



Meeting Minutes
Lodi Township Planning Commission
November 23, 2010
Lodi Township Hall
3755 Pleasant Lake Road
Ann Arbor, Michigan 48103

1) Call to Order

Meeting was called to order by Chair Steeb at 7:32 p.m. The Pledge of Allegiance was recited.

2) Roll Call of the Commission

Present: Canham, D'Agostino, Steeb, Swenson, (arrived at 7:40), Thelen, Veenstra
Absent: Diuble

Others Present: Planning Consultant Pennington
Anthony Amine, Amine & Associates, LLC for AT&T Mobility
Joann Knepper, Recording Secretary

3) Approval of October 26, 2010 Meeting Minutes as corrected

Chair Steeb noted the need for a correction in the misspelling of Mr. Leo Shedden's name on pages 1, 3 and 4 from Leo S. Ledden to Leo Shedden. The Township Clerk also requests that the Recording Secretary's name appear under the "Others Present" section. In addition, Chair Steeb requested that the phrase on page 6, first paragraph, line 8, where it reads "Diuble moved to support these changes..." should read "Diuble moved to approve these changes..." There being no further additions or corrections, Chair Steeb called for a motion to approve the October 26, 2010 minutes as corrected. Motion by Canham, supported by D'Agostino, to approve the minutes as corrected. Motion carried 5-0.

4) New Business

- a) Anthony Amine from Amine and Associates, LLC, came before the Planning Commission representing AT&T Mobility. AT&T Mobility is requesting a slight modification to the antenna on the Detroit Edison tower at 5200 Waters Road. This includes the addition of three boosters behind the existing antennas, six lines of coax cable, and support ground equipment. Mr. Amine explained that these modifications do not include adding additional antennas, changing the height of the tower, the steel plate on the ground, or the footprint of the tower. The requested changes are merely an upgrade to the existing system to improve efficiency. Mr. Amine was prepared to respond to any questions the Planning Commission might have with regard to the request from AT&T.

Mr. Pennington was asked to discuss his review of the AT&T request. He indicated he had visited the site and notes there will be no real changes that will impact the tower or the on-ground facilities. He determined that the tower's use as a telecommunication apparatus continues to be advantageous and preferable to a new tower being constructed. He stated any visual impact to adjoining properties should be minimal. He further stated that access to the tower from Waters Road continues to be adequate. There were no further questions from the Planning Commission.

Chair Steeb, in a telephone conversation with Ron Cavallaro of OHM, was told that the Site Plan dated October 27, 2010 for the 5200 Waters Rd. antenna change was essentially the same as the 4200 Textile Rd change, and was also OK. He e-mailed a final review letter for 4200 Textile

Rd which stated that a full site plan was not submitted for review. The information provided was limited to detailing the location of the proposed antennas on the existing facility. The report further stated that structural load calculations have now been provided per section 55-12.C4 of the Zoning Ordinance and are acceptable. A copy of any permits required for this project shall be forwarded to OHM for the project file. Chair Steeb asked Mr. Amine if a building permit had been required by the County for modifications to the tower on Textile Road. Mr. Amine indicated that no permit was required, but that the County had provided a letter of approval. Chair Steeb requested that Mr. Amine provide a copy of that document to OHM for their file. Mr. Amine further explained that County approval had been withheld pending completion of the clean-up and landscaping as requested by the Planning Commission at its October 26 meeting. The work has now been completed and the County letter of approval provided. Chair Steeb complimented Mr. Amine for his assistance in the prompt completion. Mr. Pennington had visited the site at 4200 Textile Road and noted that the improvements have been made as requested and again commended Mr. Amine for his cooperation in this matter.

There being no further discussion, Chair Steeb called for a motion on the minor site change. Motion by Veenstra, supported by Canham to accept this as a minor site change. Motion carried 6-0.

Chair Steeb then called for a motion to approve the changes to the Detroit Edison tower at 5200 Waters Road. Veenstra moved to approve the request from AT&T, based on the information presented in the Mr. Pennington's report and OHM's report. Swenson supported the motion. There being no further questions, motion carried 6-0.

5) Old Business

Tessmer Creek Court Site Plan

The work on the problems with drainage at the Tessmer Creek Court property is still ongoing. Plans were submitted but they did not include the drainage information. The Planning Commission will postpone this matter until the January meeting. Mr. Veenstra raised several concerns which need to be addressed from the Natural Features Impact Statement provided to the Planning Commission. Mr. Pennington suggested sending a letter with these concerns to Mr. Porter and Boss Engineering. Mr. Veenstra's concerns are as follows: "Most of the trees on the natural features map are listed. However there is one tree, 1447, which is not listed in the tree inventory and the trees on the west site line are not identified on the map. The map also does not show the 25 foot setbacks required from the wetlands and watercourses. It does not show the ordinary high water marks or the flood plains. As far as protecting the trees, not only do you need to place fences around the proposed septic drain field areas but our ordinance requires that trees be protected as well with fencing during construction. And I also have a question regarding septic drain fields. Why they are all in the setback when there's so much area there? Putting them in the setback may affect neighboring property. I know our zoning ordinance doesn't have a particular requirement but I'd like to try to understand why they put them where they did. You say that they are re-looking at the drainage, because that was terrible as far as I was concerned. It looked like they were attempting to remove as much water as possible and send it downstream as opposed to retaining it on property. I have a real concern about that. For example they replaced a single twelve-inch pipe that's 270 feet long with two 24-inch pipes that are 38 feet long which basically gives you eight times the area and less than a quarter of the length so whatever restriction was there, they've removed it." A brief discussion followed. Chair Steeb advised that Mr. Veenstra's concerns be put in the minutes and discussed at the January meeting.

Effort regulating Medical Marijuana.

Mr. Steeb called on Ms. Canham, as the Township Board's representative to the Planning Commission, to report on what the Township Board decided with regard to medical marijuana. She stated that basically the matter has been delayed, looking at what several of the other townships and cities are doing. Then it will be brought up again. Chair Steeb pointed out that "the Township Board voted to allow only uses that are acceptable under State and Federal law and that basically puts medical marijuana into a hold position. It does not deny the State's allowance of private usage but it also does not encourage any additional use, or it doesn't deny anybody their use under the State law but it also doesn't encourage any additional use." Ms. Canham stated that the Board was also looking at what Saline was going to come up with in writing, and also Chelsea. Chair Steeb said that Chelsea was still working on theirs and that Saline had basically adopted the same thing that all usage must meet State and Federal law. Chair Steeb indicated that "the Planning Commission need not worry about it because anything that we would do would contravene the Township Board's decision. If they had approved some formal usage of it then it would have behooved us to come up with some kind of home occupation or something along that area to control the usage and what goes on. But the way it's written now, you can grow a plant in your own house for your own personal use. If you're nailed under Federal law, that's not the Township's fault but it also doesn't deny you the right for a defense under it which is essentially where the State law leaves you right now according to everything I've read." Ms. Canham stated "I think we're all waiting to see what if any lawsuits come up, what the decisions are. My understanding is that Federal law overrides State law." Mr. Veenstra said "So if somebody is arrested under Federal law, and they're tried in Federal court, they're in trouble. But if they're arrested under the State law, which they could be, and tried in State court, they could offer as a defense, 'I'm a registered user and here's my registration number'." Canham: Right, but nothing has, to my knowledge, gone to court yet. Chair Steeb said that it's still waiting to be challenged. Mr. Veenstra said, "Interestingly enough, under State law usage is still illegal but the act of registration is an affirmative defense, which is kind of weird."

Discussion of Article 44 of the New Zoning Ordinance. Article 44, Site Plan Review, was then discussed. Mr. Pennington explained that this article contains many changes from the original ordinance and is intended to simplify review process. This could include a handout, which would be held in the township office, of procedures for follow-up in reviewing compliance at a building site. Commission members made recommendations for corrections and changes to various sections and Mr. Pennington will make these changes as appropriate. Mr. Pennington will discuss further Section 43-Special Uses, at the January meeting.

6) Other Business

Items for the agenda at the next meeting are:

- a) Tessmer Creek Court project
- b) Section 43 of new Zoning Ordinance

7) Adjournment

Motion by Thelen, supported by D'Agostino, that the meeting be adjourned. The meeting adjourned at 9:17 p.m. Motion carried 6-0.

The next regular meeting will be held on January 25, 2010 at 7:30 p.m.

Margaret Canham
Appointed Secretary