

# Westfield Township Zoning Commission

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Public Hearing  
September 18, 2019  
Anaerobic Lagoons and Ponds

Chairman Doty opened the public meeting at 6:35 pm. Roll call: Doty- aye, Rumburg- aye, Grimm- aye, Miller- aye, O'Neil- aye.

Absent: Franz, Haumesser

Also in attendance: Trustee Schmidt

Doty asked if the public notice was properly place- yes

Secretary Porter added that there was 1 call to ZI Sims requesting information regarding the public hearing and did not have additional comments once the information was provided.

Doty stated the public hearing was to amend Article II, Section 205. D- Lakes and Ponds by adding #5. Anaerobic Lagoon and Pond to the zoning resolution.

Zoning language was provided by Trustee Likely from Pittsfield Township in Lorain County.

The Zoning Commission provided language to the Medina County Planning Services on December 19, 2018 for an informal review.

February 21, 2019 an email from Rob Henwood of Medina County Planning Services stated the language raised legality to regulate.

Doty reached out to Medina County Assistant Prosecutor Mike Lyons for a legal opinion. There were many attempts with no return information.

Exhibit "A"- Chronical Telegram- Pittsburg Zoning Board provided the Trustees with their handling of the zoning language (3 pages).

Exhibit "B"- Exact copy of language:

*Westfield Township Zoning Resolution Text Amendment: Article II, Section 205, D. Lakes and Ponds.*

*5. Anaerobic lagoons or ponds: No pond, lagoon, impoundment area or storage vessel shall be constructed or used to store sewage, industrial waste, animal waste or human waste, treated or untreated, in any zoning district, except for waste generated on the premises either human, animal or industrial.*

*The prohibition shall not apply to Household Sewage Treatment Systems or Small Flow On-site Sewage Treatment Systems approved by the Medina County Board of Health or other agency with authority to approve Household Sewage Treatment Systems or Small Flow On-site Sewage Treatment Systems installations.*

Exhibit "C"- The Daily Record of Wooster article (Quasar storage lagoon caused stink among residents) by: Emily Morgan (5 pages).

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Doty talked with Assistant Prosecutor of Lorain County, Gerald Innes on April 22, 2019. Innes assisted Pittsfield in their language and has served Westfield Township in other legal capacity. Innes stated 1.) Felt the Township has the legal ability to write this language and 2.) Clear message that the lagoons were not wanted through January 2014 when Pittsfield passed their zoning language.

May 8, 2019 the Westfield Township Zoning Commission voted unanimously to send the proposed text language to Medina County Planning Commission (MCPC).

July 8, 2019 the MCPD responded back to the Westfield Township ZC “disapproval” of the proposed zoning language. Their reason, “not obtain a legal opinion”.

August 21, 2019 ZC voted to hold a public hearing on September 18, 2019. ZC Board felt they were provided a legal opinion through Assistant Prosecutor Gerald Innes.

Public Comment of public hearing: No comments (no one in attendance).

Chairman Doty closed the public comment portion of the public hearing.

***Doty makes a motion to refer the zoning language to the Trustees for their adoption of Article II, Section 205. D. 5- no Anaerobic lagoons or ponds; seconded by Miller. Roll call: Doty- aye, Miller- aye, Rumburg- aye, Grimm- aye, O’ Neil- aye. All stated yes.***

***Doty makes a motion to close the public hearing; seconded by O’ Neil. All said aye.***

Doty calls the regular meeting to order at 6:48 pm. Roll call: Rumburg, Grimm, Doty, Miller, O’Neil.

Meeting Minutes to be approved:

***Doty makes a motion to approve the August 21, 2019 meeting minutes as submitted: seconded by Rumburg. All said aye.***

### **Old Business:**

Medina County Planning Services- Doty sent PUD language for informal review and the ZC Board is still waiting for their response.

Next ZC meeting date is October 16, 2019. If there is no response from the MCPS then there will not be a ZC meeting.

Trustee Schmidt asked ZC to look into “Farm Tourism”. This will fall under Agra-tourism’s control.

***Doty makes a motion to adjourn at 7:20 pm; seconded by Miller. All said aye.***

Respectfully submitted:

Cheryl Porter, Zoning Secretary

# Westfield Township Zoning Commission

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Date approved: November 20, 2019

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Joseph Doty, ZC Chairman

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John Miller, ZC Vice-chair

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Carol Rumburg, ZC Board Member

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Terri Grimm, ZC Board Member

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Rory O'Neil, ZC Board Member