

Westfield Township

Zoning Commission Meeting Minutes – May 8, 2012

& Public Hearing on Swimming Pools

The meeting was called to order at 7:30 pm by Chairman Sturdevant. Members in attendance: Greg Brezina, Jill Kemp, Heather Sturdevant and Sherry Clarkson, zoning secretary. Members absent: Sue Brewer, Scott Anderson and Dennis Hoops, Alternate. Guests in attendance: Carol Rumburg, John Miller, and Stan Scheetz.

Public Hearing on Swimming Pools

Chairman Sturdevant advised at the meeting on April 24th it was decided that we would add to the ongoing work on swimming pools, Item #4

No In ground pool shall be constructed without a 4 ft. privacy fence that complies with the fencing section in this regulation. (Citing Article II, General Regulations, Section 205A General, Item B Fences).

Chairman Sturdevant advised she would be talking to Bill Thorne to see if we could allow this in our regulations, as well as enforcement. It was advised after discussion with Bill Thorne, that this is a problem and could may not be enforceable, as well as could potentially nullify our fencing regulations because with an in ground pool, the way the code reads in a front yard, the front of the fence, facing property line has to have 40% opacity. Well, that means someone could put up a split rail fence, not protecting the pool, and a child could get hurt. So, we cannot refer back to our current code with the way that our current fencing regulations read. Bill Thorne advised what we could do: state no in ground pool shall be constructed without a 4 ft. solid safety fence with a locking gate. Then define a 4 ft. solid safety fence, as a 4 ft. solid fence with no opacity. Then a separate fencing regulation would need to be placed in the regulations, stating that this regulation supersedes any other fencing regulation in this code. It was noted if you want to put a fence around an in ground pool, you have to have a discussion and state why you want to have a fence around a pool vs. pond or lake. The reason being generally with a pond or lake there is a gradual drop off, whereas in a pool there isn't; it is an automatic drop. Therefore in a lake or a pond a child could potentially climb out due to a gradual drop off. This discussion would need to be recorded into the minutes. Chairman Sturdevant asked Planning Services for an in ground pool definition. The question is which way do we want to go. **The definition of a swimming pool, in ground:**

- 1) **Any pool whose sides rest in partial or full contact with the earth.**
- 2) **A swimming pool no part of which (except diving boards, slides and ladder rails) is more than 12 inches above grade.**

Discussion followed with board members, which felt that we should not "tackle" fences around pools, that this should be discussed with a property owner and their insurance company. Chairman Sturdevant opened discussion to the public in attendance. (Mr. Harris arrived, and Chairman Sturdevant explained to Mr. Harris what had been discussed with Bill Thorne.) General discussion was that either way we go it would not be an easy thing to enforce. Mr. Harris advised after hearing what was brought to light by Bill Thorne, that it may be a "moot" point.

By referring to the Zoning Resolution Item #58, gives the definition of swimming pool.

Carol Rumburg-5909 Mud Lake Road, advised the previous zoning was more protective and advised that she liked the previous written code, as it is very hard to control little ones once they get down. Chairman Sturdevant proceeded to read the previous code regarding fencing. It was noted that this was removed, even though this is very logical, it could not be enforced by the zoning inspector, according to the Prosecutor's office. It was noted that we cannot place anything in our book which appears to be "fluff" whereby advising owners to contact insurance company. It was noted that with the zoning resolution, it can be challenged. As it presently stands we have to hope that the insurance companies can regulate this with homeowners. There is no easy answer. Once this goes to the trustees, we can request Bill Thorne come in and discuss this with the trustees.

John Miller – 6089 Seville Road – asked what do you mean by solid fence, does this mean solid, like all wood, or could you have a chain link fence put up and be uninterrupted, which can be a barrier. Are we looking at solid or uninterrupted? It was noted that how much infringement do you want to place on the homeowner? Chairman Sturdevant advised we need to have something enforceable, so when the zoning inspector goes out and catches something, he does not have his hands tied. The meaning of "Solid" opens a can of worms, "solid" can mean a brick wall.

Greg Brezina, Jill Kemp and Heather Sturdevant were all in favor of removing this from the current zoning. It was noted that fencing is really a difficult thing to deal with. With no more discussion the public comment section of the meeting was closed. Chairman Sturdevant asked the board if they would like to wait or move on the swimming pool language at hand. Members advised that would like to move forward on the legislation at hand.

Chairman Sturdevant made a motion to recommend approval of the alteration of the swimming pool text as amended. A second to the motion was made by Jill Kemp. A roll call was taken: Greg Brezina-aye; Jill Kemp-aye; and Heather Sturdevant-aye. The motion carried. It was noted that this would be certified and given to the trustees within 5 business days, to allow them time to set a public hearing. That being said, the public hearing was closed at 7:56 pm.

The regular meeting was called to order at 7:57 pm. Members in attendance: Greg Brezina, Jill Kemp, Heather Sturdevant and Sherry Clarkson. Members absent: Sue Brewer, Scott Anderson and Dennis Hoops, Alternate.

Woodburners – OWB's

Chairman Sturdevant handed out information to all members regarding the definition of Steep Slope, being:

- **Slopes of 40% gradient or steeper**
- **A grade of 25 percent or more for a distance of 50 feet or more**
- **Those areas of land characterized by a change in elevation of 15 percent or more but not exceeding 25 percent over the specified distance or contour as specified in (the ordinance)**

- Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Chairman Sturdevant advised she liked: steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs. This is the ending of one of the definitions.

In looking at information regarding smokestack height; in talking to Planning Services, they currently approved some language that had a stack height of 20 ft. and at least 2 ft. above the peak of any residence, building or structure within 300 ft. away, this is what was approved in another language dealing with OWB's going through Planning Services, since we have not set any height/restrictions as of yet.

Where we are located presently, in the mornings the air just hangs in the valley, where the truck stops is in the area, 300 ft. may not be too far away, due to air movement in mornings. In talking to Bill Thorne, we cannot regulate hours of operation, frankly it is important to regulate how far they are away from neighboring buildings, but not far away from primary residence, since people will have to walk to get to it, we have 15 ft. presently which Bill agrees with. The EPA has a problem with these, but they cannot regulate or bring this to their superiors as there are no regulations out yet. If you remember, it was noted that they had to conform to regulations, it was mentioned EPA Regulations. Chairman Sturdevant called the EPA and it was noted that there are not regulations, just guidelines exist or suggestions exist presently, but nothing has been passed yet. They have tried for 2 years in getting something through. We can state comply, but there are just suggestions existing presently. With this being said Chairman Sturdevant advised she is fine with definition of steep slope and language of stack height 20 ft and at least 2 ft. above the peak of any residence, building or structure within 300 ft. away. It was also noted that do you want to leave in that one must meet state, federal and local regulations. Greg Brezina stated that perhaps we should leave in and treat as a guideline for individuals to follow, although our book is not a guideline, so it should be removed.. With reference to 15 ft away from structure or accessory is fine, property lines is fine, rear yard is okay. Operated maintained is okay, no trash burning, no person shall operate or maintain.....nuisance, is okay. Bill questioned scaled drawing, showing applicable slopes etc, is asking a lot of someone which is not necessarily needed. **It was noted that we should remove Item #e. and add: New Item# e: (as follows in italics)**

“The stack height of any outdoor wood burner shall be no less than 20 ft. or at least 2 ft. above the peak of any structure within 300 ft. whichever is greater.”

That being said, for our definition of steep slope, we will be adding: lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs. It was asked if anyone wanted to change anything else, or are we missing? Questions arose regarding the scaled drawing will be asking for 1" = 100 ft, do we still want this? It was noted that this needs to go to Planning Services, do you want to see what they state? Everyone agreed, so scaled drawing was left out.

With that being said, **Chairman Sturdevant made a motion to submit our language for Outdoor Wood Fired Boilers and definitions page to Planning Services for formal review. A second to the motion was made by Jill Kemp. A roll call was made: Greg Brezina-aye; Jill Kemp-aye; Heather Sturdevant-aye. All were in favor.** It was noted that this would be submitted to Planning Services within 5 days for formal review.

Highway Commercial

Chairman Sturdevant advised she went back and listened to audio and what we have come up with as a group is as follows:

Under Permitted Uses Add: Administrative Businesses and Professional Offices including Puboic Administrative Offices and Data Centers and Educational Facilities.

Light Industrial: Uses such as manufacturing activities, warehousing, storage and wholesale trade so long as said business does not promote or provide environmental concerns such as air pollution, water pollution, soil pollution etc, due to the close proximity of a residential area.

Warehouses and storage shall only be allowed as an accessory use to another primary permitted use in the HC District.

Banks and/or financial institutions. We are awaiting definitions on the following: Light Industrial, (does not emit air pollution) Industrial, Warehouse (accessory use to permitted use), Storage Facility, Banks and Financial Institutions.

In talking with Planning Services they will try to get us these definitions this week. Susan advised that when we define industrial – light – current definitions may state some pollution, we should state what type of definition we want, since the area is flood prone due to soil areas and being so close to residential areas. We need to look at our community, and define possibly as not emitting a certain percentage of pollution. Chairman Sturdevant asked for input. It was noted after discussion we would await for definitions and then decide which way to go. It was noted that Idle-Air is out now, not necessarily gone for good, but gone for now. It was noted that a meeting will be held on Tuesday, May 15, 2012 at 7:30 pm. **A motion was made for a special meeting to be held on Tuesday, May 15, 2012 to discuss HC by Chairman Sturdevant A second to the motion was made by Jill Kemp. A roll call was made: Greg Brezina-aye; Jill Kemp-aye; Heather Sturdevant-aye. All were in favor and the motion passed.** It was noted that the notice will be posted in the paper.

It was noted with reference to EPA Guidelines, Chairman Sturdevant advised she will get copies for the next meeting so everyone could look at. A 5 minute recess was taken in order to allow everyone to review minutes. It was noted that the 27th meeting minutes just needed to be signed, as Dennis Hoops was added, per correction at last meeting. The minutes needing to be approved are the 10th of April and the 24th of April. It was noted the minutes of April 10th could not be acted upon as Chairman Sturdevant and Jill were only in attendance and on the 24th as well.

Other Business

It was noted that at one of our previous meetings a map was brought forward by Trustee Likley. Chairman Sturdevant advised that copies of the map will be brought to the next meeting, this deals with the possibility of sexually oriented businesses coming into the township. There is a section of the map which deals with this. The map will be taken to Staples to reproduce and will be available for viewing at the Township Building.

Training- Presently no training is available due to the fact that due to the limited persons working at the Planning Services, along with financial constraints there. It was noted that the Townships can be put some training and work with one another to do training and speakers. Hopefully everyone can then get their hours needed for training. A small committee of members will be needed and then invitations can be sent to various townships. It was noted once the new Planning Director comes aboard, there is a possibility of educational classes. (Rob Henwood will be the new Director. He previously worked at MCPC and will start at the beginning of June.)

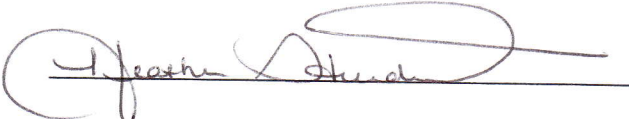
Public Comment

Stan Scheetz spoke about light industrial citing Seville as an example. He cited some companies looking at Northeast Ohio. He also advised for the board to think seriously about retail businesses (Cabella's looked at this area some time ago. He cited auto dealers, Office Max, Staples, looking at expanding and possibility that this area would be a great location. Mr. Miller spoke regarding Mr. Scheetz's comments and advised some time ago, if he recalls, the public voted legislation down regarding the development of the area.

With no other comments, **Chairman Sturdevant asked for a motion to adjourn the meeting. A motion was made by Jill Kemp to adjourn the meeting. A second to the motion was made by Greg Brezina. All were in favor.** The meeting was adjourned at 8:36 pm.

Respectfully Submitted,


Sherry Clarkson, Zoning Secretary



Heather Sturdevant, Chairman

7-10-12

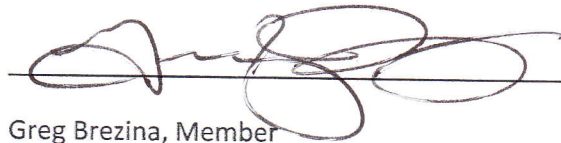
Date



Jill Kemp, Co Chairman

7-10-12

Date



Greg Brezina, Member

7/10/12

Date

Scott Anderson, Member

Date

Sue Brewer, Member

Date

Dennis Hoops, Alternate

Date