

# Minutes

## Watersmeet Township Planning Commission

### Public Hearing of September 11<sup>th</sup>, 2013

Public Hearing called to order by Chairman Dennis Snyder at 6:33 PM.

**Members Present:** Members Present: Chairman-Dennis Snyder, John Neumann, Pete Peterson, Jeff Wasson, Jeff Zelinski, Larry Potter, Vice Chairman-Roy D' Antonio and Township Board Liaison-Rich Henriksen were in attendance. Fred Reimer was excused. A quorum being present, business could be officially conducted.

**Members of the community present:** Seventy members of the community were present including Mike Rogers-Township Supervisor, and Dave Neumann-Township Zoning Administrator. Approximately 20 folks were present representing the Compassionate Care Club. Forty people were present from the L-1 and L-2 zoning districts and Clearwater Lake in particular.

#### **Public Hearing items:**

Spencer Ward's request for Michigan Medical Marijuana (MMM) facilities at 4602 Third Street: Mr. Ward made his presentation explaining the Compassionate Care Club and how it would use the two buildings on Third Street. A number of club members added to the presentation explaining the evils of taking traditional prescription drugs to manage pain. According to these testimonials a variety of medical conditions are cured by using marijuana.

Jim Forbes of Long Lake asked if there would be retail sales of drug paraphernalia. Answer: No.

Julia Schad of Beatons Lake asked who Mr. Ward was gesturing to. Answer: The Planning Commission (P-C).

Pat Walsh of Fishhawk Lake asked the P-C if this will affect the sale of nearby property to the Dollar General people. (Nobody knows for sure.) Several people asked: "Why Downtown Watersmeet?" Mr. Ward stated that Watersmeet is ideal because "Blue Bus" Service is available and some patients don't drive. Some area patients are brought to LVD clinic for traditional medical care. The proposed location is conveniently close to LVD to get their marijuana "medicine" on the same trip. Maurice Tate, owner of the Sunset Motel and Tate's Mini Storage, made a statement regarding having a "dope house" 300 feet away from his property. He recalled personal horror stories of "Rainbow stoners" knocking on his door at 2:00 A.M. and stealing expensive tools from his workshop. He finished with "Not in my back yard". Ben Thrall of Crooked Lake asked if there would be adequate parking at this proposed facility. (Yes). Julie Mathiesen of Cisco Lake expressed concern over the location in the "center of town", echoing Frank Kuchevar's concerns about the possibility of driving away traditional business. Also, because of drug-free zone distances, would the location of this facility prevent the future establishment of a day care center close by.

William Charaf of Duck Lake suggested the P-C embark on a field trip to the communities mentioned by the applicant to see, first hand, how the operation is working out. Jack Erhart asked where the nearest legal facility is located. Spencer Ward stated that it is in Marquette, near Fry Chevrolet. Pete Peterson asked about the confusion over facilities mentioned in Ewen and Bruce Crossing. Mr. Ward explained that his group has a "grow" in Bruce Crossing. The Ewen facility was a home delivery operation but has become a club atmosphere for walk up distribution with beer and pool tables and smoking lounges that he doesn't agree with. Bonnie Mansfield of Beatons Lake asked about the condition of the two houses and how were

they going to be remodeled and ultimately used. Mr. Ward answered that the white house is in fairly good condition. The houses will be rented to residents but Dr. Caralyn will have a room to process medical marijuana patient cards, on a part-time basis. The red house is in poor condition-essentially uninhabitable. The windows will not even open. Going forward, the plan is to replace the windows, siding and make other repairs necessary to also become a rental property. A separate entrance will be cut in to provide access to the "club-house" portion of the little red house where medicine is distributed. This will become known as the dispensary when and if that term becomes legal. He continued that "Dispensaries" are currently illegal; ergo the use of the term "clubhouse". Roxanne from Watersmeet asked about the clubhouse. Mr. Ward reiterated that people associate clubhouse with operations similar to Watersmeet's infamous "Road-kill Bar". He again explained that clubhouse is a euphemism for dispensary which is currently illegal. There will be no toking up or partying at the clubhouse, only a walkup distribution to card-carrying club members. Roxanne continued with asking if regulation techniques are in place as in pharmacies to prevent the unscrupulous from picking up "medicine" from multiple dispensaries and selling the ill-gotten surplus. Short answer: No. Long answer: The club self polices their membership. If they find a "bad actor", they expel them. Maurice Tate complained that this "dope house" would devalue his property and inserted a racially insensitive simile that sucked the oxygen out of the room. Immediate and strong negative reaction from the P-C and the crowd prompted an apology and order to the proceedings was restored. Julia Schad of Beatons Lake asked about the quantity of caregivers to be operating at this proposed facility. The answer from the applicant was "three to five patients per hour, come for their medicine during a typical business day." (??) Dale Sharpee asked if the Zoning Administrator reported a recommendation on this application. Chairman Snyder responded that the Zoning Administrator's comments will be sought during the Planning Commission's regular meeting to follow this public hearing. Russ Diethert questioned the location of this facility in the "heart" of the business district and wondered if sites within one half-mile radius are available or have been investigated. Mr. Ward replied that over the last year four other possible sites were evaluated but were all within residential areas. The safety desired by this group depends on locating in a well lit, well travelled commercial area exposing aberrant activities to public scrutiny and quick intervention if necessary. Dave Sherill of Long Lake asked Mr. Ward why he is ignoring the "flawed" operation in Bruce Crossing and instead, setting up the future shining example of Compassionate Care in Watersmeet. Mr. Ward stated that their group likes Watersmeet after investigation and went on to describe Watersmeet as a "near ghost town" similar to Bruce Crossing. He believes this to be a good opportunity for the future of our dying town. Jack Erhart asked where the club members come from. Mr. Ward stated that with the exception of those testifying about the "open operation" in Marquette the members will come from Iron Mountain to Ironwood and as far north as Houghton. He mentioned that there are some other hazy and shady operators in the area that will lose customers to the Watersmeet operation.

Dan Wait's request to rent the property at 19385 Clearwater Lake Road:

Dan Wait presented on behalf of his desire to operate a weekly rental operation of his recently acquired property at 19385 Clearwater Lake Road. He alluded to a website; Vacation Rentals by Owner. This is a high-end operation which precludes young adults due to the high cost factor. The total number of people in this home will be limited to 14. The property will be professionally maintained. No campers are allowed. Mr. Wait checked with the State Health Department and found that the State of Michigan does not require a routine inspection of the septic system as Wisconsin does. A 10:00 P.M. quiet time will be enforced. Mr. Wait lives within 30 minutes of the property should problems arise. Finally, Mr. Wait stated that up-scale renters will flood money into the local economy, and maintenance of this facility will provide employment opportunities. Sally Thompson of Watersmeet echoed Mr. Wait's comments about the good that rental properties bring to the financial health of the community. She supported the fact that the Watersmeet P-C has two realtors which is a good thing as these realtors have a vested interest in maintaining property

values. Jean Erhart of Clearwater Lake read a letter signed by many Clearwater Lake residents which is available separately and is a matter of public record. The residents complain, in this letter, that many of them were opposed to granting short-term rental operations to the Jason Elder property elsewhere on Clearwater Lake. Since that was granted they have observed things that they are not happy with. A large 5<sup>th</sup> wheel camper was parked there over the Labor Day weekend. Going forward with additional short term rental operations on Clearwater Lake will be done over the written objections of the immediate neighbors and other nearby neighbors signed onto this petition/letter. David Sherill of Long Lake stated that the Wait property is currently being advertized as sleeping 18 people, with the pier accommodating several boats. (Mr. Wait stated a limit of 14 during his presentation.) Mr. Sherill said that this short-term rental operation is a commercial activity and the property should be reclassified and taxed appropriately. The fact that the boat dock is being advertized is an additional problem. Has the CCROA been apprised of this pending operation? If so, how do they feel about it? Craig Hesse of Vacationland Resort opined that since this property was purchased for the express purpose of operating it as a short-term rental (mini-resort) that the property should be rezoned commercial. Russ Diethert of Duck Lake and president of the Duck Lake Riparian Association stated that in his experience, rental operation will significantly increase the amount of boat traffic. This will lead to more widespread distribution of invasive species such as the Eurasian Water Milfoil problem affecting Clearwater Lake in particular and all of the area's lakes to some degree in general. He believes that residents that purchase property on these lakes and pay 35% of Gogebic County's taxes, deserve consideration for their expectation of maintaining the serene ambiance that they heavily invested in without fear that the Zoning Ordinance will be perverted to allow ever increasing commercial interests to seize their tranquility. Mr. Diethert concluded that it appears that the P-C has liberalized its approach to zoning and adopted an "anything goes" policy to the detriment of the majority of property owners. Dave Neumann of Clearwater Lake stated that he doubts that the property's septic system could support regular use by 14 (or 18) people. Mr. Neumann stated that the dwellings on the property are illegal and the lot is sub-standard to boot. Therefore it is difficult to quantify what the property actually is. Is it a dwelling and illegal guest house? Mr. Neumann further explained that EWM infestations on Clearwater Lake have already cost the residents over \$50,000 to attempt to contain. There will be no treatment this year. Mr. Neumann suggested that if permitted, the P-C could establish horsepower limits for rental operators. Jim Hoots lives next door to the property in question. He has complained about the noise of the rental operation over the past three years, which did not exist when he originally invested in his property. He was given the "run-around" and his complaints were not heard. Julie Mathiesen of Cisco Lake expressed concern that the application for these rentals are incomplete because the septic installation is not being evaluated by the appropriate state officials to be determined capable of safely handling the effluent from 14 to 18 people on a routine basis. Her second caveat regards providing docking and mooring space to rental customers. This necessitates a Marina License from the MI DEQ. She stated that the guest house portion of this property can't be rented or leased, EVER, according to the Watersmeet Township Zoning Ordinance. Since use of the lake front is limited only to the owner and can't be transferred to other parties by rent or lease according to the Zoning Ordinance, a decision on this matter should be tabled until there is clarification of these issues. Bonnie Mansfield of Beatons Lake cautioned the planning commission to pay attention to the future as a result of its decisions. Prior planning commissions worked diligently to create an ordinance protecting the rights of all residents and preserving the township's greatest resource; the lakes. The P-C was admonished to be careful not to flush this away in the interest of P-C members making a quick buck or satisfying the commercial interests of a very few anonymous and influential people. Julie Mathiesen added to her previous comments about septic systems stating that the number of bedrooms is no longer the sizing rules as people got around those routinely. Now, the requirement is based on flow rates per person which are more stringent for commercial operations than residential. Julia Schad of Beatons Lake reported horror stories of a lodge on her lake that promised rental to responsible adults and

actually delivered midnight jet-ski races and fireworks being shot off at all hours. It proved extremely annoying to residents and difficult to control.

Tom Lavellee's guest-house/yoga studio at E24103 Misery Bay Road:

Dan Wait represented the owner at this hearing. The property has 5,000 feet of frontage and 160 acres. A question was raised as to why a \$400 special use permit was required for this. Dave Neumann replied that as Zoning Administrator the Zoning Ordinance requires an additional dwelling on a single lot to withstand the "use by special approval" process. Since this new building will occasionally be used to sleep guests, it could not be built as an accessory building. Even though it is not envisioned (at this time) to include a kitchen and is more of a Yoga Studio / Bunk House the closest description in the ordinance is that of a guest house – which it will become with the mere addition of a Coleman stove to the Snack bar, in the future.

Chairman Snyder asked for additional public comments. Hearing none, the Public Hearing was closed.

Respectfully submitted by,

*Richard T. Henriksen* – Planning Commission Secretary - pro tem

Approved: 10/09/2013