trustees on what could be done.

Applicant indicated that the sheriff's office not really equipped to handle this type of activity. The current state of people's finances could lead to more break-ins in the future. Should at least look into getting an investigator that can properly investigate crimes such as this. Applicant was asked by another applicant on how much was stolen. Applicant indicated that it was several thousands of dollars of product that had recently been harvested.

Partridge indicated that it was his understanding that everything was to be locked up. Applicant explained that the product was in the process of being dried. Would only be put into the vault once trimmed and ready to be taken by secured transporter.

Question around what the monitor requirements are in our zoning. D. Foether indicated that they just need a plan and that we don't go into details beyond 24/7 monitoring. Question as to whether the applicant's security is monitored by a company 24/7. Applicant said they are required by the state to have 30 day storage for cameras that operate 24/7, but he would be increasing security at the facility. Another applicant in the audience indicated that growers in Southern Michigan have private security forces on site. B. Foether said that the Township would look into the cost of having private security force hired, but would need to see about the receptiveness of cost sharing with all facilities.

Partridge asked if there were any other issues with the facility beyond the recent break-in, and B. Foether indicated that there was not.

The applicants in the audience and several Planning Commission members continued to discuss the security on site, what steps were being done to identify the vandals, and if there were thoughts on it being an inside job.

No further questions by Planning Commission members directly related to the standing of the permit.

MOTION to approve the renewal of Vasmed, LLC's Class A medical MMFLA Special Land Use Permit offered by Partridge and seconded by D. Foether

Roll Call Vote:

Jane Caesar – Yes
Orville Hartung – Yes
Ben Partridge – Yes
Devin Foether – Yes
Sam Tester – Absent
Bob Reil – Abstained
Shaun McDonnell – Excused

Motion passed 4-0-3

Reil rejoined the Planning Commission as a voting member after the roll call vote, and action was completed on the application.

D. Foether moved to open the public hearing for Tam Tam Ali, LLC MMFLA Special Land Use Permit renewal at 6:58 PM.

D. Foether asked if there were any changes to the facility from what was previously approved by the Planning Commission. The applicant indicated that there were no physical changes aside from one of the inspectors requiring the addition of a CO₂ monitor in the building. Applicant also indicated that the facility had received its State licensing on August 11th. B. Foether made a comment that they facility went up quickly and members of the community had made comments on the number of trucks in and out of the site.

D. Foether asked if there were any complaints made about the facility outside of the amount of traffic during construction. B. Foether said there were none to his knowledge.

With no members of the public present wishing to make comment on the renewal in front of the Planning Commission, the public hearing was closed at 7:02 PM by D. Foether.

General questions were made about the facility by D. Foether regarding floorplans, security, and projected time to planting first crop. Applicant said that he would welcome anyone to come inspect the facility as long as there was a few hours' notice and no plants yet, but hoping to begin by October 19th.

Partridge asked what the threshold is for requiring full site plan review on changes. D. Foether indicated that it would have to be things such as a wall needed to move or the building orientation on the site changed, did not feel that the added monitoring met that requirement as it was not something that we required in the zoning ordinance.

No further discussion was had by the Planning Commission on the renewal.

MOTION to approve Tam Tam Ali, LLC's Class C medical MMFLA Special Land Use Permit renewal was offered by D. Foether and seconded by Caesar.

Roll Call Vote:

Bob Reil – Yes
Ben Partridge – Yes
Jane Caesar – Yes
Orville Hartung – Yes
Shaun McDonnell – Excused
Sam Tester – Absent
Devin Foether – Yes

Motion passed 5-0-2.

D. Foether moved to open the public hearing for 664 State Rd, LLC.'s MMFLA special land use permit renewal at 7:10 PM. Reil abstains from the discussion because of a conflict of interest.

Questions we asked about the status of the facility. Applicant representative said that they are currently waiting on DTE to approve more power to the building, and was not sure about the state of the interior construction as his partner handles that part of the business.

Partridge asked if this was for the front part of the building. Applicant representative said that it was.

D. Foether asked about the pipe hanging out the side door and indicated that there was likely to be a blight warning issued by the Zoning Administrator in the near future. Applicant representative said they haven't done much with the site because of the power issues, but he would have the blight addressed.

With no members of the public present wishing to make comment on the renewal in front of the Planning Commission, the public hearing was closed at 7:15 PM by D. Foether.

No further comments or questions on the renewal from the Planning Commission.

MOTION to approve 664 State Rd, LLC's Class C medical MMFLA Special Land Use Permit renewal was offered by D. Foether and seconded by Hartung.

Roll Call Vote:

Jane Caesar – Yes
Bob Reil – Abstained
Ben Partridge – Yes
Devin Foether – Yes
Orville Hartung – Yes
Shaun McDonnell – Excused
Sam Tester – Absent

Motion passed 4-0-3.

Reil rejoined the Planning Commission as a voting member after the roll call vote, and action was completed on the application.

D. Foether moved to open the public hearing for New Age Horticulture, LLC's new Class B MMFLA Special Land Use Permit application at 7:18 PM. Reil abstains from the discussion because of a conflict of interest.

Applicant gave a brief presentation on what they are applying for at the site, that the site is currently vacant, and that they are involved in another business in Garden City, MI.

With no members of the public present wishing to make comment on the application in front of the Planning Commission, the public hearing was closed at 7:21 PM by D. Foether.

Partridge asked if there was a larger site drawing. D. Foether indicated that there should be per the application process. B. Foether tried locating it, but could not. Applicant gave their extra copies to the commission to look at. D. Foether said he was certain that the prints exist, but likely got misplaced during the transition from one coordinator to the other.

D. Foether pointed out several inconsistencies between what was reported in the application book and the site plan itself. Applicant said that the inconsistencies were news to them and had to be a miscommunication between the person preparing the application and the architect. D. Foether also indicated that wording on the septic approval was not clear as to how it should be located, but it was clearly within the side yard setback and would need to move. D. Foether said that the applicant should verify with the sanitarian at the Health Dept. as to the exact meaning of the location definitions on the permit and adjust the site plan accordingly. D. Foether pointed out that the septic permit indicates that the floor drains in the building are not to route to the septic, but the drawings made it seem like they did. The applicant said that they would not, that they would be routed to a different location, possibly directly into a leach field. D. Foether said that they would need to confirm with the Health Dept or EGLE as to where they could legally route those drains.

Partridge asked if the application was dated for when it had been dropped off or when the applicant had started it. Applicant indicated that it was from when they had started it.

Partridge pointed out that there was an ID missing for Donna. Applicant said that she was only a minority stakeholder. D. Foether explained that all people with direct financial interest in the company must submit a copy of their driver's license. Applicant said that they understood and would get that ID.

Partridge indicated that it looked like the building was within or right on the 75' setback from the turnaround. D. Foether looked closer at the site plan and said that it appears that part of the 75' setback line sits right in the middle of a wall, so the building needs to move to the east to rectify that issue. D. Foether also pointed out that the zoning ordinance requires everything to be dimensioned. D. Foether said that he is aware that the scaling makes that difficult and that an inset site plan could be used to help properly dimension everything. Partridge questioned the length of some of the parking spots on the site plan compared to others. D. Foether pointed out that it is how the dimensioning lines are located, and that they are all actually the same size.

Caesar asked what Φ of Creek means? Applicant explained that it was indicated that the property line was on the centerline of the creek. D. Foether asked if she had any further questions. She indicated that she did not.

D. Foether asked Hartung if he had questions. He said he was good.

D. Foether indicated that it may have already been mentioned, but he saw another investor listed on several documents. Partridge and applicant pointed out that there was an amendment that removed that investor.

D. Foether asked what the name of the applicant's other facility is and if it was still in good standing with the State. Applicant said the other facility was named New Age Alternative and was in good standing. The applicant also mentioned that the facility was one of the earliest operational sites in the state.

D. Foether indicated that the odor control plan mentioned activated carbon and ion air scrubbers, but there weren't technical data sheets on that equipment. Applicant said that they would add that information.

D. Foether indicated several safety data sheets need to be updated to the GHS-compliant versions or just even reflect products that actually exist. D. Foether pointed out that one of the SDS's indicated it was flammable and asked how it would be stored. Applicant said they would update the SDS's and that the flammable material would be in an approved flammable storage cabinet.

Planning Commission in agreement that action on application should be tabled until corrections were made. D. Foether said that once changes were made and submitted, the Planning Commission would finish the review and take action at that time. Applicant said they would get those corrections as soon as possible.

Reil rejoined the Planning Commission as a voting member after action was tabled for the application.

PUBLIC COMMENT

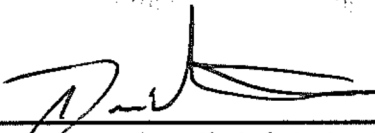
No public was made.

MOTION to adjourn the meeting offered by D. Foether and seconded by Hartung.

"AYES" – 5, "NAYS" – 0, ABSENT/EXCUSED – 2

Motion carried.

Meeting adjourned at 8:15 PM.



Devin Foether, Chair & Acting Secretary