

**NORTHFIELD TOWNSHIP
PLANNING COMMISSION
Minutes of Regular Meeting
March 20, 2019**

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Roll call:

| | |
|-----------------|---------|
| Janet Chick | Present |
| Brad Cousino | Present |
| Eamonn Dwyer | Present |
| Sam Iaquinto | Present |
| Cecilia Infante | Present |
| Larry Roman | Present |
| John Zarzecki | Present |

Also present:

Building/Planning/Zoning Coordinator Mary Bird
Planning Consultant Paul Lippens, McKenna Associates
Township Engineer Ronald Cavallaro, Jr., OHM
Recording Secretary Lisa Lemble
Members of the Community

4. ADOPTION OF AGENDA

- ▶ **Motion:** Roman moved, Iaquinto supported, that the agenda be adopted as presented.
Motion carried 7—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Tawn Beliger, Trustee of Northfield Township, 8365 Earhart, and Michael McClelland, 5313 Hilltop Court, spoke in opposition to allowing marijuana businesses in the Township.

David Gordon, 5558 Hellner Road, called attention to a rookery in the Township where Great Blue Heron are breeding.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

A letter was received and distributed to Commissioners.

8. PUBLIC HEARINGS

8A. Sign Ordinance.

- ▶ **Motion:** Roman moved, Chick supported, that the public hearing be opened.
Motion carried 7—0 on a voice vote.

Lippens explained that this proposed revision of the sign ordinance was undertaken to make the Township's ordinance consistent with the recent Supreme Court ruling that sign regulations are intended to address public safety and welfare purposes, but are to be content neutral.

Roman called for comments from the public. There were none.

- ▶ **Motion:** Roman moved, Iaquinto supported, that the public hearing be closed.
Motion carried 7—0 on a voice vote.

8B. Recreational and Medical Marijuana Ordinance.

- ▶ **Motion:** Roman moved, Cousino supported, that the public hearing be opened.
Motion carried 7—0 on a roll call vote.

Lippens explained that these regulations have been developed at the direction of the Township Board. He reviewed the various elements of the proposal, including the classifications of businesses allowed, the zoning districts where they would be allowed, and security and environmental standards. He also reviewed the adoption process for ordinances.

Roman called for comments from the public.

David Gordon, 5558 Hellner Road, questioned requiring 10 acres for growing operations, suggesting that it be lowered to five acres. He said the voters approved recreational marijuana, national laws are behind the times, the national war on drugs has been costly and violent, and the Township should welcome these businesses. Lippens clarified that only five acres is required for Medical and Recreational Class A growers.

Wayne Davidson, 8015 Coyle Road, said he has medical growing operation which does not require much space. He said all that is required for growing is a climate-controlled building.

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John Hufford, 5285 Tamarack Trail, said the link between marijuana use and negative effects on adolescent brain development and schizophrenia is strong, and just because the voters approved recreational use does not mean it is good thing.

Craig Warburton, 450 W. Joy Road, said recreational use by law will be only for people over 21, he found ambiguity in the proposed ordinances, and he questioned the large number of facilities that would be allowed. Lippens noted that the total number of growers that would be allowed is 20 for all classes, not for each class.

Chris Salata, 2920 Tepeyac Hill Drive, said allowing marijuana facilities in the Township is antithetical to the decades-long discussion about attracting families and rebuilding the community.

Doug Nelson, 5314 Walnut Creek, said his family moved to Northfield Township from Monroe County, partly because of the opioid epidemic there. He said there is a proven link between marijuana and opioid use. He said the Township should try to maintain its quaint characteristics, and he asked what the Public Safety Department's recommendation is.

Kevin May 2955 Tepeyac Hill Drive, said he moved out of two states that have legalized marijuana. He said he doubts that people in this community voted for legalizing marijuana. He said this is a money grab. Lippens said about 60% of voters in all three Township precincts voted in favor of legalizing recreational marijuana.

Kathryn Mayer, 5361 Sutton Road, spoke in favor of the proposed ordinances. She agreed this as family-oriented community, but that bringing Township ordinances into conformance with State law is not in conflict with that. She said families will continue to be attracted to Northfield Township, marijuana facilities in Ann Arbor have not made it unsafe, it is not true that use of marijuana leads to opioid use for the vast majority of users, and the Township should take advantage of the economic opportunities.

- ▶ **Motion:** Iaquinto moved, Roman supported, that the public hearing be closed.
Motion carried 7—0 on a voice vote.

9. REPORTS

9A. Board of Trustees

Chick reported that on March 12th the Board directed the Township Manager to provide information about possibly hiring a building official/zoning administrator, discussed building use and ethics policies, the Board chose not to rescind the decision to sell 75 Barker Road, and she invited the public to a discussion on March 26 about the Township's sewer

system, including possible construction of a retention basin.

9B. ZBA
Has not met.

9C. Staff Report
Nothing to report.

9D. Planning Consultant
Nothing to report.

9E. Parks and Recreation
Has not met. The next meeting is March 21st at 7:00 p.m. and the public is welcome.

9F. Downtown Planning Group
Infante reported that discussion at the last meeting included the idea of creating two separate authority areas (for the downtown and for US-23 Territorial), the problem with the downtown area being dominated by non-profits and the effect on tax revenue, increased interest in participation in the DDA, and the lack of decisive action regarding 75 Barker.

10. UNFINISHED BUSINESS

10A. Revised Site Plan; LittleFish; 8425 Main Street, to Operate Graphics and Architectural Design Studio. Parcel 02-08-327-002.

Lippens reported that since the Planning Commission first approved this request the County Road Commission has agreed to a parking solution which changes the plan sufficiently to require re-approval by the Commission. He added that additional information has been submitted about a variety of details since that time.

He also noted the applicant has requested a temporary certificate of occupancy, and that can be issued if a performance bond is posted to insure completion of required elements. Township Engineer Ronald Cavallaro briefly reviewed his 3/8/19 memo noting only minor issues to be addressed.

Matt Hagerty of Myers & Myers, PLLC in Howell, attorney for LittleFish, thanked the Township for their helpful management of their application. He said time is of the essence in a certificate of occupancy being issued for operation of the business. Roman noted that issuance of any certificate of occupancy is up to the zoning administrator and building official.

Roman expressed concern about lack of building elevations with the application. Zarzecki agreed they should be supplied. In answer to a question from Cousino, applicant Angela Matthews said elevations are part of the architectural package that was submitted in

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September to the Building Department, although that may not have been submitted to the Planning Commission. She said this is an existing building, and all they have done is removed old shingles. Roman said this can be worked out with Lippens; Mary Bird and Lippens said they can check with the Building Department.

- ▶ **Motion:** Roman moved, Iaquinto supported, to approve the Revised Site Plan for LittleFish, 8425 Main Street, to operate a graphics and architectural design studio, with the conditions set forth in the McKenna report dated 3/15/19 and the OHM report 3/18/19, and with building elevations to be provided to the Planning Commission at Mr. Lippens convenience.
Motion carried 7—0 on a roll call vote.

10B. Sign Ordinance.

- ▶ **Motion:** Iaquinto moved, Chick supported, to recommend approval of the Sign Ordinance to the Northfield Township Board of Trustees.
Motion carried 7—0 on a roll call vote.

10C. Recreational Medical Marijuana Ordinance

Lippens pointed out one typographical error.

- ▶ **Motion:** Roman moved, Iaquinto supported, to approve and forward to the Northfield Township Board of Trustees the Recreational Medical Marijuana Ordinance as corrected.

Cousino read the proposition as written—about 100 words—on the State ballot last November and said he does not understand why the Township is considering an ordinance before the State has created their regulations. He said these are cash businesses because the sale of marijuana is in violation of federal law, so he questioned how the Township will be able to monitor sales and benefit from these businesses.

Roman and Chick said if the Township's regulations end up being in conflict with State regulations, they can be amended, but the Township Board wants the Township to be prepared for the issuance of licenses once State regulations are in place.

Cousino said the Commission has not consulted with the Public Safety Department, the Clerk's office, or the zoning administrator who this will affect their operations. Dwyer said the Commission has been charged with the task of how to restrict marijuana operations in the Township, and he does not believe commercial operations, particularly retail sales should be allowed in the AR district; Zarzecki agreed. In response to a statement from Zarzecki, Lippens noted that "caregiver" is a protected activity, and medical marijuana home occupations do not require a permit.

He also noted that the regulations regarding permitting do not require a public hearing, so any ambiguity could be addressed in the future.

In answer to a question from Cousino, Lippens said the requirements for certain distances between marijuana businesses would also apply for any nearby operations in neighboring townships.

Cousino said the map of potential facility locations shows a cluster near the new North Village park, and he questioned the wisdom of that. He said allowing marijuana facilities does not promote a wholesome community. Roman said he appreciates the comments made, and noted those were all included previously in the Commission's discussions.

Motion carried 5—2 on a roll call vote, Cousino and Dwyer opposed.

- ▶ **Motion:** Roman moved, Iaquinto supported, for the recommendation of the permit regulations for marijuana facilities to be forwarded to the Township Board of Trustees and request that the Township attorney review them before they are placed on a Township agenda.
Motion carried 5—2 on a roll call vote, Cousino and Dwyer opposed.

11. NEW BUSINESS

None.

12. MINUTES

March 6, 2019, Regular Meeting

Chick made two corrections.

- ▶ **Motion:** Roman moved supported, that the minutes of the March 6, 2019, regular meeting be approved as corrected, and to dispense with the reading.
Motion carried 7—0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Jacki Otto, Township Trustee, 1075 St. Andrews Drive, noted that for medical marijuana the Township needed to opt in for sales to be allowed, but for recreational marijuana the Township needed to opt out, so the Township temporarily opted out while waiting for an ordinance to consider. She also noted that the Public Safety Director has commented on this subject, and that the law allows voters to petition to allow facilities if the Township were to opt out.

Kathryn Mayer, 5361 Sutton Road, asked if there will be future opportunities to the public to comment on this subject.

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Wayne Davidson, 8015 Coyle, said 1,000 sq. ft. is sufficient to grow 100 plants in a climate-controlled building.

Adam Olney, Whitmore Lake, said the Township will have opted in unless the Township Board takes action to opt out at the end of the sunset clause it enacted.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners made comments and responded to public comments about the marijuana ordinances, including:

- there will be time for further public comments before the Township Board.
- the Commission was charged by the Township Board with creating an ordinance, regardless of whether they agree with allowing marijuana facilities in the Township.
- It is not clear that Northfield Township residents who voted to allow recreational marijuana use understood that they could have marijuana businesses in the Township.

- The Planning Commission was not provided with input from the Public Safety Director.
- The ordinance as written is not at all as restrictive as it should be.
- Commissioners have been extremely careful to listen to and read all comments and information provided to them about this issue.

15. ANNOUNCEMENT OF NEXT MEETING

April 3, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

- ▶ **Motion:** Roman moved, Iaquinto supported, that the meeting be adjourned.
Motion carried 7—0 on a voice vote.

The meeting was adjourned at 8:36 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on _____, 2019.

Larry Roman, Chair

John Zarzecki, Secretary

Official minutes of all meetings are available on the Township's website at <http://www.twp-northfield.org/government/>