

Mussey Township Planning Commission

We learn from the Past, We live in the Present, We prepare for the Future

James Carden, Chair
Linda Schmitt, Vice Chair
Judy Palmieri, Secretary
Kenneth Montgomery, Planner

Mary Klug, Member
Brian Ypma, Member
Bill Schultz, Member
Linda Kniseley, Twp. Board Rep.

Regular Planning Commission Meeting

Held at the Township Office
28 February, 2012
Official Minutes

Call to Order: Chair James Carden called the meeting to order at 7:00 p.m.

Roll Call: Present: James Carden, Linda Schmitt, Linda Kniseley, Bill Schultz, Brian Ypma, Ken Montgomery and Cindy Zehnder

Absent: Mary Klug and Judy Palmieri

Public: Carl Trupp, representative for Pirrone

Approval of Agenda: Motion by Bill Schultz to approve the agenda. Brian Ypma in support. All ayes. Agenda approved.

Approval of Minutes: Motion to approve the minutes by Linda Kniseley with Bill Schultz in support. All ayes. Minutes approved.

Public Hearing: No public hearing

Public Time: No public time.

New Business: Site Plan for Pirrone Produce

A site plan summary was prepared by Montgomery Associates, Inc. and presented by Mr. Ken Montgomery. Mr. Montgomery stated that we had reviewed a very large comprehensive site plan in March of 2010 and this site plan is similar to that. Some key notes that he addressed was the already upgraded driveway; the use for the building was not present on the drawings; there were no building elevations show on the drawing; the height of the proposed structure was not mentioned; there was no indication of new employees and if additional parking would be necessary; the lot area of land to be covered falls into regulations; there are no statements regarding hazardous substances and ground water protection measures, and pavement thickness is not indicated on this drawing but was on a previous site plan review. It was Mr. Montgomery's suggestion to grant preliminary approval and grant final approval after all items were addressed.

Mr. Carl Trupp addressed some of the concerns raised by Mr. Montgomery. The proposed use, is for pallet and vegetable storage. They are required to keep the area cleaner for food safety. There is no additional concrete the building will be constructed on the existing concrete. Keeping the food on pavement eliminates mud and keeps the pallets cleaner.

The height of the building is 26' as indicated on a Building Plan that Mr. Trupp presented to the commission.

Q: It was asked if any of the existing buildings had a sprinkling system. Mr. Trupp answered “No” it was not required per the building inspector.

Mr. Trupp also indicated that he can have the paving section put onto the existing drawings.

Q: Will there be any additional employees? Not at this time. This is just going to be for storage. There may be in the future, but not now.

There is enough area for cars and parking. There will be more concrete than before so the semi’s can turn easily.

Mr. Trupp also stated that there were no changes to the hazardous substances and ground water and that could be added to the site plan.

They would like to begin construction sometime in March, 2012.

Linda Kniseley made the motion to “grant preliminary and final site plan approval subject to a revised drawing being submitted to be reviewed and approved by the zoning administrator that satisfactorily addresses the following deficiencies.”

1. More clearly indicate the proposed use(s) of the additions.
7. Provide the required statements on the drawings regarding hazardous substances and ground water protection measures.
8. Show a pavement section through the proposed concrete paving area denoting material, thickness, base, sub-base, reinforcing, etc.

Motion second by Bill Schultz

Old Business:

Medical Marijuana Ordinance: Ken Montgomery presented a draft Medical Marijuana Ordinance that was based on an ordinance adopted by Lapeer and Washington Townships. This ordinance was based on the Attorney General’s opinion.

Number 3 paragraph a. The primary caregiver shall be required to register the subject activity at the Township. Such registration shall include an application that will remain on file at the Township Clerk’s office for the duration of the time that medical marijuana is grown on site;

Q: It was questioned whether we could legally require that. Mr. Montgomery stated that there have been no challenges in Washington and that the township has authority to regulate home occupations. He said that we may want the Township Attorney to take a look at the ordinance.

Number 3 paragraph g. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Mussey Township Fire Department to insure compliance with the Michigan Fire Protection Code;

Q: We don’t know if our fire department does code inspections. Mr. Montgomery stated that was okay, it would give us more control if we left that wording in the ordinance.

Q: Is the main building the house? Based on our current ordinance, a home occupation is any use customarily conducted entirely within the dwelling, (not including breezeway, or garage, attached or detached. So no

outbuildings would be allowed for the growing of marijuana. This would allow 1 caregiver per dwelling with 5 customers, if registered as a home occupation. It would not allow for paraphernalia to be sold.

Mr. Montgomery gave the planning commission a few options to consider:

1. The medical marijuana is not listed as a permitted use so it would be in violation of our zoning ordinance.
2. Let the moratorium expire and do nothing.
3. Extend the moratorium for six months to see if there are any new rulings by the Supreme Court.

The Planning Commission asked Mr. Montgomery to write an amendment extending the moratorium for six months. They will have the Mussey Township Board adopt the amendment at their next board meeting.

Township Board Report: none

Planning Commission Chairman's Report: none

Adjournment: Motion by Bill Schultz to adjourn the meeting: Brian Ypma in support. All ayes. Meeting adjourned by Chair James Carden at 8:19 p.m.

Respectfully submitted,
Cindy Zehnder, Recording Secretary