

**WESTFIELD TOWNSHIP  
ZONING COMMISSION  
REGULAR MONTHLY MEETING  
September 8, 2009**

Chair Sturdevant called the regular monthly meeting of the Westfield Township Board of Zoning Commissioners to order at 9:37 p.m. Zoning Commission members, Anderson, Kemp, Brewer and Sturdevant were in attendance. Other individuals in attendance were as well as Tim Kratzer, Ken & Gloria O'Brien, Rod, Meta and Debbie Frambaugh, Scott & Christine Miller, Debbie Mitchell, John Semmelroth, Daryl Kubilus, Ed Shearson and Mildred Frambaugh.

**SITE PLAN**

**Cloverleaf School District site plan review for new elementary school-8337  
Friendsville Rd.**

Chair Sturdevant thanked the applicant, Mr. Ed Shearson from TDA Architects and the Cloverleaf School District for agreeing to go through the zoning approval process. It was understood that the School District was a governmental entity and was not required to come before the Township for zoning approval that the process was just a formality, but appreciated their cooperation in this project.

Chair Sturdevant stated that the monument sign variance request was denied by the BZA. The School District has the option to go before the Township Trustees and show their hardship to have the decision of the BZA overturned or other options could be explored. She continued that the Commission could still proceed with the site plan review for the new elementary school but the monument signs would not be part of the approval of the site plan.

Chair Sturdevant asked about the letter that was to be issued by Columbia Gas regarding the high pressure gas line that was on the site. Mr. Shearson stated plans were submitted to Columbia Gas and it would go before their review process. When that was completed, Columbia Gas would issue a plan review letter that would state what could or could not be done within the gas easement or near the gas line itself. Mr. Shearson stated when that letter was received it would be forwarded to the Township. Chair Sturdevant asked how long the approval process with Columbia Gas took? Mr. Shearson responded that they should receive a response within approximately 10 days after submittal so the response should be received shortly.

Chair Sturdevant stated the safety of the children was the first priority and appreciated that was the School District's first priority as well. Secretary Ferencz stated no zoning permit would be issued until the letter was received from Columbia Gas. If the response from Columbia Gas changes the site plan then the School District would need to come back before the Township accordingly.

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Mr. Shearson stated Columbia Gas would not comment on safety concerns i.e. that the site was safe to build a new elementary school on regarding the gas line. They would not take that liability. Columbia Gas will only address impacts of a school on the gas line. Ms. Kemp asked if there were any speakers planned for the ball fields? Mr. Shearson stated no.

Mr. Kratzer stated that the Fire Inspector, the Zoning Inspectors, the Architect for the School and Columbia Gas met last week to go over the site plan and variance requests. There were some modifications made to the site plan per that meeting. Secretary Ferencz read the letter by the Fire Inspector stating the site plan was in compliance with the fire code. (See Cloverleaf Elementary School 2009 file). Ass't ZI Evans concurred that Columbia Gas was at the meeting and a letter was requested from them that the site plan for the new elementary school was in compliance with Columbia Gas restrictions and requirements. Mr. Shearson stated the contractor for the school project is obligated to follow Columbia Gas restrictions and requirements.

Mr. Anderson made a motion to approve the site plan for the construction of the new Cloverleaf Elementary School to be located at 8337 Friendsville Rd. A letter from Columbia Gas to be received by the Township that Cloverleaf School District is in compliance with all of Columbia Gas restrictions and regulations regarding the high pressure gas line on the site. Requested monument signs are not part of this approval. It was seconded by Ms. Brewer.

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

Chair Sturdevant opened up the meeting to the public:

Mr. Rodney Frambaugh (8315 Friendsville Rd.) addressed the Commission. He stated that he was concerned with the site plan for the school because his pond was the main source of his drinking water. Mr. Frambaugh asked who was liable for the contents coming from the construction of the school around his property? He added that regarding the proposed parking lot, it would move water down onto his property. How would this be controlled? He commented that the land where the school will be located is higher than his property and all the contents from the construction would end up going into his pond.

Mr. Frambaugh continued that he was also concerned about the school buses when they come out onto Friendsville Rd. as truck traffic on Friendsville Rd. does not travel at 50 mph. Mr. Frambaugh asked if the buses could possibly exit on Buffham Rd. for the safety of the children. He added that buses were going to be lined up 40 ft. away from his living room and the diesel fumes would enter into his home. Mr. Frambaugh stated he has lived in Westfield Township 26 yrs. and the area was no longer rural.

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Mr. Shearson stated regarding the runoff during construction, the EPA requires an extensive silt fence to be placed along the property lines to contain sediment runoff. There is a plan in the bid document of how to contain the runoff and divert it into the permanent detention ponds. The detention ponds will be temporary sediment basins during construction. The contractor is required by the EPA to follow this plan. The permanent storm water system is not allowed to divert water onto neighboring properties. Mr. Shearson stated when the system is completed it would send water to the middle of the lot not to the sides and collect it in catch basins and then take it to the permanent detention basins. Mr. Shearson continued that post development has to match pre-development regarding water on the site. There are a list of agencies that are required to review and approve these plans. Mr. Shearson added he would contact the Civil Engineer and let him know that Mr. Frambaugh's pond is his source of drinking water so that they will be sensitive to that issue.

Mr. Frambaugh asked about liability of kids on his property in regards to his pond. He added he did not know the ball fields were part of the plan, he thought that this project was just going to be a school. Mr. Frambaugh commented that kids were going to end up in his pond. There was no way to keep them out. There would need to be some kind of fence. Mr. Frambaugh stated he was not going to be held liable for somebody drowning in his pond nor was he going to put a fence up.

Mr. Kubilus, Superintendent of the Cloverleaf School District stated the safety of the school children was paramount and Mr. Frambaugh's comments were well taken. He added he has not sat down with the architects or engineers regarding the project as it pertained to the north side of the property i.e. Mr. Frambaugh's residence and pond. Mr. Frambaugh interjected that this was discussed with the school 6 months to a year ago. Mr. Kubilus stated Mr. Frambaugh's concern would be discussed before the project moved forward.

Mr. Shearson stated there will be a 20 mph speed reduction during school hours when the buses are pulling in and out so that should alleviate trucks barreling down the road during that time. Mr. Shearson added that he was aware that the speed limit on Friendsville Rd. was 50mph. Mr. Frambaugh asked, when a truck tries to slow down to 20 mph do you know how long it is going to take the school buses to pull out on that road? School buses will be backed up trying to get out. Mr. Shearson responded during school hours that would be an enforcement issue for the local police. Mr. Frambaugh stated when the trucks slow down coming up that big hill they are going down to 20 mph. A truck would be going 5-10 mph by the time it tops the hill so the school buses were not going to be able to see to pull out of the driveway. Mr. Shearson stated he disagreed. A school bus sits much higher than a car. Regarding the north drive on Friendsville Rd., it drops down into a gully to the north so the bus driver would be in a good position to see if something was coming and make a decision to pull out of the drive. To the south the land slopes so the bus driver would have a good view of the hill for a long distance. Mr. Kubilus

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interjected that the south drive was actually going to have to come north a bit to increase the site distance. He added the District tried to get a speed reduction during non-restrictive hours and discovered the 50mph speed limit was warranted. Mr. Shearson stated the Medina County Engineer stated during their review phase that the south drive would have to come north a bit for safe site distance or the speed limit would have to be reduced to 40 mph. The engineer came out with the local police and did traffic monitoring with a radar gun to track the number of vehicles, how fast vehicles were going and the number of accidents. The result of the speed study was that the requirements were not met for ODOT to reduce the speed limit.

Christine Miller (8395 Friendsville Rd.) asked about trees being planted within the gas easement. Mr. Shearson stated no trees were permitted to be planted in the easement but they could be placed around the easement. She then asked what the distance was between her property and the proposed drive? Mr. Shearson stated 25 ft.

Mr. Ken O'Brien (8350 Friendsville Rd.) asked if anything was going to be done to the ditches? He added that the ditches were pretty steep on both sides of the road and somebody would end up in the ditch especially when it snows. Mr. Shearson stated Friendsville Rd. was a County road and the County would have jurisdiction. Mr. O'Brien stated there were always trucks in the ditch. Mr. Shearson stated where the drives come out it would be flat. The only ditches that would be filled in would be those at the drives.

Debbie Frambaugh (8315 Friendsville Rd.) asked if anyone was watching the weight limit over the gas line? Chair Sturdevant stated that was why the Commission was awaiting the letter from Columbia Gas. Ms. Frambaugh asked if the playing fields in the front of the site would be open after hours? If so, what would prevent anyone from coming and using the fields? Would she have kids around her property all the time? What about her liability? Ms. Frambaugh asked, with the fields in the front wouldn't you worry about a child going across the street to get a ball and why wouldn't you want a fence to protect them? Mr. Shearson stated the fields would be 100 ft. from Ms. Frambaugh's property and that land goes up hill to Friendsville Rd. That would stop balls from going up and across the road. Ms. Frambaugh asked if teams would be using the softball fields? Mr. Kubilus stated it was not the Districts intent to use the field for competition. The intent of the field in front is for recess and physical education and the use of the field would be with supervision.

Chair Sturdevant thanked the public for their participation and added she felt confident that the School District was willing to work with the community.


Secretary Ferencz handed out a site plan for Pilot. Pilot wanted to add a Diesel Fuel Exhaust Tank on their site. The Commission scheduled a special meeting to be held on September 29, 2009 at 7:30 p.m. to complete a site plan review for Pilot.

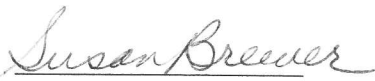
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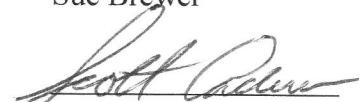
Chair Sturdevant stated she was contacted by Mark Majewski of Northstar Planning. Mr. Majewski wanted to schedule a meeting with the Commission regarding the Comprehensive Land Use Plan. In order to have a full board present, the Commission decided to schedule this meeting with Mr. Majewski for their next regular monthly meeting scheduled for October 13, 2009 @ 7:30 p.m.


Having no further business before the Commission, Mr. Anderson made a motion to adjourn. It was seconded by Ms. Kemp. All members were in favor.  
The meeting was officially adjourned at 10: 26 p.m.

Respectfully Submitted,  
Kim Ferencz Zoning Secretary

  
Heather Sturdevant

  
Sue Brewer

  
Scott Anderson

  
Jill Kemp