

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
CONT OF PUBLIC HEARING/REGULAR MEETING
NOVEMBER 9, 2011**

Chair Sturdevant called the continuation of the public hearing to order at 7:30 p.m. Permanent Board members, Anderson, Brewer, Brezina, and Kemp were in attendance. Alternate Board member Dennis Hoops was also in attendance. Other individuals in attendance: Ron Oiler, Gary Harris, The Kerrs, Bill Thombs, Stan Scheetz, John Miller, Dennis Delagrange, Katheen LeMar, Zoning Inspector Witmer, Carol Rumburg and Carolyn Sims.

The continuation of the public hearing is to consider the rezoning of 23 acres from Rural Residential (RR) to Local Commercial (LC). The following applicants are requesting to rezone the following from Rural Residential to Local Commercial:

Molnar	041-15B-51-006	depth 530'
Campbell	041-15B-53-001	depth 530'
Bombard	041-15B-54-001	depth 530'
Bombard	041-15B-54-002	depth 530'
Haight	041-15B-54-003	depth 530'
Haight	041-15B-54-004	depth 530'

Chair Sturdevant read an e-mail from the applicant's Tom and Diane Bombard dated November 9, 2011 stating they are unable to attend this evening's hearing and request that the hearing be continued sometime after the holiday. (See attached to approved meeting minutes).

Chair Sturdevant then read a letter from Attorney Stan Scheetz also requesting that this public hearing be continued/tabled until the Commission's regular meeting in January/February 2012. (See attached to approved meeting minutes).

Chair Sturdevant stated she spoke with someone from the Prosecutor's Office and he said that if an applicant requests to be tabled then the Commission is obligated to grant that request.

Mr. Anderson made a motion to continue the public hearing on until February 14, 2011 @ 7:30 p.m. It was seconded by Ms. Kemp.

ROLL CALL- Anderson-yes, Kemp-yes, Brewer-yes, Brezina-yes, Sturdevant-yes.

The public hearing was recessed at 7:32 p.m.

Approval of October 11, 2011 meeting minutes

Ms. Brewer made a motion to approve the October 11, 2011 as amended. It was seconded by Ms. Kemp.

ROLL CALL- Brewer-yes, Kemp-yes, Anderson-yes, Brezina-yes, Hoops-yes, Sturdevant-abstain (not present at meeting).

Swimming Pool Language

Chair Sturdevant stated the Trustees public hearing on the proposed swimming pool language was held in late October but the language was denied, however, Mr. Thorne from the Pros. Office stated the current language was still unenforceable so it needs to be decided what should be done next. Chair Sturdevant then asked Trustee Harris to explain to the Zoning Commission the reason for denial.

Trustee Harris stated there was some confusion over the comments/opinions from the Department of Planning Services and the Prosecutor's Office. The Trustees felt the proposed language was too strict and would be too hard to enforce. There was confusion over the water depth being 1 ½ ft. and the 2 ft. water depth mentioned in the language. Trustee Oiler interjected that "Exhibit" was missing from the Trustees packets. Chair Sturdevant stated she would follow up on that matter. She continued that the reason new swimming pool language was proposed is because the Zoning Inspector approached the Zoning Commission and stated he tried to enforce the language as written and the Pros. Office responded that there were items in that particular code that were not enforceable as written.

Trustee Harris stated the Trustees wanted swimming pool language in the zoning code but more moderate regulations than what was proposed.

Trustee Oiler stated that he remembered that the Trustees wanted swimming pool language to be simple but that it would have to meet the setback requirements. Electrical inspections and requirements are regulated by the Medina County Building Dept. It would be the landowner's responsibility to make sure they have adequate insurance if they install a swimming pool.

The Commission stated they would review swimming pool language again.

Review of Small Wind Energy Language

The Commission reviewed the comments received from the Dept. of Planning Services on Small Wind Energy Systems. (See attached to approved meeting minutes).

The Commission then proposed the following:

A definition of Small Wind Energy Systems would need to be drafted. Chair Sturdevant stated she believed the Commission did discuss a definition previously. She stated she would get a definition for Small Wind Energy Systems. Secretary Ferencz stated she too could come up with a definition if needed.

The Rural Residential, Highway Commercial and Local Commercial Districts would be amended to make "small wind energy systems" a permitted, accessory use.

The minimum lot size was changed to 3 acres.

Secretary Ferencz stated she would follow up with the Pros. Office next week to see if they had any comments on this subject regarding point 16, which states that no variance shall be granted

for the placement of a "small wind energy system" so close to a property line that it may result in overhang. The Dept. of Planning Services questioned the legality of limiting the Board of Zoning Appeals authority to grant a variance.

Outdoor Wood Burning Furnaces

The Commission received additional information on outdoor wood-burning devices from Commission member Brezina from the City of Orrville and Bath Township. The Commission decided to review Bath Township's regulations due to the difference of government i.e. Orrville is a City and has more authority than a Township.

Based on that review, the Commission came up with the following proposed wording:

Outdoor Wood –Fired Boilers (OWBs) shall be considered a conditional use in the Rural Residential (RR) District(s) and Local Commercial District(s) (LC) only on lots equal to or greater than three (3) acres. Only one (1) OWB shall be permitted on any lot or parcel in those specified Districts. A zoning certificate is required for all Outdoor Wood-Fired Boilers.

Outdoor Wood-Fired Boilers shall comply with the following:

- The outdoor wood fired boilers shall be located in the rear yard only
- The outdoor wood fired boilers shall be located not less than two hundred (200') from all property lines.
- The outdoor wood fired boiler shall be located not less than fifteen (15') from the principal building or any accessory structure.
- Fuels shall be limited to seasoned hardwoods, corncobs, or wood chips.
- The outdoor wood fired boilers shall be installed, maintained and operated in compliance with all Federal, State and local laws, rules and regulations including but not limited to Ohio EPA Air Pollution Control Divisions regulations.
- The outdoor wood fired boilers shall be installed, maintained and operated according to the manufacturer's specifications.
- The outdoor wood fired boilers shall not be permitted on steep slopes as defined by the Township Zoning Resolution. **Definition of steep slope will need to be drafted.**
- Prior to installation of an outdoor wood fired boiler, the owner or occupier of the real property where the outdoor wood fired boiler shall be installed, shall make application to the Township on the proper form to include:
 - A scaled drawing detailing the location of the outdoor wood fired boiler. The drawing shall clearly indicate parcel lines, setback distances from the property lines and principal building, proposed stack height, neighboring structures and steep slopes as applicable.

Regarding the height stack, the Chair Sturdevant stated she would ask the Fire Chief if they had any information regarding appropriate stack height and safety radius to any structures in the vicinity.

The Commission stated that they would need to ask Mr. Thorne if existing outdoor wood fired boilers would need to meet these new requirements or would be grandfathered.

- No person shall operate or maintain an outdoor wood fired boiler in such a manner that creates a nuisance

A definition of “nuisance” would need to be drafted and added to the definitions. Definition of Outdoor Wood-Fired Boilers: Any equipment, device, or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises. Outdoor Wood-Fired Boilers can also be used to heat domestic water.

Miscellaneous

Secretary Ferencz stated she has been in contact with Mr. Majewski about the Comp Plan Update. She stated she sent him a disc with the Update in Word and the approved Trustee meeting minutes he could make the appropriate changes per the Trustees public hearing. Mr. Majewski stated this should be completed by next week. Secretary Ferencz said she also asked Mr. Majewski for a breakdown of his services and what has been provided to the Township so the Trustees and Fiscal Officer had that information.

Topics for Further Discussion by the Commission

- Swimming Pools-Next Meeting
- Small Wind Energy Systems-Next Meeting
- Outdoor Wood-Fired Boilers-Next Meeting
- Internet Cafes-Secretary Ferencz stated she wrote language on this topic for Perry Twp. and would forward that language to the Commission accordingly for review.
- Update of Highway Commercial District
- Definition of Junk-Chair Sturdevant again explained that the Pros. Office said the Township’s definition of Junk was “junk” but when asked for a definition the Pros. Office sent the same definition as the Township currently has. It was determined that the Commission would have someone from the Pros. Office attend their meeting when this topic is discussed.

Announcements

Zoning Commission regular meeting-December 13, 2011 @ 7:30 p.m.

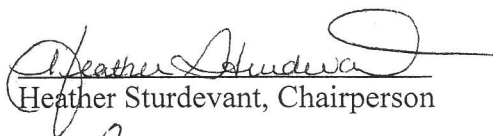
Adjournment

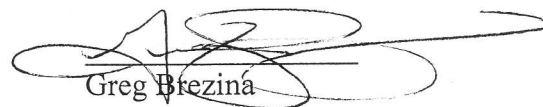
Having no further business before the Commission, Ms. Kemp made a motion to adjourn. It was seconded by Mr. Anderson.

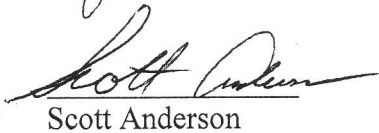
ROLL CALL-Kemp-yes, Anderson-yes, Brezina-yes, Brewer-yes, Sturdevant-yes.

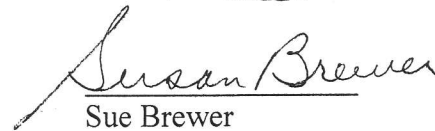
The meeting was officially adjourned at 8:32 p.m.

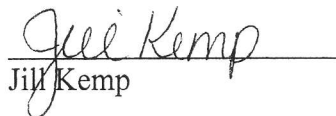
Respectfully Submitted,
Kim Ferencz, Zoning Secretary


Heather Sturdevant, Chairperson


Greg Brezina


Scott Anderson


Sue Brewer


Jill Kemp