

DRAFT

Wales Township Planning Commission
Public Hearing and Workshop Session
December 13, 2021

Opening

Call to Order. Meeting was called to Order at 7:00 p.m.

Pledge of Allegiance

Roll Call: Present: Perry; Minor; Watkins; Kimmen; Downey. Jewell arrived at 7:10 p.m.

Absent: Basnaw, excused.

Approval of Agenda : Motion by Watkins, second by Downey, to approve the agenda. Five ayes; no nays; motion carried.

Approval of the Minutes of the November 15, 2021 Workshop Session. Motion by Minor, second by Watkins, to approve the November 15, 2021 Workshop Minutes. Five ayes, no nays; motion carried. Downey made a motion to bring the November action on lot requirement changes made at the November meeting to the January meeting. Kimmen seconded. Minor stated he feels the motion is out of order at this time, but it was called. Roll call vote was taken: Downey, aye; Kimmen, aye; Watkins, aye; Minor, aye; Perry, aye. Five ayes, motion carried.

IV Scheduled Public Hearing on Marijuana Caregivers Ordinance Review.

Chair opens Public Hearing at 7:09 p.m.

Chair summary of issues.

- i. Statement of general case.*
- ii. Explanation of Order of Business.*
- iii. Statement of Rules for Public Hearing.*

(Jewell arrived at 7:10 p.m.)

Application presented: Marijuana Caregiver Ordinance.

Supervisor Masters commented that her biggest concern is curbing the underground illegal efforts to grow marijuana, not the legitimate caregivers.

Public Input. (Chair may assess audience and set time limits)

- i. Correspondence received pertinent to Application. None.*
- ii. Persons speaking in support. (None)*
- iii. Persons speaking in opposition. No one stated they opposed, but two had comments or questions. Mr. Dan Evans, 2343 Cove Rd. Wales Twp. Questioned the wording of the placement of the growing sites.*

Mr. Vincent Messina, 1335 Fox Rd., Wales, asked if there is a limit of patients per caregiver? Kimmen answered "5" and read the quote.

Chair closes Public Hearing at 7:18 p.m.

V Consideration of presented application.

Township Planner's report on Application request. None present.

Other Consultant's report on Application request. None.

Planning Commission deliberation of Application request.

Supervisor Masters explained why there is no Planner's report. This Ordinance is a copy of an Ordinance which has passed a State Supreme Court hearing, and is considered a Monumental Ordinance. Mr.

Minor reiterated that he feels we should still have our Planner and Attorney's opinions presented. The Zoning Administrator is in attendance but had nothing to add. He wanted it made clear that this

Ordinance does NOT allow for commercialized marijuana growth.

i. Approval/denial of request.

ii. Postponement of approval/denial to a later time.

Motion by Jewell, second by Minor, to approve Ordinance # 20.38 as submitted. Roll call vote taken: Jewell, aye; Minor, aye; Perry, aye; Watkins, aye; Kimmen, aye; Downey, aye. All ayes; motion carried.

Questions from the public. None.

Old Business. Resume work on Zoning Ordinance Book review, beginning on page 35.

Downey had a complete record of all of the items which had been discussed as the review of the Zoning Ordinance was being conducted. They went through all of the notes made after page 35, and agreed that nothing needed to be changed, until they got to page 80, General Provisions Article XX. Section 20.02 Accessory Buildings. Such buildings are allowed in R, RV, AG, IA, and ROS under certain conditions. The Zoning Administrator feels they should also be allowed on vacant land and non-residential parcels. Applicants would still have to meet placement (zoning) requirements. He said accessory buildings SHOULD be allowed. Minor disagreed with him. Minor said that variances can be allowed by the ZBA if shown to be viable. Masters pointed out that owners of vacant land are not necessarily residents, but property owners. No decision was made on this matter.

Section 20.02, Accessory Buildings, numbers 6 and 8, are to be removed, according to Minutes from 2019.

Kimmen asked Waddy if there is anything in the Ordinances concerning storage containers. He said he can allow a storage container for no more than 90 days. Supervisor Masters said storage containers are not "buildings". Minor added that the structure was not constructed as a building. Kimmen asked if there is any mention of them in the Zoning Ordinance Book. No answer. Waddy said he had one removed by a resident. Downey asked if it is worth it for this body to take up this issue right now? No direct answer. Masters said that if this Board wanted to consider this, then you would have to set up specific regulations and Building Codes and restrictions. Perry suggested we go back to numbers 6 and 8 on page 80. We started the discussion on this, then never resolved it. She asked how a parcel can become non-conforming by having a n accessory building on it? Waddy said he might make a parcel non-conforming by allow a demolition permit to tear down a derelict main structure, thereby leaving only the accessory building. Minor said number 8 should stay just for that reason. Downey read a proposal made in 2019 that would allow accessory buildings of 200 square feet or less on Ag zoned land. There are a number of dual-zoned parcels in the Township, causing some problems. Masters asked how many buildings may be allowed on one parcel? No reply. Minor again brought up the need for a Planner's advice. He said accessory buildings are always difficult to manage. He said you should always refer to the Master Plan for guidance. Waddy said to use a minimum amount of acreage to allow a shed, rather than zoning. Mr. Evans said that the Master Plan should be reviewed before doing all of this. Minor corrected him, saying the Master Plan had just been reviewed before starting this project. There was general agreement to leave 20.02 as it is.

Downey said the next questionable area was Section 20.06, on page 91; Floodplains and Floodways. Minor said in the Master Plan we have listed several significant waterways which we need to try to maintain as natural waterways.

On page 94, Article 20.13, fences, item 2a, where it states on page 95: "---not more than six (6) feet ---" it should be changed to "---not more than seven (7) feet ---" to conform with the State Building Code. On page 166, #22.08 and 22.09 , Secondary accommodations. Waddy said it is very hard to determine what

can be done with a specific structure after it's initial use has been exhausted. Two primary uses on one parcel is not allowed. Minor said we need to look at the Master Plan, looking at the Goodells and Lambs areas, for multiple housing. He would like to be pro-active.

Waddy will bring additional information for Section 22.08, on page 166, to the next meeting. Section 22:09 will be readdressed at the January Meeting. Spot zoning and the Cove Road water problem will also be brought back to the January meeting.

Adjournment. **Motion** by Kimmen, second by Downey, to adjourn. By voice vote; all ayes. Meeting adjourned at 9:01p.m. Next regular meeting date: Tuesday, January 18, 2022.

Respectfully submitted,

Judy Duncan, Recording Secretary