

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via Webex Teleconference
and YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

February 2, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Hiram Reppert, Chair
Andy Lingenfelter, Vice Chair
Richard Peterson, Member
Frank Schindler, Member
Rich Iafelice, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Abigail Bell, Esq., Legal Counsel (via Webex)

Melton Reporting
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7:03 p.m.

1
2 CHAIRMAN REPPERT: I'd like to call to order the
3 Concord Township Zoning Commission meeting for Tuesday,
4 February 2, 2021. There we go. The agenda, the Old Business
5 is a public hearing for Zoning Amendment Application 0320-1,
6 submitted by Rylan, Inc. That is, again, tabled. So we will
7 put that aside and start on with New Business, which is really
8 Old Business because we've been discussing it for a few weeks
9 -- months, a work session on possible zoning text amendments
10 related to the RCD, which is a Residential Conservation
11 Development, and microdistilleries.

12 So, Heather, how would you like to do this?

13 MS. FREEMAN: Well, I know last month we started
14 talking about some of the design, design features that were
15 called out in the Comp Plan Update. And the consensus, the
16 appearance from the group is that we want to remain flexible,
17 you know, as far as some of these standards. And I think that
18 it would be a good exercise if we kind of went through them
19 and heard from you guys as far as what you thought would be
20 important to add in as criteria. It could be some of the
21 these, all of these, none of these or something else that you
22 may want to see. But I think we need to decide whether or not
23 it's something, you know -- and this is, obviously,
24 preliminary, you know. We will visit this again -- but some
25 idea what might be a requirement that you want to see in every
26 single RCD or something that you would like to see if it's
27 possible.

28 CHAIRMAN REPPERT: Okay. Well, then I will start.
29 Let's go into the RCD from the Comprehensive Plan Update of
30 2015 and go with Number 1, Riparian Setbacks. Comments?

1 Suggestions?

2 MS. FREEMAN: Well, I'm going to -- I am sorry. I'm
3 going to correct you, Mr. Chairman. Skipping down to Number 4
4 under the RCD Design Features.

5 CHAIRMAN REPPERT: Oh, we don't want to do the other
6 ones?

7 MS. FREEMAN: Well, we adopted riparian setbacks
8 already.

9 CHAIRMAN REPPERT: Well, do we want to put it in?

10 MS. FREEMAN: It's already in.

11 MR. PETERSON: It's already in.

12 CHAIRMAN REPPERT: It's already in.

13 MS. FREEMAN: Well, I mean, it is as far as all
14 development has to abide by those riparian setbacks. We don't
15 have anything different in the RCD versus any of the other
16 districts.

17 CHAIRMAN REPPERT: And we don't have to? That's a
18 question.

19 MS. FREEMAN: No. We don't have to, no.

20 CHAIRMAN REPPERT: Okay.

21 MS. FREEMAN: But I guess that is something, you
22 know, it is a good point. I mean, we could add that into the
23 RCD saying that all riparian setbacks and riparian areas shall
24 be within the open space or maybe they shouldn't be or if you
25 have some additional ideas about those riparian areas.

26 CHAIRMAN REPPERT: Should we count riparian setbacks
27 as --

28 MS. FREEMAN: As open space?

29 CHAIRMAN REPPERT: -- as open space?

30 MS. FREEMAN: That is something else that we can

1 debate.

2 CHAIRMAN REPPERT: Now, that's typically for a
3 stream that's already there, right, or is it for when we put
4 in or both?

5 MR. PETERSON: It could be either, right? It could
6 be either, I think.

7 CHAIRMAN REPPERT: It could be both.

8 MS. FREEMAN: Right. So any existing watercourse
9 that meets the criteria of having a defined bed and bank, that
10 would be a designated watercourse, whether it's perennial or
11 ephemeral or intermittent. If the Army Corps of Engineers
12 regulates it, then the setback would apply. And depending
13 upon the drainage area, the setback varies anywhere from 25
14 feet to 100 feet.

15 CHAIRMAN REPPERT: Yeah, however wide it is.

16 MR. PETERSON: And it doesn't have to be flowing
17 water because I happen to have a creek in my back yard. It's
18 not a creek. It's a natural ravine that goes along.

19 CHAIRMAN REPPERT: A natural swale.

20 MR. PETERSON: And we have riparian setback rules on
21 that even though there is no water in it except when the snow
22 melts or it rains really hard.

23 CHAIRMAN REPPERT: Yeah, okay.

24 MR. PETERSON: So it's a water pathway at certain
25 times but, other than that, it's dry, but there is still a
26 setback on our property.

27 CHAIRMAN REPPERT: On your property, okay. So
28 should we count that as -- I just lost my thought.

29 MS. FREEMAN: As open space?

30 CHAIRMAN REPPERT: As open space.

1 MR. PETERSON: I don't think so because it's really
2 your property. It's not part of the conservation area. You
3 just have to stay back from it so far on your property. So
4 you can't build something on your property close to the
5 pathway but it's still your property. It's not in the common
6 grounds. So I would think it would be not counted as part of
7 that.

8 MR. LINGENFELTER: Well, it depends on where the
9 creek is located, you know. It would depend. If the creek is
10 located, you know, in the open space, then, you know, the
11 riparian setback should count towards the open.

12 MR. PETERSON: True.

13 MR. LINGENFELTER: I mean, if a creek or a dry run,
14 you know, or an intermittent or whatever, however you want to
15 phrase it, runs into a private lot, okay.

16 MR. PETERSON: Yeah, it's different, right.

17 MR. LINGENFELTER: Then the riparian setback should
18 only be determined by the property owner, not by the -- that
19 shouldn't be because it wouldn't be included in the open space
20 anyway.

21 MR. PETERSON: I totally agree.

22 MR. LINGENFELTER: Because it is already part of a
23 lot. You know what I am saying? Follow me?

24 MR. PETERSON: It exists.

25 CHAIRMAN REPPERT: Right, right.

26 MR. LINGENFELTER: So I would think based on that,
27 there is a, there is a general -- what do you want to call
28 it -- regulation regarding setback, you know, regarding
29 riparian setbacks.

30 CHAIRMAN REPPERT: Right, it's already there.

1 MR. LINGENFELTER: That's on a private piece of
2 property. You can't build within a certain distance, so you
3 are covered. And if it's a stream that's in open space, who
4 cares what the riparian setback is because it's in the open
5 space. Nobody is going to be building, nobody is going to be
6 infringing on that riparian setback anyway.

7 MR. PETERSON: Absolutely.

8 MR. LINGENFELTER: Unless there would be something
9 like a pavilion or some walking trail or something where they
10 were trying to put through, then they would have to obey the
11 riparian setback but that's governed by the riparian setback.
12 It would have nothing to do with --

13 MR. PETERSON: Correct.

14 MR. LINGENFELTER: -- the open space and/or the use,
15 the usage. So I think with the riparian setbacks as they're
16 stated, I think they're covered. There would be nothing
17 really to consider. That's my opinion.

18 MR. PETERSON: Right.

19 MR. LINGENFELTER: That's how I see it.

20 CHAIRMAN REPERT: That sounds good to me. So if
21 it's --

22 MS. FREEMAN: I'm sorry. Somehow we got
23 disconnected on the phone, so I had to re-call in. So I
24 missed some of that.

25 MR. PETERSON: Basically, keep --

26 MR. LINGENFELTER: All I said, Heather, to recap, I
27 said, basically, we were asking whether, the question was,
28 should we include riparian setbacks as part of the open space?

29 MS. FREEMAN: Right.

30 MR. LINGENFELTER: And what I said was, if it's on a

1 piece of private property, the riparian setback has to be
2 followed by the land owner. They can't build anything. They
3 can't infringe on that riparian setback.

4 MS. FREEMAN: Right.

5 MR. LINGENFELTER: So it's covered there. And if
6 the creek or whatever is in the open space, the riparian
7 setback is really kind of moot because it's in open space, so
8 nobody is going to be building anything, infringing on the
9 riparian setback anyway. So the riparian setback, if it's in
10 the open space, should be, should be included as a part of the
11 open space because why deduct something out of the open space
12 that really is kind of an nonissue. Right? Does that make
13 sense, or no?

14 CHAIRMAN REPPERT: Yes, it does to me.

15 MR. LINGENFELTER: I am asking Heather.

16 MS. FREEMAN: Well, yeah, yeah, I think that it
17 could go either way. I mean, you want to protect the riparian
18 areas and the wetlands and the streams by keeping them in the
19 open space because then they're less likely to be impacted by
20 property owners. But at the same time, is it useable open
21 space? I kind of see maybe where you were coming from, Hiram.
22 If you can just throw all the wetlands in the open space that
23 wouldn't have been developable anyway, why should that count
24 towards open space?

25 I don't know. I wouldn't want to make any changes
26 where we're going to start having developers put the
27 wetlands --

28 MR. LINGENFELTER: But the wetlands --

29 MS. FREEMAN: That's what we want to protect.

30 MR. LINGENFELTER: Heather, the wetlands delineation

1 isn't the same as a riparian setback though, correct?

2 MS. FREEMAN: Correct, okay, yeah. In this, I will
3 fully explain, on the riparian setbacks, if there is a wetland
4 that's connected to that stream, then it captures the wetland
5 itself and then the riparian setback is extended to the
6 boundary of the wetland. And then depending on what the
7 category of the wetland is, if it's a 1, 2, or 3, there could
8 be an additional setback on that wetland.

9 But isolated wetlands, so not connected to any
10 streams, we don't have any setbacks on. There is no riparian
11 setback, wetlands setback or however you want to -- The
12 developer could build right up to it or mitigate, you know,
13 mitigate it.

14 MR. LINGENFELTER: And I think then that would go to
15 the brainstorming session of, do we want to include, do we
16 want to allow wetlands to be included as a part of the open
17 space, right? Because as it sits right now, wetlands could be
18 part of the open space.

19 MS. FREEMAN: Yeah.

20 MR. LINGENFELTER: Towards the calculation.

21 MS. FREEMAN: Right.

22 MR. LINGENFELTER: So do we want -- So I guess then
23 the question would be, do you want to include wetlands, do we
24 want to allow wetlands to be included as a part of the open
25 space for the bonus? Because, like Heather said, you're not
26 building on a wetlands anyway, so it's really unbuildable at
27 that point. So why would you want to include something that
28 otherwise wouldn't be buildable?

29 MR. PETERSON: With the exception, Andy, that
30 somebody could fill it in. They could bring in fill and fill

1 that wetland in and --

2 MR. LINGENFELTER: But then they have to pay to do
3 that.

4 MR. PETERSON: I know.

5 MR. LINGENFELTER: They have to pay the Army Corps.

6 MR. PETERSON: It could be done. Depending on the
7 topography of the land, they could bulldoze dirt over there
8 and take off some high ground and put it in there. I think we
9 want to encourage wetlands as part of the conservation. I
10 think wetlands should be considered part of the open area,
11 personally.

12 CHAIRMAN REPPERT: Part of the open area, I agree
13 with that, but not part of a buildable lot.

14 MR. PETERSON: No, no. But it's part of, if you
15 have 40 acres and 3 acres is wetland and you leave that 3
16 acres, it should counted as the part of the --

17 CHAIRMAN REPPERT: Part of the open area.

18 MR. PETERSON: The open area, I believe.

19 CHAIRMAN REPPERT: Okay, right, right.

20 MR. PETERSON: Because it's something I think we
21 want to encourage.

22 MR. LINGENFELTER: You want to encourage mosquito
23 growth?

24 MR. PETERSON: Well --

25 CHAIRMAN REPPERT: Hey.

26 MR. LINGENFELTER: West Nile Virus?

27 MR. PETERSON: We do now. Look at all the people
28 building by the Mentor Marsh.

29 CHAIRMAN REPPERT: Yeah, especially if there is no
30 water coming in or water going out, it's just sitting there

1 stagnant, I mean, that's mosquito heaven, really.

2 MR. PETERSON: That's part of nature though.

3 CHAIRMAN REPPERT: Oh, yeah.

4 MR. LINGENFELTER: All right.

5 CHAIRMAN REPPERT: All right. Now, Number 2 on here
6 is Yield Plans. I am going to pass on that for right now.

7 MS. FREEMAN: Yeah.

8 CHAIRMAN REPPERT: Okay? Number 3, I think we can
9 discuss this pretty quickly, "Construction in Proximity to Gas
10 or Oil Wells. Consider prohibiting the construction of new
11 homes within a specified distance." I think we all agree but,
12 now, what's the distance?

13 MR. SCHINDLER: Doesn't the state regulate that
14 already?

15 MR. PETERSON: Well, we talked about that last time.

16 MR. LINGENFELTER: New homes.

17 MR. PETERSON: And David Radachy says that they do
18 but a capped well can be as bad as an open well.

19 MR. SCHINDLER: Oh, true.

20 MR. PETERSON: You might not know it's even there.

21 MR. SCHINDLER: True.

22 MR. PETERSON: But if you did, you ought to be so
23 far from it, whatever the required distance is. So I think
24 our regulations should say whether it's active or inactive gas
25 well or oil well.

26 CHAIRMAN REPPERT: Right, right.

27 MR. PETERSON: And whatever that distance is, I
28 don't have that in front of me. What does it say now?

29 MR. LINGENFELTER: Well, it says, "The State has
30 pre-empted the location of new wells relative to existing

1 homes."

2 MR. PETERSON: Okay.

3 MR. LINGENFELTER: "But not the location of new
4 homes relative to wells."

5 MS. FREEMAN: Right.

6 MR. LINGENFELTER: So there is a difference there.

7 MR. PETERSON: Okay.

8 MR. LINGENFELTER: And, personally, if you want to
9 build your house by a gas well, I think that's your business.
10 I mean, that's up to you. I mean, who is, who are you to say
11 you shouldn't do that?

12 MR. SCHINDLER: Well, we're supposed to be
13 consider --

14 MR. LINGENFELTER: And the builder --

15 MR. SCHINDLER: Aren't we supposed to be considering
16 the health, safety and welfare of the community as part of
17 our --

18 MR. LINGENFELTER: That's pretty broad. Those are
19 pretty broad terms.

20 MR. SCHINDLER: Well, that's true. But I think
21 anyone knows that gas wells can always have a potential of
22 blowing up and killing people.

23 MR. LINGENFELTER: Do they?

24 MR. SCHINDLER: There's been a lot of ones that they
25 capped, a lot of times they've been leaking.

26 MR. LINGENFELTER: Well, that's the question. I
27 know why this was created. I was here when this was created
28 and I know who was the impetus behind creating this. Okay?
29 So I don't know. There was a very specific agenda in creating
30 this verbiage when this happened because there's already

1 regulations from the State of Ohio. This was kind of thrown
2 in as an additional thing.

3 And I'm not -- Like I said, I don't know. You know,
4 if you want to build your house by the railroad tracks, should
5 we deny you that ability to build your house by the railroad
6 tracks because there could be a derailment with toxic
7 chemicals?

8 MR. PETERSON: But on the other hand, Andy --

9 MR. LINGENFELTER: You build your house next to
10 railroad tracks, that's kind of your business.

11 MR. PETERSON: But if if you buy a lot or buy a home
12 that was produced by a developer and it's on the market, you
13 may not know it's back there, especially if it's capped off
14 and, you know --

15 MR. LINGENFELTER: Wouldn't that be part of the
16 disclosures?

17 MR. PETERSON: I don't know.

18 MR. LINGENFELTER: Aren't there laws that prevent --

19 MR. PETERSON: I don't know.

20 MR. LINGENFELTER: I mean, if there is an abandoned
21 mine shaft on your property and the builder sells you the lot
22 and doesn't tell you about the abandoned mine shaft, don't
23 they -- isn't there an obligation legally to tell you that, or
24 no?

25 MR. PETERSON: What if it's --

26 MR. LINGENFELTER: You buy at your own risk.

27 MR. PETERSON: What if it's not on your property but
28 it's 20 feet off of the property? I don't know. I don't know
29 what the rules are on that because the developer could then
30 say there is no gas or oil well on this property.

1 CHAIRMAN REPPERT: On this property, yeah.

2 MR. PETERSON: But it's 10 feet away, 20 feet away,
3 you know.

4 MR. LINGENFELTER: What's your point with that?

5 MR. PETERSON: My point would be, we ought to
6 specify how far we think it should be from the property, not
7 just the dwelling but probably the property.

8 MS. FREEMAN: Well, Rich, I don't think we can
9 regulate how close a piece of property could be to a gas well.

10 MR. LINGENFELTER: Right.

11 MS. FREEMAN: The only thing would be, you know, if
12 we wanted to pursue this, would be the location of a home in
13 relation to an existing well.

14 MR. PETERSON: Okay, I gotcha.

15 MS. FREEMAN: This isn't anything that we have
16 looked at so far, so I have no idea what kind of distances,
17 you know, anybody would even be recommending.

18 MR. LINGENFELTER: Well, this was all a result of
19 the property over off of Concord-Hambden, okay, right over
20 here.

21 MS. FREEMAN: Oh, yeah.

22 MR. LINGENFELTER: There is a well on it.

23 MS. FREEMAN: Across the street from the Hunt Club.

24 MR. LINGENFELTER: The property between Concord-
25 Hambden and 90.

26 MR. PETERSON: Oh, yeah, yeah, yeah.

27 MR. LINGENFELTER: There was nothing there and then
28 Osborne put a well in. And so as an issue, we needed to
29 include some verbiage regarding building a house in
30 relationship to a well.

1 MR. PETERSON: Yeah.

2 MR. LINGENFELTER: I think the intent there was to
3 limit density because they wanted to spread out an area around
4 that well that was put in after the fact to prevent houses
5 being built there, not, I don't think, I really honestly don't
6 think safety was an issue. I think it was a wedge to create
7 less dense development. You know what I am saying? There was
8 an ulterior motive in that. That's how that, that's what
9 prompted that, so you understand the behind-the-scenes on
10 that. And I don't know. Frank, you were here.

11 MR. SCHINDLER: Yeah.

12 MR. LINGENFELTER: I don't know if anybody else was
13 a part of it. Rich, were you a part of when we were looking
14 at that property? Were you a part of the Zoning Commission?
15 I am sorry. Rich Peterson, Rich Peterson.

16 MR. PETERSON: Yeah, I was, because we were looking
17 at apartments back there.

18 MR. LINGENFELTER: Right.

19 MR. PETERSON: That's when we had quite a
20 discussion.

21 MR. SCHINDLER: Right.

22 MR. PETERSON: I do.

23 MR. LINGENFELTER: Okay.

24 MR. PETERSON: There is also two gas wells though up
25 off of Girdled Road in what's now being developed as Stone
26 Ridge Phase 2 that have been capped off now, but there were
27 two of them up there. And we discussed that, I believe, four
28 or five years ago when we made that an RCD for Stone Ridge.

29 CHAIRMAN REPPERT: Okay. More discussions on that,
30 so let's table that one, also.

1 MR. PETERSON: Yeah. We have to look into that.

2 MS. FREEMAN: That's something that we really
3 haven't been working on. Skip over that.

4 CHAIRMAN REPPERT: All right. Down to Number 4.

5 MR. LINGENFELTER: Yay.

6 CHAIRMAN REPPERT: Yay. "RCD design features.
7 Consider requiring or permitting as options several
8 subdivision design tools...maybe a tool box of creative
9 approaches which a developer may propose to make a better
10 neighborhood design and/or mitigate certain impacts." Okay.
11 "Following is a 'brainstorming list.'"

12 So let's go right down to (a), "Limit the number of
13 lots in a row, that is, require an open space between every 8
14 to 10 sublots." Yes? No? Numbers? Whatever? Should that
15 be a requirement or pick or a suggestion in the RCD?

16 MR. PETERSON: Well, one of the things that I read
17 on RCDs is it's good to have a pathway. Most of the conserved
18 land is at the back of the properties, as it should be because
19 you can't have it in front of the houses, for the most part.
20 But to be able to get to it from, you know, walking to it, you
21 need to have an access point. And if you had an open corridor
22 that went back to the conservation area, you could put it
23 between existing houses. You had a little one like that over
24 on Barchester to get to that little park back there. There
25 was a little right-of-way right next to --

26 MR. LINGENFELTER: On Winchester that went back to
27 Concord Park.

28 MR. PETERSON: Right.

29 MR. LINGENFELTER: Off of Hoose.

30 MR. PETERSON: Now, that was just a pathway. But to

1 have an open section there maybe so many feet wide with trees
2 and so forth, it would kind of enhance the area.

3 CHAIRMAN REPPERT: I think so, too.

4 MR. LINGENFELTER: I happen to think limiting the
5 number of homes, lots in a row, requiring an open space break
6 is a good idea, I mean, aesthetically. Forget utilitarian
7 use, just aesthetically, I think having an occasional open lot
8 along the street is, I think that it plays well to the idea of
9 RCD. I do.

10 MR. IAFELICE: I would agree.

11 MR. PETERSON: Likewise.

12 MR. LINGENFELTER: And I am not talking a right-of-
13 way. I am not talking something 100 feet wide. Well, 100
14 feet would be a lot, right? Usually, typically, a half acre,
15 what is it, 90 to 100 feet width, right? Isn't that typical?

16 CHAIRMAN REPPERT: Half acre.

17 MS. FREEMAN: Half acre lot?

18 MR. LINGENFELTER: On a half acre lot, 90 feet?

19 CHAIRMAN REPPERT: Half acre, I think it's 100 feet.

20 MS. FREEMAN: Yeah, typically for a half acre lot.

21 MR. LINGENFELTER: Yeah, 90 or 100 feet, somewhere
22 in that ballpark is on a half acre lot widthwise, regardless.

23 CHAIRMAN REPPERT: 100 by 200 is close to a half
24 acre.

25 MR. LINGENFELTER: Right, there you go. So you've
26 got 100 foot width, you know, I think that would be a nice,
27 that would certainly lend itself to an access path or trail or
28 just as a break in the uniformity of the street looking down
29 and seeing an open lot here and there would just be like in a
30 development where there is an undeveloped lot, you know. It

1 looks good. It's not a bad thing.

2 MR. PETERSON: Unless, Andy, what would you do with
3 -- Maybe you could do some form of landscaping but what if it
4 was just a field and now all you have is wild grass and weeds
5 growing there?

6 MR. LINGENFELTER: It's open space.

7 MR. PETERSON: Yeah, it wouldn't look as nice as
8 having some trees in there but --

9 MR. LINGENFELTER: If it's open space, nobody should
10 be infringing on it, nobody should be doing anything to it,
11 right?

12 MR. PETERSON: True.

13 MR. LINGENFELTER: It should be in its natural
14 state. If it's a field, part of the field, then it's high
15 grass. If it's part of the woods, then it's going to be woods
16 all the way to the street. Well, you would clear whatever for
17 the right-of-way for utilities and things like that, so
18 whatever that setback or that right-of-way is for the
19 utilities for, you know, in the front but, you know, you would
20 clear that but that's where it would stop, you know. So --

21 MR. PETERSON: Could that be a form of a suggestion
22 on our part though because we'd want to see how the plan --
23 give them an idea and then when they came in with a plan, we'd
24 see if they were going to --

25 MR. LINGENFELTER: It's not a requirement.

26 MR. PETERSON: Right.

27 MR. LINGENFELTER: You know, if we, if we compose a
28 list of, say, we've got through (p), not knowing my alphabet
29 by numbers and I don't know how many (p) is but that's more
30 than ten, I know that. So if we did that, say we had ten.

1 Say out of these through (p), we pick ten items that we were
2 all comfortable with we want to include. And then we say,
3 "You've got to meet seven of these ten. You pick. It's an à
4 la carte menu. Here is A, B, C, D, you know. You pick out of
5 these. If you hit all ten, even better, but you've got to hit
6 at least seven or six of the ten, whatever." And that could
7 be one of the things they could pick.

8 MR. PETERSON: Yeah.

9 MR. LINGENFELTER: And then we take a look at what
10 they do pick. If they kind of take the easy way, push the
11 easy button and take all the real simple stuff, then we can
12 put their feet to the fire and say, "Well, we'd really like to
13 see you do something a little more meaningful. Maybe this
14 open lot every so many lots would be a nice addition, would
15 make us view your proposal in a more favorable way."

16 But, again, this, we can't require. I think we
17 would run into some legal issues. So we say, "Here's some
18 tools. We ask that you try to incorporate X number of these
19 tools in your, in your proposal." I think that's a great way.
20 We're not pinning them into a corner.

21 MR. PETERSON: Yeah, I like that approach.

22 MR. LINGENFELTER: We give them some freedom of
23 choice in terms of what they want to do to develop their
24 development. And some of these, some of the things we may ask
25 them to adhere to, quite frankly, you know, we've seen it.
26 There may be some developments that don't fit that particular
27 suggestion, you know, so we have to give them some leeway.
28 You don't say, "You've got to do this, that or the other
29 thing." And there may be a situation where this, really, this
30 lot, this plan doesn't lend itself to that one particular

1 issue and we should be allowing them to kind of scratch that
2 one and substitute something else.

3 CHAIRMAN REPPERT: That goes with the smorgasbord.

4 MR. LINGENFELTER: Right.

5 CHAIRMAN REPPERT: Here is your list, take a pick.

6 MR. LINGENFELTER: A Chinese menu, a little bit from
7 Column A, a little bit from Column B.

8 MS. FREEMAN: Mr. Chairman, if you don't mind, I
9 think that some of these you're going to have to, you know, if
10 there is ones that you definitely want to incorporate into
11 every single plan, we're going to have to write them,
12 essentially, "You shall incorporate these things."

13 MR. LINGENFELTER: Right.

14 CHAIRMAN REPPERT: Right, that should be a
15 requirement.

16 MS. FREEMAN: Okay? And then the other thought is
17 the ones that, you know, the other idea is this list of items
18 that might be discretionary, you know, here is what we would
19 consider, you know. We might consider adding into our purpose
20 and intent statement at the beginning of the chapter where we
21 talk about like the, you know, "the purpose of the district is
22 to avoid development on and destruction of sensitive natural
23 resource areas and this can achieved by," and then maybe we
24 could list, you know, a few items that might fall under that
25 category.

26 That way, when you're reviewing any new plan, you
27 can go through the checklist of shalls but then you can also
28 look at the purpose of the district and some very specific
29 recommendations and kind of check those off in your mind,
30 saying, Did the developer do any of these things that we asked

1 them to? And then, therefore, if a project comes in front of
2 you, you know, and you can kind of run through the list and
3 say, "Well, you're not really meeting this purpose because you
4 didn't do any of these things that we asked you to do that
5 weren't necessarily required but this is what we're looking
6 for in order to meet these goals."

7 So I don't know that we can pick a number and say,
8 like you were suggesting, pick seven out of ten. I am not
9 sure that that would work.

10 MR. LINGENFELTER: Right, that's what I'm saying.
11 We have to be careful.

12 MS. FREEMAN: Yes.

13 MR. LINGENFELTER: Because there may be projects or
14 designs that might fit an RCD application but they wouldn't be
15 able to hit seven out of ten.

16 MS. FREEMAN: Right.

17 MR. LINGENFELTER: Maybe they could hit five out of
18 ten.

19 MS. FREEMAN: So like with this first one about
20 limiting the number of lots in a row, this is something you
21 want -- I mean, I think, what are your thoughts on picking a
22 hard number? I mean, that might not work in every single
23 case. Or do we want, are you guys thinking this is --

24 CHAIRMAN REPPERT: No, I don't think we should have
25 a number but I think we should say something like "require an
26 open space break within your development."

27 MR. PETERSON: Yeah, because the lay of the land is
28 going to determine that in some cases.

29 CHAIRMAN REPPERT: Sure. And it might be a ravine
30 where it's unbuildable, so you have that open space in there

1 that does that. But I don't think we ought to put a number.

2 MS. FREEMAN: Okay, unless we have to drill down a
3 number. This is something you want to require though?

4 MR. PETERSON: Like I say, at least one, a minimum
5 one or whatever it is and then we encourage more.

6 CHAIRMAN REPPERT: Well, let me see.

7 MR. LINGENFELTER: I think we leave it open-ended
8 and just say that --

9 CHAIRMAN REPPERT: As a suggestion?

10 MR. LINGENFELTER: I think (a) is a keeper, number
11 one. I like it. I think it's a good idea. I think that we
12 leave it at we require, we want you to limit the number of
13 lots in a row.

14 MS. FREEMAN: By providing --

15 MR. LINGENFELTER: With an open space break. And
16 then, that way, it leaves it up -- they can see that that's
17 our expectations. And where they put those is, like you said,
18 Rich, is up to kind of the lay of the land.

19 CHAIRMAN REPPERT: The lay of the land.

20 MR. PETERSON: Right.

21 CHAIRMAN REPPERT: Yeah.

22 MR. LINGENFELTER: But let them know that we expect
23 them to leave, at least, some open lots without running.
24 Because you start putting numbers on it, then all of the
25 sudden, well, what if we say, "Every eight lots you've got to
26 have open lot." Okay. Well, what if eight lots takes you to
27 something that is a problem and then the ninth lot, you can't
28 really leave it as an open lot, you know, because of the
29 street layout or however it's, you know, they put it together.

30 CHAIRMAN REPPERT: Yeah. So we don't put a number?

1 MR. LINGENFELTER: Right. We just say, We'd like
2 you to leave some open lots as a break and it will be included
3 in the open space calculation but you need to leave some open
4 lots along the street, however that number. And then if we
5 look at the plan and if they've got a bunch of them, great.
6 And if they don't have any, then we have to say, eh.

7 CHAIRMAN REPPERT: They didn't meet it. So --

8 MR. LINGENFELTER: Right.

9 MR. SCHINDLER: Just put in there we would like to
10 have a consideration, depending on the degree of the property
11 and its enhancements, to giving that open space feeling. So
12 don't put a number but say deep consideration would be
13 appreciated, for example, of open space in conservation
14 development.

15 MR. IAFELICE: Mr. Chairman, I would agree with
16 Andy. I would say it's a requirement, not a consideration.
17 It's a requirement but you don't want to limit the innovation
18 of a designer or the layout of land. So these expectations
19 are a requirement to limit the number of lots in a row and
20 have open space breaks, something to that effect. So it's a
21 requirement.

22 MR. LINGENFELTER: Bingo, very good, very good.

23 CHAIRMAN REPPERT: Okay.

24 MR. PETERSON: The way it's worded in this article
25 that I found, it says, "Maximum access to open space by
26 private users should be required." Maximum access to open
27 space would mean breaks periodically, would be part of that.

28 CHAIRMAN REPPERT: Sounds good.

29 MS. FREEMAN: Okay. Well, I think we did (a).

30 CHAIRMAN REPPERT: Okay. (b), (b) at the top of

1 page 45, alternately, "Alternatively, require that some front
2 setbacks be deeper, breaking the uniform setback line of
3 houses."

4 MR. IAFELICE: So, Mr. Chairman, my question is,
5 this makes sense for anything, any type of design; does it
6 not?

7 CHAIRMAN REPPERT: Meaning R-1?

8 MR. IAFELICE: Yeah.

9 CHAIRMAN REPPERT: R-3, whatever.

10 MR. IAFELICE: Right. Not to discourage it here. I
11 like the concept of varying setbacks.

12 CHAIRMAN REPPERT: So do I.

13 MR. IAFELICE: From an aesthetic pleasing -- It's
14 RCD. But R-1 is 50 foot and that shall be 50 foot minimum.
15 So I am just curious why that is not a consideration for any
16 residential district.

17 CHAIRMAN REPPERT: Okay.

18 MR. LINGENFELTER: Have you seen it in practical
19 application?

20 MR. IAFELICE: Where I live, 50 foot setbacks. I
21 mean, they're all uniformly. I like the idea of the break.

22 CHAIRMAN REPPERT: Well, Rich said earlier when we
23 were talking about -- I don't know -- maybe (a) or previous,
24 if you have a house that's sitting back, you're going to have
25 a grassy area up front, and I don't see that ever. So I don't
26 know if we can -- I mean, I like the idea but I don't know if
27 you want to have a driveway here that is, you know, 50 feet
28 back and a driveway, next lot is 110 feet back. But I haven't
29 seen that because that front area is going to be considered
30 open space.

1 MR. LINGENFELTER: No.

2 MR. IAFELICE: No.

3 MR. SCHINDLER: No.

4 MR. LINGENFELTER: It's part of the --

5 MR. IAFELICE: It's not, it's part of the
6 single-family lot.

7 MR. LINGENFELTER: It's part of the lot. I will
8 give you the example.

9 CHAIRMAN REPPERT: So it's not open space?

10 MR. LINGENFELTER: No. I will give you an example.
11 There's a -- I live in Summerwood on Summerwood Drive.
12 There's a creek that runs through on Summerwood just past
13 Forest Valley. And the home that is right up against that
14 creek, they created a variance to set that house way in the
15 back of the lot. All the other homes are way up to the front
16 of the lots. As a matter of fact, I think all of the homes in
17 the development are in the normal location except this one
18 lot. The house sits way in the back, kind of weird. It's a
19 kind of weird look.

20 Now, if you had that staggered throughout the entire
21 development, it might not be so bad. But when you have
22 however many houses you have in Summerwood -- I don't know the
23 exact number, it's quite a few now -- and there is only one
24 house that sits way in the back of the lot, it's kind of a
25 strange situation.

26 MR. IAFELICE: Yeah, I agree, Andy. But as a design
27 feature, this is what we're talking about here, the
28 recommendation for this Comprehensive Plan Update. They gave
29 it some thought that, to provide a design feature -- I am
30 saying not a requirement but it's a design feature. If the

1 designer comes up with a concept that shows variability, it
2 would improve the aesthetics of the development, especially an
3 RCD because they're all, again, envisioning quarter acre lots,
4 small, you know, envisioning an RCD. So they are closer
5 together, theoretically, because we're trying to preserve.

6 So having them closer together and all, it looks
7 like an institutional-type development as opposed to this. So
8 it allows, it allows the designer, the developer to create
9 some -- be innovative and creative just as a design feature.
10 I think that's what we're talking about here is a design
11 feature.

12 MR. PETERSON: But on the flip side of that, you
13 lose privacy if your neighbor's house is back behind, set back
14 behind yours. They're back here and their front yard is
15 looking at everything you do in your back yard.

16 MR. IAFELICE: Yeah. I am sorry. I am not talking
17 about a variance of 50 to 100 feet. The suggestion here is --

18 MR. PETERSON: Oh, just 10 feet?

19 MR. IAFELICE: Yeah. The suggestion here is not
20 that type of variability.

21 MR. PETERSON: Yeah, okay.

22 MR. LINGENFELTER: So do we get specific with
23 regards to the variation? Because like Rich said, you want,
24 you know -- What's the marketability of a house that's back,
25 that's looking, basically, into the back of the house of their
26 next-door neighbor?

27 MR. IAFELICE: Right.

28 MR. LINGENFELTER: They are even with their deck or
29 their pool in the back in their back yard.

30 MR. PETERSON: There are some of those on Prouty

1 Road and I looked at those and said I don't like that.

2 MR. IAFELICE: Well, then like you said, Rich,
3 before, the lay of the land may dictate the setback.

4 MR. PETERSON: True, and it could be.

5 MR. IAFELICE: As it did on the property in
6 Summerwood. So, again, and then maybe that's because it's
7 open space on that lot. Probably not but -- not likely.

8 MR. LINGENFELTER: Because when you drop down to a
9 quarter acre, they don't have a lot whole of slop between the
10 front and the back.

11 MR. IAFELICE: You don't have a lot of setback, no.
12 That's true, too.

13 MR. LINGENFELTER: The front and back yard, you
14 know, between front and back lot clearances.

15 MR. IAFELICE: That's true.

16 MS. FREEMAN: It might work more with, well, maybe
17 half acre.

18 MR. IAFELICE: That's a good point.

19 MR. LINGENFELTER: Half acre maybe. You've got the
20 ability, I think, you've got a little bit of room to play
21 with. You get down to a quarter acre, you don't have a whole
22 heck of a lot of depth, you know.

23 MR. IAFELICE: Yeah.

24 MR. LINGENFELTER: If you are going to go 90 foot --
25 What's a quarter acre on, what, 90 foot wide lot?

26 MR. PETERSON: True, yeah.

27 MR. LINGENFELTER: You are not talking about a whole
28 lot of space from the street to the back lot line. Frank?

29 MR. SCHINDLER: No, I agree. I like things that are
30 basically -- When you're talking about conservation zoning,

1 the main objective is the land itself and its beauty and you
2 want to keep as much nature there. So staggering a home or
3 putting the homes in such a way that you still maintain that
4 visually, that's what I look as the objective. So you should
5 have that flexibility of being able to do that.

6 MS. FREEMAN: Well, actually, the way it's written
7 now, I mean, they could do that. The code just dictates a
8 minimum.

9 MR. IAFELICE: A minimum.

10 MS. FREEMAN: Saying it is the setback line. So
11 even though we have the 30 foot minimum setback, I have seen a
12 lot of the RCDs where you have the half acre where the
13 developer is deed restricting it to at a 40 foot setback yet
14 they're all on the same setback. They're not varying anything
15 but they've chosen to do a greater setback. So if that's
16 something that you want to see, then you probably need to
17 write it in there and let people that are looking at your code
18 know that that might be an asset to the development if they
19 did that. But, otherwise, they will probably just continue to
20 do the same, you know, setback.

21 MR. SCHINDLER: Yeah, you want the development to
22 look unique. I mean, the object of the whole thing is
23 conservation development.

24 MR. IAFELICE: Right.

25 MR. SCHINDLER: You know, you don't like to go into
26 a development that everything looks the same, the houses are
27 all lined up the same all the way around. I think you just,
28 you haven't achieved the object of what we're trying to do
29 when you see that, all that uniformity in there. The
30 flexibility, like I mentioned at our last meeting, is what I

1 am trying to promote as an objective for this type of
2 development.

3 MR. IAFELICE: So, Heather, you have a good point,
4 it's a minimum setback. So rather than saying require they be
5 deeper, again, as a design feature, could we say "consider
6 variable setbacks"?

7 CHAIRMAN REPPERT: Yeah.

8 MR. IAFELICE: Just consider variable setbacks.

9 MR. LINGENFELTER: Yeah. I mean, I don't know that
10 you want to put a number of 50, 60 feet, I mean, 10 feet, 20
11 feet, 15 feet.

12 MR. SCHINDLER: Well, you say "variable." There
13 again, you are allowing them the flexibility with the plan
14 when they come in and create it. And they have to bring it in
15 front of us anyway. We have to see if it has achieved that
16 goal of what we're looking for.

17 MS. FREEMAN: Right.

18 CHAIRMAN REPPERT: So maybe you ought to say,
19 "Consider that some front setbacks be varied between houses or
20 between lots, breaking the uniform setback line of houses."
21 And I think they all see the line of houses because that's
22 what everything is coming in as, right? That's how they're
23 coming in.

24 MR. SCHINDLER: That's right, yeah.

25 CHAIRMAN REPPERT: So we don't like that.

26 MR. SCHINDLER: No.

27 CHAIRMAN REPPERT: Okay. So that's a consider.

28 MS. FREEMAN: Okay.

29 CHAIRMAN REPPERT: Item (c), "Consider larger lots
30 or setbacks at the intersection of a new street with an

1 existing street and/or where new homes are in view of existing
2 development of a different character."

3 MR. LINGENFELTER: Had that happen in Summerwood.

4 MR. IAFELICE: Did it?

5 MR. LINGENFELTER: Yeah, when they did Crossroads.
6 The guy built a house in Crossroads and then they came in with
7 the street and it was basically coming right into his lot and
8 it caused, you know, turned his lot into a, I think it turned
9 him into a corner lot.

10 CHAIRMAN REPPERT: Yeah.

11 MR. LINGENFELTER: And so then they were asking that
12 they change the road layout to accommodate because he had
13 already bought his lot and had his home and then they were
14 bringing a road in and it was basically going to take his lot,
15 it was part of the development and was going to turn his lot
16 into a corner lot and he wasn't really happy about that, and
17 rightfully so, because when he bought his lot that wasn't
18 there. And he bought it with the understanding that the next,
19 he was going to have next door neighbors on both side and it
20 turned out that he was going to end up being a corner lot,
21 which is not what he wanted. So you asked for the developer
22 to move the street down further so there is a little bit of a
23 jog between.

24 MR. PETERSON: Did they do it?

25 MR. LINGENFELTER: Yeah, yeah.

26 CHAIRMAN REPPERT: Boy, that's a first.

27 MR. LINGENFELTER: He had an existing home, you
28 know, where Forest Valley deadended into Crossroads and then
29 that continued down. And Lilly Lane, they moved Lilly Lane
30 down, I think, two lots to give that guy the, so he -- because

1 he was an existing home. It was already there.

2 So, yeah, I think that's a good idea. I think you
3 need to do that. That would be a good -- I mean, technically,
4 the developer could have said, "No, we're going to keep it the
5 way it is, so that's the way it goes. Your lot is turning
6 into a corner lot whether you like it or not." It didn't work
7 out that way, thankfully. But, I mean, he had no real
8 obligation to do that.

9 CHAIRMAN REPPERT: No.

10 MR. LINGENFELTER: I think this gives, there is an
11 obligation so that you don't, if you are going into an
12 existing development, you've got to take into consideration
13 how you are going to impact the people that are already there
14 because when they built their homes there was no road there,
15 there was no other lots going to be there. Not to say that
16 they didn't know that was going to develop. Okay? Obviously,
17 they know it's a buildable area. They're going to end up with
18 neighbors at some point in time.

19 But I think we need to be careful and not infringe
20 on the people that have already built and damage either, A,
21 the value of their property or the aesthetics of what they've
22 already built. You know, you want to be careful on that. So
23 I think that's a good idea, put some sort of requirement there
24 where you're taking into consideration existing homes.

25 MR. IAFELICE: Mr. Chairman, I was kind of blending
26 (c) and (d). So, Andy --

27 CHAIRMAN REPPERT: Yeah, so did I.

28 MR. IAFELICE: I would agree with Andy on Item (c).
29 And then when I read (d), it's like then I went back to read
30 (c) and I was --

1 MS. FREEMAN: Yeah.

2 MR. IAFELICE: Did you do the same thing?

3 MS. FREEMAN: I did the same thing, yeah.

4 CHAIRMAN REPPERT: So we've got to put that as a
5 consider and not a requirement? Consider?

6 MR. LINGENFELTER: I would make it a requirement.

7 MR. IAFELICE: I would make it a requirement.

8 MR. LINGENFELTER: Yeah, I'd make it a requirement.

9 CHAIRMAN REPPERT: For (c) and (d)?

10 MR. IAFELICE: Yes.

11 MR. LINGENFELTER: Sure.

12 CHAIRMAN REPPERT: Okay. So we're basically going
13 to combine the wording in (c) and (d) and make it a
14 requirement. Okay?

15 MR. LINGENFELTER: I don't think that's too much to
16 ask.

17 MS. FREEMAN: No, I don't think it is either.

18 MR. LINGENFELTER: And I think it's a benefit. I
19 think you will have less, it will create less opposition from
20 existing homeowners.

21 CHAIRMAN REPPERT: Right.

22 MR. LINGENFELTER: Because of the potential impact.

23 MS. FREEMAN: Right. And when you go from a
24 developed neighborhood to the next piece of property that
25 might be the RCD, more than likely, that RCD property is going
26 to be wooded. So you might be able to get that woods up front
27 next to the right-of-way and create that transition or the
28 break between the two different neighborhoods that would
29 benefit, you know, the existing neighbors and the township as
30 far as --

1 MR. LINGENFELTER: You'll have, I think, you will
2 have less opposition from existing homeowners --

3 MR. IAFELICE: I think so.

4 MR. LINGENFELTER: -- to a development if it's not
5 going to have as great of an impact on their development or
6 their homes, their property. So I think it's a good idea.

7 CHAIRMAN REPPERT: Rich, you on board?

8 MR. PETERSON: I'm okay with that.

9 CHAIRMAN REPPERT: Okay. Moving on to (e), "Require
10 blocks of native plant landscaping in easements across several
11 subplot frontages."

12 MR. PETERSON: I am not sure what that looks like.

13 MR. LINGENFELTER: Don't you have pictures, Heather?

14 MS. FREEMAN: I was talking to --

15 MR. LINGENFELTER: Show us what that looks like for
16 us visually-impaired people that can't quite see that stuff.

17 MR. PETERSON: What's native landscape going across?

18 MR. LINGENFELTER: Yeah.

19 MS. FREEMAN: You know what? I can bring you some
20 photos between now and next month, maybe send you guys some
21 images of what that might look like.

22 MR. LINGENFELTER: Yeah, it would nice to see if
23 you've got some examples you could show us what that looks
24 like.

25 MS. FREEMAN: Let me talk to Soil and Water. Let me
26 see if they've got some ideas because there's some challenges,
27 too, I think, with that because then there is a learning curve
28 on teaching people how to even maintain those areas. There is
29 not only putting them in but, now that they're here, what do I
30 do? Do I cut it in the fall or in the spring, you know? So

1 there is a lot more into this requirement.

2 MR. IAFELICE: Yeah, Heather, I wrote -- I agree. I
3 wrote the word "maintenance" as soon as I read that.

4 MS. FREEMAN: Yeah.

5 MR. IAFELICE: And in the design circles when we put
6 in native landscaping, like on stormwater design features,
7 they're just not maintained. If they're not maintained by the
8 government, the private owner is really at a loss and ends up
9 filling it in and it's gone.

10 MS. FREEMAN: And they can look really messy. Like
11 out here, right here outside Town Hall, the pavers and we have
12 a rain garden, technically, there and sometimes it doesn't get
13 maintained because no one is the person that's supposed to
14 maintain it. The Service Department did it for a long time
15 and we had a transition where no one was doing it. Last
16 summer, me and three other people at Town Hall pulled all the
17 weeds. So it was, you know, it --

18 MR. LINGENFELTER: Well, see, here is the problem
19 you run into with that idea and the real application is that
20 if you say, for instance, that the lot is wooded and you want
21 them to have them leave some of the woods in the front, okay,
22 well, they built their house, soil compaction, landscaping,
23 the lawn being put in, trees start to die. Now the homeowner
24 is burdened with having to have trees removed that over time
25 have died.

26 I have a good friend that did that in Chardon, built
27 a home in Chardon and they have woods. They had all kind of
28 trees in the front but because of the disruption -- and they
29 were just trees that were part of the woods -- and because of
30 the disruption of building the house and everything that went

1 on, those trees eventually died and they had to -- It cost
2 them a lot of money to have somebody come in and take those
3 trees down because they were in his front yard, they could
4 fall, hit his house. They weren't going to hit the neighbor's
5 house because they had a couple acres. But it was a big
6 problem and he spent thousands of dollars out of his pocket to
7 get rid of those trees.

8 MR. PETERSON: That happened to me on Coleridge. I
9 lived on Coleridge Road, a Ryan home and big trees and they
10 died two years later.

11 MR. LINGENFELTER: Right.

12 MR. PETERSON: You know, and now I'm stuck with the
13 bill.

14 MR. LINGENFELTER: Exactly. Now it's your problem.
15 So that's -- Then, like you said, now you have some native --
16 Just throw the tree idea out and let's say that they do this
17 with native plants. Now the homeowner has got to figure out
18 how to maintain that. At some point in time, you know what
19 they're going to do. They are going to go, "Ah, I am done
20 with this," and they're just going to rip it all out and plant
21 grass. And then what? So what have you really accomplished?

22 MR. IAFELICE: Andy, you think the intent there by
23 the writer was the HOA?

24 MS. FREEMAN: Right, but you've got easements.

25 MR. IAFELICE: Easements across, so it's the HOA
26 because they're taking easements across the frontage. So I am
27 presuming it's not the homeowner, is an idea. But then the
28 HOA is burdened with the responsibility. Who is the HOA?
29 The homeowner.

30 MS. FREEMAN: The homeowner. Yeah, it all goes

1 back.

2 MR. IAFELICE: So that's a tough one. It's,
3 conceptually, it's nice but to make sure it's done and
4 maintained.

5 MR. LINGENFELTER: To me, that's a stretch.

6 MR. IAFELICE: It is a stretch.

7 MR. PETERSON: Yeah.

8 MR. LINGENFELTER: I like the idea.

9 MS. FREEMAN: It sounds like we're not even sure if
10 we like -- You think you kind of like the idea. Most of us
11 aren't sure what it would even look like.

12 MR. LINGENFELTER: Right.

13 MS. FREEMAN: So we've got maintenance issues.

14 CHAIRMAN REPPERT: The one thing I want to point
15 out, do we all, do we always have to have the open area in the
16 back of the lot?

17 MS. FREEMAN: That's what -- No. I mean, that's
18 what we're trying to encourage to not happen.

19 CHAIRMAN REPPERT: So why can't we have an open area
20 in the front of a lot and in front of three or four or five or
21 six lots that's grass, woods, trees, plants?

22 MR. IAFELICE: That sounds great, so now we have the
23 varying setbacks.

24 MS. FREEMAN: Yeah.

25 CHAIRMAN REPPERT: We already said that. We already
26 said that.

27 MS. FREEMAN: Right.

28 CHAIRMAN REPPERT: And keep the native landscaping
29 and, hey, if a tree dies, a tree dies.

30 MS. FREEMAN: So what we're seeing often is

1 basically the developers come in and they clear the right-of-
2 way, they clear the utilities and they clear all lots. They
3 leave nothing on the lots. So what you're maybe suggesting,
4 it sounds like, is not allowing them to clear all the lots
5 and, if there is woodlands there, to leave them. I am not
6 sure what, you know, if that's marketable or --

7 MR. PETERSON: I am not sure I'd want it. I'm not
8 sure I'd want that.

9 MS. FREEMAN: And then you have the issues about,
10 are they worried the trees are going to fall down?

11 MR. PETERSON: I don't think I would buy it.

12 MR. LINGENFELTER: When -- What's the name of
13 Patterson's --

14 MS. FREEMAN: 18th Century Village.

15 MR. LINGENFELTER: 18th Century Village?

16 MS. FREEMAN: Uh-huh.

17 MR. LINGENFELTER: Didn't he have some easements on
18 the back of everybody's lots?

19 MS. FREEMAN: Yes.

20 MR. LINGENFELTER: On the back.

21 MS. FREEMAN: He has private preservation easements
22 on the back of the lots, yes. So they have open space that's
23 dedicated open space behind the lots and then, on the back of
24 the lots, there are some deed reductions that don't allow them
25 to clear 50 to 60 feet of the rear of those lots. And I don't
26 know how that came about.

27 MR. LINGENFELTER: Well, okay, here is an idea.
28 Here's an idea. Let's say, for instance, again, we're not --
29 You know, like, you take a look at Lilly Lane. If you look at
30 Lilly Farms, you go back there and take Lilly Lane all the way

1 to 608 or, no, to Winchell, to Winchell Road. That's all, I
2 mean, it's just a big, open field. There is woods but it's --

3 MR. PETERSON: Farm land.

4 MR. LINGENFELTER: Way back. Okay? So there's no
5 woods there, got pretty limited as to what you can do from an
6 aesthetics standpoint because it's just flat grass, nothing
7 else. Right?

8 Now you come to Summerwood and you look like where
9 I'm at. Everybody's back yard has woods and it was woods all
10 the way to the street. Okay? So you cleared the right-of-way
11 and then maybe what we do is we say only clear what's
12 necessary for the house and leave the woods, you know, leave
13 the wood line, you know, at the back where -- to a reasonable
14 distance from the home and not clear to the pins. See? And
15 that's where, I think, that's where you can get some advantage
16 of the woods and the open space because even though I own back
17 into the woods, I've got woods in my back yard, okay, I can't
18 clear them. You know, the developer is limited how far back
19 he can go clearing out those woods and that leaves a lot of
20 natural woods there.

21 Because when you start picking and choosing and then
22 you start to cause problems with the existing trees because
23 the trees, they don't have the root systems, they don't have
24 anything, they're typically not good, quality hard, you know.
25 There is a lot of scrap, a lot of tulip trees and cottonwoods
26 and, you know, things that just are not good quality woods
27 that, if you really push it back with a development, you know,
28 with the building standpoint, they're going to die. But if
29 you stopped and you didn't really infringe into, deep into
30 those areas where some of the those trees were at, they will

1 continue to live.

2 MR. IAFELICE: So to your point, Irv Fine did that
3 in the Mountainside Farms.

4 MR. LINGENFELTER: Right.

5 MR. IAFELICE: Where I live. And it's a 40 foot, 40
6 foot conservation easement on the rear of all the lots.

7 MR. LINGENFELTER: But we don't make it a
8 conservation easement.

9 MR. IAFELICE: He did.

10 MR. LINGENFELTER: Don't even make it -- The person
11 owns it. It's their property. It's private property.

12 MR. PETERSON: Correct, but he did it.

13 MR. LINGENFELTER: But you stop where the developer
14 clears the trees.

15 MR. IAFELICE: Right.

16 MR. LINGENFELTER: And it's because, in a lot of
17 cases, like Heather said, they clear the, you know, clear the
18 right-of-way.

19 CHAIRMAN REPERT: Clear to the pins.

20 MR. LINGENFELTER: Clear where the house is, just go
21 right back to where the property pins are and just mow
22 everything down to the back. Make them stop somewhere. If
23 it's a half acre lot, if you can stop them, you know, you've
24 got where your house is going to go, the footprint of the
25 house and then they only go back so many more feet and then
26 they stop, then that keeps a lot of those woods intact.

27 MR. PETERSON: You're talking only in the back, not
28 the front.

29 MR. LINGENFELTER: Correct.

30 MR. PETERSON: Okay. Yeah, because that's kind of

1 what I have.

2 MS. FREEMAN: Right.

3 MR. LINGENFELTER: I am sorry, Heather. Go ahead.

4 MS. FREEMAN: Rich, you have -- Mountainside Farms
5 does have a 40 foot restriction on the back of the lot where
6 they're not supposed to clear. I can tell you, from the
7 Zoning Inspector position on that private deed restriction,
8 it's not really being enforced by -- I don't know if it's the
9 developer at this point.

10 MR. IAFELICE: Hey, I was the president of the HOA.
11 I had to enforce it. So, yeah, and we --

12 MS. FREEMAN: I am going to tell you the last couple
13 houses that were built on Burgundy, they allowed him to clear
14 right up to the edge, allowed them to clear right to the pin.

15 MR. IAFELICE: I don't know why the developer --

16 MS. FREEMAN: That isn't anything we can enforce
17 from the township because it's a private deed restriction; but
18 if it was part of an RCD, then we could enforce it. And,
19 yeah, maybe you -- Right now, we have a 30 foot rear yard
20 setback in the RCD. Maybe you say you can't clear 20 feet of
21 that, which might actually give you a better lot design
22 because who really wants a 30 foot rear yard? They're not
23 doing that. They're doing 50, 60 feet, other than on Eagle
24 Point, there were a couple lots and it was because of the
25 shape of the land. He was trying to squeeze in as many number
26 as he could. He did 30 foot rear yards on, like, five lots.

27 MR. LINGENFELTER: Right.

28 MS. FREEMAN: But, you know, that's a good idea.
29 That's something that we should think about. It wasn't on, I
30 don't think it was on this list though of things to do but,

1 you know.

2 MR. IAFELICE: That's good.

3 MR. LINGENFELTER: Because where my home, when I
4 built my home, I was right at the, kind of, the edge of the
5 open space. There was like a sliver of open space and, as it
6 goes further down behind the other lots, it gets wider. So
7 what I did was, when I built my house, I told the builder,
8 "Don't clear it to the pins." I said, "Only clear what you
9 have to. Leave the rest of the woods intact." That gave me
10 more of a buffer up against what was there and gave -- Now
11 when I sit in my kitchen and I look, I can't hardly see any of
12 the homes behind me because there is not only the sliver of
13 the open space that's there but there is also that additional
14 probably 30, 40 feet on my property that they didn't clear
15 that gives me the extra. And those were all the trees that
16 were there. Nothing's died off. Everything, I have shag bark
17 hickory back there. I've got all kinds of other trees, very
18 nice.

19 So I think if you stop the developer from clearing
20 all the way back to the pins, that would really make a nice,
21 you know, break. It gives you that more privacy. It gives
22 you that open, you know, that more of a wooded lot type of a
23 look than if they just, shoo, right back to the pins.

24 MR. PETERSON: You can make it a requirement for the
25 developer. Can you make it a requirement for the owner though
26 when they move in later and decide they want to take it all
27 the way back to the pin?

28 MR. LINGENFELTER: No, because it's private
29 property. It's their property.

30 MS. FREEMAN: No, we could.

1 MR. LINGENFELTER: Unless you do, unless you put
2 in --

3 MS. FREEMAN: Yeah, unless it's a PUD. An RCD is
4 like a PUD. We can enforce all of those, whatever
5 restrictions on the development that they agree to like that.

6 MR. PETERSON: I like the idea. I have the same
7 thing only my sliver back there is about 200 feet, then I have
8 50 feet of my own woods and I like that because I can't see
9 anything, but somebody else might say, "I want a bigger back
10 yard," and clear it all.

11 MR. LINGENFELTER: Houses on both side of me all the
12 way back but I've got a nice little section of woods behind
13 me.

14 MR. PETERSON: Yeah.

15 MS. FREEMAN: You know, the tree clearing companies
16 that come out is way cheaper for them to clear pin to pin than
17 to go to and selectively, you know, cut things down. So if
18 that's something that you guys really feel strongly about,
19 then we would want to make it a requirement.

20 MR. LINGENFELTER: Yep.

21 MR. SCHINDLER: I feel strongly about it because my
22 property is like that. When Ryan put the development in, we
23 all have woods all behind us and my stakes are way back there.

24 MS. FREEMAN: Yeah.

25 MR. SCHINDLER: Now, occasionally, I've had to take
26 a tree down because it died but, I mean, that was me and that
27 was fine. But right now, especially when summertime comes, I
28 don't even see the neighbors behind me. The trees all grown
29 up and everything, I have my privacy back, really. So I am in
30 favor of that myself.

1 CHAIRMAN REPPERT: So are we going to not put
2 anything with respect to (e) in there because we don't really
3 know what it is?

4 MS. FREEMAN: We are going to hold off on that.

5 CHAIRMAN REPPERT: Okay. Move on to (f), "Break up
6 the long straight rights-of-way which contribute to high
7 density appearance - 'you can see too many houses from one
8 spot on the road' - require bends in the street or require/
9 permit, require or permit islands in mid street split into two
10 one-way lanes - these would be unique design features and add
11 character and value to the neighborhood." Requirement?
12 Consideration?

13 MR. PETERSON: I would say consideration. It's nice
14 but I don't know that you can --

15 CHAIRMAN REPPERT: And I think most of them coming
16 through are really the curved, the curved highways. They're
17 not straight through.

18 MR. PETERSON: Right, yeah.

19 CHAIRMAN REPPERT: Even though the houses that you
20 see are all in a line coming down.

21 MR. PETERSON: Yep.

22 CHAIRMAN REPPERT: Okay. So we're going to make
23 that one consider.

24 (g), "Require that" -- Now, this says "require" --
25 "that some amount of the required open space abut the right-
26 of-way so it is more visible and accessible and reduces the
27 dense appearance, make it more obvious that there is open
28 space preserved in the subdivision, not just open space
29 backlands. In some cases, this increases length and cost of
30 the street improvements but not always. Put some open space

1 where it has visual impact as a subdivision design feature so
2 it looks like an open space subdivision."

3 MS. FREEMAN: Sounds very similar to (a) that we
4 were talking about.

5 MR. LINGENFELTER: I was going to say, that's very
6 close to (a).

7 MS. FREEMAN: Yeah. We could probably --

8 MR. IAFELICE: Combine it.

9 CHAIRMAN REPPERT: Combine it with (a)?

10 MS. FREEMAN: Yeah.

11 MR. LINGENFELTER: I think they put the curvy
12 streets in with every other. So many open lots would be a
13 good solution.

14 MR. PETERSON: Yep.

15 MR. IAFELICE: Mr. Chairman, I took one statement
16 out of (g) if you combine it with (a) and that was where the,
17 "i.e. put open space where it has visual impact as a
18 subdivision design feature." Locate open space where it has
19 visual impact, that's really the message, right?

20 CHAIRMAN REPPERT: Yeah, right, right.

21 MR. IAFELICE: So, I mean, there is a lot of words
22 there but that's the message, my take-away from reading it.

23 CHAIRMAN REPPERT: I like that.

24 MR. IAFELICE: The other comment I had was, it went
25 on to talk about building envelopes and building areas. So if
26 I recall, the current RCD allows an accessory building; am I
27 correct?

28 CHAIRMAN REPPERT: Yes, one.

29 MR. PETERSON: Two hundred square feet.

30 CHAIRMAN REPPERT: Two hundred, yeah.

1 MS. FREEMAN: For the individual sublots?

2 MR. IAFELICE: Yes.

3 MR. PETERSON: They can have one detached accessory
4 building no bigger than 200 square feet.

5 MR. IAFELICE: Right, right. So this is suggesting
6 some limits to building area footprints to increase
7 environmental protection for the lot and appearance. I don't
8 know that that -- I am just kind of saying, okay, so if that's
9 the intent but then we say go ahead and build an accessory
10 building, are we kind of contradicting ourselves? I am not
11 sure of that. I just raise the question.

12 CHAIRMAN REPERT: Can we specify building envelopes
13 or footprints?

14 MR. PETERSON: Square footage, that's all.

15 MS. FREEMAN: I think if we put it in the zoning
16 stating that, through this process, that the township has the
17 ability to do that and dictate that on a plan, then they
18 could, kind of like when we were talking about, like, don't
19 clear the last 20 feet of the lots. Might be some way that,
20 if there is a wetland maybe close to that where you thought it
21 would be benefit that wetland by not doing that, you could
22 require them to do that.

23 I think it would, obviously, have to be agreed to,
24 you know, as part of the rezone in approving that preliminary
25 plan, you know. The developer would have to agree to that
26 with the township if you're going to do that on certain
27 sublots. I don't know that we could --

28 MR. IAFELICE: You know what I am asking? So if you
29 had like 30 or 40 small lots in an RCD and then 30 of them
30 decided to put up accessory buildings, you suddenly lose the

1 whole intent, I think, of preserving -- I don't know. I am
2 not sure. I am not sure restricting the ability to have an
3 accessory building of 200 square feet might be difficult to
4 say you can't.

5 MR. PETERSON: Yeah, especially since I am planning
6 to build one.

7 MR. IAFELICE: Hey.

8 MR. SCHINDLER: A lot of developers, when they put
9 in their homes, now have a, it looks like a third garage but
10 it's not. It's for their, you know, their equipment that they
11 use it for. I have seen a couple of friends of mine have
12 built homes like that.

13 MR. PETERSON: A golf cart.

14 MR. SCHINDLER: It's a two-car garage per se and it
15 looks like there is another mini garage next to it.

16 MR. LINGENFELTER: It's called a tandem garage.

17 MR. SCHINDLER: Yeah. And it's just used for their
18 lawn mowers and bikes and stuff like that.

19 MR. LINGENFELTER: It's attached to the main, the
20 main house. They call them, they call them a tandem garage.

21 MR. IAFELICE: Tandem garage.

22 MR. SCHINDLER: Yeah, and they don't have the shed.

23 MR. PETERSON: Oh, behind?

24 MR. LINGENFELTER: Yeah, yeah. Three-car, they call
25 it like a three-car tandem garage.

26 MR. PETERSON: You could put a third car back there.

27 MR. LINGENFELTER: You could, technically, put a
28 third car, right.

29 MR. PETERSON: In fact, Pulte is doing that in Quail
30 Hollow.

1 MR. LINGENFELTER: Right. Yeah, that's a tandem
2 garage. That's becoming very popular.

3 MR. SCHINDLER: Becoming very popular now and that's
4 where they store their stuff.

5 MR. LINGENFELTER: For a lot of people that don't
6 want to build a storage barn.

7 MR. SCHINDLER: A shed, yeah.

8 MR. LINGENFELTER: But you've got to, I mean, to me,
9 it's kind of hard to stop somebody, you know, or prevent
10 somebody from building a storage barn on their property, I
11 mean, you know, when you have a riding mower and all the
12 tools.

13 MR. PETERSON: That's a problem.

14 MR. LINGENFELTER: You don't have much of a, you
15 know. And then a lot of houses, a lot of people don't build
16 three-car garages. They build a two-car garage. Where are
17 you going to put all the stuff? Now your two-car garage is
18 really a one-car garage.

19 MR. SCHINDLER: Right.

20 MS. FREEMAN: Or the way that the RCD is written
21 right now, the only -- People can still do pools and sheds up
22 to 200 square feet and they do a gazebo and they can do
23 everything else that you can do in a conventional subdivision.
24 The only main really difference is the maximum square footage
25 of that accessory building. So like in an R-1, you can do up
26 to 1,024 square feet.

27 MR. IAFELICE: Okay.

28 MR. PETERSON: Yeah, sure can.

29 CHAIRMAN REPPERT: It doesn't take long to get up to
30 200 square feet.

1 MR. PETERSON: No, it sure doesn't.

2 MS. FREEMAN: So I don't know how, like with (h)
3 specifically, how you guys would -- I think the township would
4 want the ability to possibly do these things but it would be
5 on a case-by-case basis, I mean.

6 CHAIRMAN REPPERT: So what's the intent here? You
7 can't build a mansion? I mean, you're going to hit all of
8 your right-of-ways on your side and front and back.

9 MS. FREEMAN: I think right here where it says where
10 it increases environmental protection or --I don't know. I
11 don't know how it would improve the subdivision design and
12 appearance. I am not sure. Any thoughts on that, how that
13 would -- Oh, unless, yeah, unless maybe there is a way you can
14 preserve those foreground woodlands or something on a lot. I
15 don't -- I guess maybe that would be kind of back to what was
16 talked about earlier. If you had sublots that were wooded,
17 would we want to say, "Well, subplot 3, you've got to keep
18 these woods here. We're going to restrict from you clearing
19 that"? I don't know. I don't know if the township wants to
20 do that or not.

21 MR. SCHINDLER: I think maybe we can get some advice
22 from like Soil and Water because they know about things like
23 environment protection and all that good stuff? Maybe see if
24 they have a suggestion, possibly, if we want to incorporate
25 this.

26 MS. FREEMAN: I can --

27 MR. SCHINDLER: Yeah, see maybe what their
28 interpretation might be for this consideration. I don't know,
29 just a thought.

30 CHAIRMAN REPPERT: I am stumped on this one. I

1 don't know what we can do, I don't, but --

2 MR. SCHINDLER: That's why I said maybe they might
3 give us some guidance.

4 MS. FREEMAN: Okay. I'll see what I can do.

5 MR. SCHINDLER: Let them take a look at the verbiage
6 just to see what they say.

7 CHAIRMAN REPPERT: If someone -- We have square
8 footage requirements for the, for the house. And somebody
9 says, "I want to build a 2,400 square foot colonial." Okay,
10 that's not too bad for a footprint. Now, the next guy wants
11 to build a 2,400 square foot ranch. That's a much bigger
12 footprint but it's still within the restrictions of the 2,400
13 square feet. So is that what we're looking at, the footprint?

14 MR. IAFELICE: That's what they're suggesting.

15 CHAIRMAN REPPERT: So we're saying you can't build a
16 2,400 square foot ranch. I don't know if that would even fit
17 on a quarter acre lot but that's beside the point. Quarter
18 acre lot is, what, 10,000 square feet? So you have -- Or 12
19 or 11 thousand square feet. So you have a 2,400 square foot
20 house.

21 MS. FREEMAN: Right. So we're almost talking about
22 lot coverage, like maximum lot coverage. Like in commercial
23 districts, we have a maximum lot coverage, 70 percent, but in
24 residential there is no maximum lot coverage. Is that maybe
25 what they're kind of referring to a little bit here or --

26 MR. IAFELICE: Um-hum.

27 CHAIRMAN REPPERT: I don't know. I don't know.

28 MS. FREEMAN: We don't have any maximum lot
29 coverages in any of our residential districts. A lot more
30 rural townships do. I am not sure if any in Lake County do.

1 In Geauga County, they have very low lot, maximum lot
2 coverages, like 10 percent, but their minimum lot size is five
3 acres in some townships.

4 MR. LINGENFELTER: But your side yard clearances are
5 going to dictate the layout of the house anyway.

6 MS. FREEMAN: Yeah.

7 MR. LINGENFELTER: You've got a 90 foot, you've got
8 a 90 foot wide lot.

9 VICE CHAIR: Yeah, 90 foot with 10 on either side.

10 MR. LINGENFELTER: You add 10 foot side yard
11 clearance, that significantly impacts what kind of a house you
12 could put down because, you know, even if you found a design
13 that you liked and say you wanted to customize it a little
14 bit, push out some walls, you might have some difficulty
15 pushing it out on sides because you start to --

16 CHAIRMAN REPPERT: You have to go back.

17 MR. LINGENFELTER: Yeah, you start to infringe on
18 the side yard clearances with the driveway and other things,
19 you know, so you've got to be careful.

20 CHAIRMAN REPPERT: What do you want to do with (h)?

21 MR. IAFELICE: Nothing.

22 CHAIRMAN REPPERT: Nothing?

23 MR. LINGENFELTER: I would put an X through it.

24 CHAIRMAN REPPERT: Okay, okay. Let's move on to
25 (i). We're not going to do (h).

26 MR. SCHINDLER: So we're going to eliminate it?

27 MS. FREEMAN: For now.

28 CHAIRMAN REPPERT: Well, later consideration.

29 MR. SCHINDLER: Later consideration, okay.

30 CHAIRMAN REPPERT: Okay. (i), "Require

1 environmental restoration and seasonal maintenance plans for
2 open space which is disturbed land, such as old farm field,"
3 blah, blah, blah. Wouldn't that be in the HOA part?

4 MR. PETERSON: HOA, I would think.

5 CHAIRMAN REPPERT: The requirement to maintain the
6 open space?

7 MS. FREEMAN: Well, they are required to maintain it
8 but they need direction on how they're going to maintain it
9 and the township has to -- I think what they're suggesting is
10 that they should be required to submit their maintenance plans
11 for review and approval.

12 CHAIRMAN REPPERT: Right, right.

13 MS. FREEMAN: That way, moving forward, everyone is
14 on the same page about how it is going to be maintained.

15 MR. LINGENFELTER: As the township, what's our
16 ability to enforce that?

17 MS. FREEMAN: I think if we -- Well, that's a good
18 legal question but -- I don't know if Abby is still on the
19 line. Abby?

20 MS. BELL: Can you repeat that again? It's a little
21 hard to hear.

22 MS. FREEMAN: Yeah. So, Abby, if the township
23 required a developer to submit like a maintenance plan for
24 their open space and we approve that as part of their RCD,
25 their rezone, their application, do we then have the ability
26 to enforce that?

27 MS. BELL: To the extent that you would be able to
28 enforce anything else in the RCD plan, so yeah.

29 MS. FREEMAN: Okay.

30 MR. LINGENFELTER: So then let me take that to the

1 next level. Is that something we want to be involved in
2 trying to enforce? You're one person. Do you want to be
3 supervising when they can cut wildflower fields?

4 MS. FREEMAN: I think, honestly, the enforcement
5 only comes in if it's a problem.

6 MR. LINGENFELTER: Typically.

7 MS. FREEMAN: With that kind of stuff, when someone
8 is calling, saying, "Why does this look like this," or
9 something like that, then, you know, it's more complaint
10 driven at that point. But, personally, I think it's a good
11 idea to have them provide that to us.

12 MR. IAFELICE: I think so, too.

13 MS. FREEMAN: Like when we did, when we approved
14 Lilly Farms, that was an old farm field. And we didn't have
15 this requirement in there and it was me trying to get the
16 developer, like, "What are you going to do? What are you
17 going to" -- You know, we went through lots of different ideas
18 of what he thought he was going to do to restore the open
19 space. And it would have been nice to have a hard thing in
20 here like, You shall submit this and get it, you know,
21 approved.

22 And it was, okay, "First, we're going to do a
23 meadow." And then I said, "Okay. Where is the maintenance
24 plan," you know, consulting with Soil and Water because I am
25 not, you know, we're not experts on this kind of stuff.

26 So I think we do that, we want to require them to
27 have the ability to have Soil and Water help us review it or
28 whoever, our experts with our legal people. But I think it's
29 something that we would want to consider to add. There is
30 probably some other farm land over on the east side of the

1 township that potentially could be rezoned to RCD, so, you
2 know, this could be something that would actually happen in
3 the future again. Still got some farm land that they might
4 want to not keep farming, so it will probably come up again.

5 CHAIRMAN REPPERT: Okay. I am good if we want to
6 require that.

7 MR. SCHINDLER: Yes.

8 MR. IAFELICE: Yes.

9 MR. PETERSON: Yes, I don't see an issue with it.

10 CHAIRMAN REPPERT: Let's see. (j), "Require some
11 native plant landscaping in some or all front yards."

12 MR. IAFELICE: I say let's move to (k).

13 MR. PETERSON: Good idea, Rich.

14 MR. IAFELICE: No, I think we -- yeah.

15 MR. LINGENFELTER: Yeah, we kind of hit that one
16 with (e).

17 MS. FREEMAN: Yeah, it's almost the same.

18 MR. PETERSON: I have native Concord rocks.

19 CHAIRMAN REPPERT: Okay. (k), "Where the
20 environment, where the environment benefits, consider allowing
21 a limited number of non-frontage lots or consider limited
22 common driveways. For example, these design features may be
23 acceptable if it is pushed -- if it pushed open space beyond
24 40 percent."

25 MR. LINGENFELTER: Common driveways, better like
26 your neighbor.

27 MR. PETERSON: For sure.

28 CHAIRMAN REPPERT: I don't, personally, I don't like
29 (k) at all in an RCD. I think that kind of destroys the
30 intent, in my mind.

1 MR. IAFELICE: Mr. Chairman, I have run into this
2 issue many times and I get, I have heard pushback from public
3 safety forces when common driveways, they don't know where,
4 which, where they're going. And then mail delivery, I have
5 heard of that, service. It just creates, I think, some
6 confusion, especially for emergency response. But I only -- I
7 am not expert on that but I had only heard those types of
8 comments, being in the field.

9 MR. SCHINDLER: And then you get down to, who is
10 going to maintain it? If you have a bad neighbor, for
11 example, or they start, you know, leaving their cars or
12 whatever in the area and there could be a lot of problems that
13 could pop up because of that, you know.

14 MR. LINGENFELTER: I mean, put it this way. A lot
15 of condo developments, even most condos don't have common
16 driveways.

17 MR. IAFELICE: Right.

18 MR. PETERSON: True.

19 MR. LINGENFELTER: They have their own individual
20 driveway even if it's a one-car garage.

21 MR. PETERSON: True, even if it's a small
22 separation, yeah.

23 MR. LINGENFELTER: It might be a little sliver of
24 ground between it but they're -- You don't even, in a lot of
25 condo developments, you don't see common driveways. I just
26 don't like the idea of common driveway. That's opening up a
27 big can of worms.

28 MR. SCHINDLER: Yeah, I agree.

29 MR. LINGENFELTER: Heather is going to have enough
30 time dealing with all the restoration of seasonal property.

1 That's going to keep her busy as it is.

2 MS. FREEMAN: No.

3 MR. LINGENFELTER: She'd have to settle driveway
4 disputes.

5 CHAIRMAN REPPERT: Yeah.

6 MR. LINGENFELTER: I am not a fan.

7 CHAIRMAN REPPERT: I am not either.

8 MR. SCHINDLER: Me either.

9 CHAIRMAN REPPERT: I don't like common drive.

10 MR. SCHINDLER: Remove that?

11 CHAIRMAN REPPERT: Forget (k). We're not going to
12 do (k).

13 (l), "Require at least one 'out front, meaningful
14 open space feature' for every ten or so sublots." Isn't that
15 what we said in (a), basically?

16 MS. FREEMAN: I think (a) and (g).

17 MR. LINGENFELTER: Yeah, that kind of rolls into (a)
18 and (g).

19 CHAIRMAN REPPERT: Yeah, right.

20 MR. LINGENFELTER: So that's kind of part of that,
21 that whole --

22 CHAIRMAN REPPERT: Okay. (m), "Consider encouraging
23 more dwellings oriented toward the preserve features (views of
24 a wetland, stream, valley, meadow) rather than always the
25 'public street-to-Scott's-lawn-to-front door of the house'
26 pattern."

27 Now, that, to me, that one fits an RCD to not
28 have -- what did it say -- "public street to Scott's lawn
29 front door." And that's with everybody's house lined up. Put
30 the driveway all the way in the back, like you have that one

1 in your development, but have more of them, not just one but
2 have more of them. That way, the house and, yeah, put the
3 front of that -- Well, yeah, put the front of the house
4 towards the woods. I don't know.

5 MR. SCHINDLER: Well, those are the things I brought
6 up in our last month's meeting about where we vacation in
7 Kiawah.

8 CHAIRMAN REPPERT: Yeah.

9 MR. SCHINDLER: You know, that's a natural preserve
10 but all the homes are staggered in such a way, I mean, this is
11 a beautiful area to be in, for one thing. And because of
12 that, yeah, your front of your house might be looking at a
13 stream that's, you know, out in the front yard with the ducks
14 and the geese.

15 MR. PETERSON: I looked at that after you mentioned
16 it though, Frank. Those are like five acre lots with \$3
17 million houses.

18 MR. SCHINDLER: Well, they're pretty big.

19 CHAIRMAN REPPERT: Yeah, they're not quarter acre
20 lots in an RCD.

21 MR. PETERSON: Right, right.

22 MR. SCHINDLER: No, they're not quarter acre lots.
23 But when you come onto the island, there are like apartments
24 that are part of it, too.

25 MR. PETERSON: Yeah, okay.

26 MR. SCHINDLER: That are set up that way. But I
27 mean, with that kind of flexibility, it really makes it, you
28 really feel good when you live in an area like that. I mean,
29 we enjoyed our vacations there just because of how nice it
30 looked. And this is what we're trying to achieve here, a

1 development that people just, you know, love to get out there
2 and be able to see the land itself and nature and not
3 necessarily look at your neighbor's side door or garage or
4 whatever it might be.

5 CHAIRMAN REPPERT: I think that one goes with what
6 Frank said last week -- last month with respect to being
7 flexible. And I think, I think that one should go in as a
8 consider. You know, depending upon the layout, if you've got
9 a stream or a basin, orient a house so that you can see that,
10 you can see the ducks and the geese fly in or whatever. If
11 it's further back, then orient the house that way. I think it
12 should be a consider, that's all.

13 MR. PETERSON: When you consider though that we only
14 require 20 acres to be an RCD, if you had a 20 acre section of
15 land, you're only able to have so much freedom to do that kind
16 of design in 20 acres and still get houses in there and
17 streets in there and so forth.

18 CHAIRMAN REPPERT: Yeah.

19 MR. PETERSON: You know, I don't think you could
20 apply it in that case as well as if you had 100 acres.

21 CHAIRMAN REPPERT: Agreed, agreed.

22 MR. PETERSON: But it could be a consideration, too.

23 CHAIRMAN REPPERT: A consider, yeah.

24 MR. SCHINDLER: That's what I'm saying.

25 CHAIRMAN REPPERT: If it doesn't work, it doesn't
26 work.

27 MR. SCHINDLER: Consideration. Like look what Andy
28 said. He's got a neighbor there that has his house way back
29 there and he probably enjoys --

30 MR. PETERSON: Well, if it helps encourage

1 creativity, then it's good.

2 MR. SCHINDLER: Exactly. That's what we're trying
3 to do.

4 CHAIRMAN REPPERT: Uniqueness.

5 MR. PETERSON: Okay.

6 CHAIRMAN REPPERT: That's a consider then. (n),
7 "Require plantings in center of cul-de-sacs."

8 MR. LINGENFELTER: Aye.

9 MR. PETERSON: Good idea.

10 CHAIRMAN REPPERT: Yes.

11 MR. IAFELICE: Concur.

12 CHAIRMAN REPPERT: Okay. That's an easy one.

13 (o), "Consider requiring that 4-way street
14 intersections must be roundabouts with interior planting."

15 MR. LINGENFELTER: Here we go.

16 MR. PETERSON: Oh, no. I like it but I don't
17 think --

18 MR. LINGENFELTER: I knew he was going the say that.
19 I knew it.

20 MR. IAFELICE: I, for one, love roundabouts. So I
21 might be in the minority but roundabouts --

22 MR. LINGENFELTER: No, I don't think so. We're
23 nearing a plurality here.

24 MR. IAFELICE: Oh, yeah. Roundabouts, I mean,
25 again, in the engineering circles, it is the right thing to
26 do --

27 MR. PETERSON: Yeah.

28 MR. IAFELICE: -- to move traffic and they've just
29 got to get used to it.

30 MR. PETERSON: Yeah. I love them.

1 MR. LINGENFELTER: You've got an ally, Rich.
2 MR. PETERSON: I do.
3 MR. LINGENFELTER: You've got an ally.
4 CHAIRMAN REPPERT: Oh, I like roundabouts, too.
5 MR. LINGENFELTER: The Riches, the Riches.
6 CHAIRMAN REPPERT: I do. You don't.
7 MR. LINGENFELTER: I hate them. I hate them. I
8 think they're the stupidest thing in the world, but that's me.
9 MR. IAFELICE: Well, think about it in an RCD where
10 you've got 25 MPH, right? The speed is down. It's really
11 perfect rather than stop at a four-way stop. It, really, it
12 moves the traffic. Don't waste the fuel and keep moving.
13 MR. SCHINDLER: It does slow you down, that's a
14 given. That's for sure.
15 MR. IAFELICE: You can proceed with caution.
16 MR. SCHINDLER: You proceed with caution rather
17 than, our street, we have two streets that have stop signs and
18 even our own neighbors don't even stop. They go right
19 straight through. I have seen close calls from the other
20 street coming in. At least something like that would make
21 them slow down, at least, to look.
22 MR. IAFELICE: Um-hum.
23 MR. LINGENFELTER: I am rapidly becoming the
24 minority but that's okay. I am a man --
25 MR. PETERSON: Go to England, Andy.
26 MR. LINGENFELTER: I am a man of conviction. I am
27 not going to be swayed.
28 MR. IAFELICE: I didn't talk to Rich beforehand,
29 just so you know.
30 MR. PETERSON: No, he didn't. He didn't call me.

1 Go to England and they're all over.

2 MR. IAFELICE: Oh, Europe, is all, I mean --

3 MR. SCHINDLER: Europe is all like that.

4 MR. PETERSON: I drove them in Thailand.

5 MR. LINGENFELTER: I don't want to be like Europe.

6 CHAIRMAN REPPERT: Okay. I think (o) is four to
7 one.

8 MR. PETERSON: Yes, encourage it.

9 CHAIRMAN REPPERT: Okay.

10 MS. FREEMAN: Encourage, yeah. I don't think that
11 we can require that.

12 CHAIRMAN REPPERT: No, no.

13 MR. PETERSON: No, encourage.

14 MS. FREEMAN: Yeah, that's something you can try to
15 encourage.

16 MR. PETERSON: It would be cool though if we could
17 encourage it.

18 MR. SCHINDLER: But there again though --

19 MS. FREEMAN: Andy, can you imagine if Forest Valley
20 and Summerwood was a roundabout?

21 MR. LINGENFELTER: No.

22 MR. PETERSON: I would love it. That would be
23 great.

24 MR. IAFELICE: Why not?

25 MS. FREEMAN: That's his intersection.

26 MR. IAFELICE: I know.

27 MS. FREEMAN: You wouldn't like to just roll out of
28 bed and then roll down the street? No.

29 MR. LINGENFELTER: I am good with the way it is.
30 The four-way stop is fine. It took me a while to get used to

1 that.

2 MS. FREEMAN: Yeah, it was a two-way originally.

3 MR. LINGENFELTER: Yeah, it took me a while to get
4 used to the four-way stop.

5 MR. IAFELICE: Roundabouts.

6 MR. LINGENFELTER: I caught myself on more than one
7 occasion rolling right through the four-way stop sign.

8 MR. IAFELICE: I would require that.

9 MS. FREEMAN: Mr. Galloway, Chris Galloway, loves
10 roundabouts.

11 MR. IAFELICE: Oh, yeah.

12 MS. FREEMAN: He is the one that -- We did a couple
13 other studies.

14 MR. LINGENFELTER: I will share the video of the
15 roundabout that I have in my repertoire, a car flying through
16 the air.

17 MR. IAFELICE: Okay, Andy.

18 CHAIRMAN REPPERT: Okay. (p), "Require natural
19 woodland plantings on corner side lots."

20 MR. IAFELICE: (q). Sorry.

21 CHAIRMAN REPPERT: Is that part of the --

22 MS. FREEMAN: I think there was a couple, like when
23 we looked at Concord Ridge, I think there was a corner that
24 happened to just be that way. So from, you know, visual,
25 that's another way to bring more woodlands up front. I don't
26 know if you guys want to require that or not or just --

27 MR. SCHINDLER: Well, some, a lot of developments
28 have that just as an enhancement coming into the development.
29 It looks nice because they put the name of the development,
30 for example, out there with nice, you know --

1 MR. LINGENFELTER: But see, it's woodland. It's not
2 leaving it as -- It's woodland plantings, not woodlands.
3 There is a difference. You are asking to plant there and not
4 leave natural.

5 MS. FREEMAN: Plantings.

6 MR. LINGENFELTER: I would rather see it leaving
7 natural, you know, for entrances, egress into the development,
8 leaving some of the those corner lots from the main road,
9 leave those just natural.

10 MR. IAFELICE: Right.

11 MS. FREEMAN: I think we addressed that in another
12 point, yeah.

13 MR. LINGENFELTER: Right.

14 MR. IAFELICE: Yeah, those buffer areas.

15 MR. LINGENFELTER: Yep.

16 MS. FREEMAN: Yeah. So with this one, where are you
17 guys at? I am sorry.

18 CHAIRMAN REPPERT: (p).

19 MS. FREEMAN: I am sorry. Did you decide on that or
20 you're still talking?

21 MR. LINGENFELTER: I think we, I think we've got
22 that covered in another bullet point, don't we, or no? Isn't
23 that covered in something else?

24 MS. FREEMAN: No, more of a transition into the new
25 neighborhood.

26 MR. LINGENFELTER: Right, right, okay. I would say,
27 just get rid of "plantings" or include "natural
28 woodland/plantings" maybe or, you know, not just say
29 "plantings" but "natural woodlands," if possible.

30 MR. IAFELICE: I was confused by it, Andy, because

1 was the intent to the homeowner, to the lot, not to the right-
2 of-way? Talking about the lot or the right-of-way? If you
3 start saying it's the right-of-way and you're restricting, you
4 know, you're bringing in utilities, it just, it doesn't work.

5 MR. LINGENFELTER: Right.

6 MR. IAFELICE: That's why I was a little confused if
7 it was saying you make that part of the property.

8 MS. FREEMAN: I wasn't really sure when I read it.

9 MR. IAFELICE: For the corner lot.

10 MS. FREEMAN: Yeah. On corner side lots.

11 MR. IAFELICE: That's why I --

12 MS. FREEMAN: What is a corner side lot? I am
13 sorry. Yeah.

14 MR. IAFELICE: That's why I X'ed it, because I
15 didn't understand.

16 MS. FREEMAN: I am not sure if I understand it
17 either now. I had thought the intent was, don't build a house
18 on the corner lot, just leave it woods, but then when you read
19 it again --

20 CHAIRMAN REPPERT: I didn't know what it meant.

21 MS. FREEMAN: Hey, Abby, can you read for us since
22 we can't interpret this last recommendation, you know,
23 recommendation? I don't know, maybe. One of recommendations
24 was to require natural woodland plantings on corner side lots.
25 Any thoughts on that?

26 MS. BELL: I don't have that text in front of me.

27 MS. FREEMAN: Okay.

28 MS. BELL: Can you read it one more time?

29 MS. FREEMAN: "Require natural woodland plantings on
30 corner side lots." It's okay.

1 MS. BELL: Okay.

2 CHAIRMAN REPPERT: Can we just --

3 MS. FREEMAN: I don't know.

4 CHAIRMAN REPPERT: -- pass on that one?

5 MS. BELL: Yes. It doesn't seem like that's a crowd
6 pleaser.

7 CHAIRMAN REPPERT: Okay. Now, anybody have anything
8 else? This was just recommendations coming from the people
9 who did the Comprehensive Plan in 2015.

10 MR. PETERSON: I have one, Hiram. This is in this
11 article that I downloaded today but, basically, if a developer
12 wants to come in with an RCD plan today -- I don't know --
13 they come in with a pretty thorough plan, pretty well done.
14 And this article brings out a good point. It says the review
15 process can be streamlined and doesn't involve greater risk or
16 time on the developer's part if you can just come in with a
17 sketch plan.

18 In other words, the first appearance before Zoning
19 would be a sketch plan and it wouldn't have all the details on
20 it but it would say, "This is what I have in mind and this is
21 how I plan to do it." And we can then pick it apart at that
22 first initial discussion to say, "Yeah, we like that but have
23 you considered this, or you need to consider that," before the
24 developer spends a lot of time and money developing a real, a
25 real plan that shows maybe even utilities or even to the
26 extent of ones we're looking at lately.

27 And the sketch plan could be something that we would
28 tell them, "You can just come in with a sketch plan to begin
29 with. Hand us a sketch plan with certain amount of detail
30 that shows us what you want to do." Because they really talk

1 about the cost of the, the engineering cost for all the
2 engineering solutions that a developer has to put into a plan.
3 So if you could just do the first pass with a sketch plan,
4 they get all of our feedback on it and then they go develop
5 the real thing. Then when they come in with a more formal
6 plan, we're not going to waste a lot of time and effort on
7 both sides.

8 That's something that I thought made a lot of sense.
9 And if you read that article, you will see that in there. But
10 just a suggestion --

11 CHAIRMAN REPPERT: Okay.

12 MR. PETERSON: -- that we consider a sketch plan.
13 That would be doable, wouldn't it, Heather?

14 MS. FREEMAN: Well, the way our text is written
15 right now, we do call it a "sketch plan." So when they submit
16 their, for their pre-application meeting, they're required to
17 submit a sketch plan of their yield plan.

18 MR. PETERSON: I have never seen one.

19 MS. FREEMAN: Well, and this is where what people
20 have submitted has varied. So a lot -- Sometimes they come
21 and they're fully engineered, the yield plan and the
22 preliminary plan, their RCD plan.

23 MR. PETERSON: I know.

24 MS. FREEMAN: They've gone through the process of
25 showing everything, you know, or the appearance of being fully
26 engineered.

27 We have a pre-app tomorrow night that's scheduled
28 that hasn't taken it that far. It's more of a sketch plan, a
29 drawing of this is, you know, maybe how we could do the yield
30 plan and this is how we might do the RCD plan.

1 MR. PETERSON: Right, okay.

2 MS. FREEMAN: So looking at those plans, they have
3 not been fully developed and I would think that they hadn't
4 spent too much money on engineering of it and there would
5 still be that flexibility.

6 MR. PETERSON: If we got it, then good. It's just
7 maybe it's not clear.

8 MS. FREEMAN: Right, maybe.

9 MR. PETERSON: Clarify that.

10 MS. FREEMAN: I can take a look at that and see if
11 we need to clarify that.

12 MR. PETERSON: Yeah, okay. That's all I had.

13 MS. FREEMAN: Yeah.

14 MR. IAFELICE: Mr. Chairman, I would concur. I
15 thought where you might going, Rich, was the suggestion that
16 Heather sent to us about eliminating the yield plan
17 requirement altogether. I am all over that. I know I am new
18 to the board but -- and I just saw my first yield plan and I
19 am all over this idea. It has a lot of what -- You just said,
20 Rich, was about the yield plans, unless they're fully
21 developed by an engineer, you just, you're starting to throw
22 darts and it gets to be -- I don't know -- say it's
23 argumentative, debating.

24 But to develop an RCD with a certain prescription,
25 be it 40 percent open space, and eliminate the yield plan and
26 then put all these design features in the RCD and then, and
27 then make an evaluation from the sketch plan to provide for
28 that RCD that recognizes the water resources to being
29 preserved on the property and how it's going to meet the
30 intent of the RCD.

1 MR. PETERSON: I totally agree.

2 MR. IAFELICE: I thought, that's why I wrote, I
3 said, "Yeah." So I, anyhow --

4 MR. PETERSON: Okay.

5 MR. LINGENFELTER: I think yield plans, a lot of
6 times, are just an exercise in futility.

7 MR. IAFELICE: Yeah, I think --

8 MR. LINGENFELTER: They're not realistic. They cram
9 as much in there as they possibly can using every inch of --

10 MR. IAFELICE: Yes.

11 MR. LINGENFELTER: -- space to try qualify for as
12 much of a density bonus as possible. And I think, you know,
13 I mean, in many cases, the yield plans are not even close to
14 what's reality. If they were going to build it as it was
15 existing zoned, they wouldn't be able to do --

16 MR. IAFELICE: They wouldn't be able to do it.

17 MR. LINGENFELTER: -- a lot of times what they do
18 with the yield plan. And I think what we do with the yield
19 plan is we kind of create that problem by making them do that
20 because they know that the more they can, the more they can
21 show, the more bonus they can qualify for.

22 MR. IAFELICE: Yeah, yeah.

23 CHAIRMAN REPERT: That's right.

24 MR. LINGENFELTER: So we kind of, it's like we have
25 created the monster by doing that. Maybe we take that, we
26 don't -- We just skip.

27 MR. PETERSON: I think you're right. This article
28 says it's a disincentive to the developer to have a yield
29 plan.

30 MR. IAFELICE: Yes.

1 CHAIRMAN REPPERT: Yes.

2 MR. LINGENFELTER: Yeah.

3 MS. FREEMAN: And I think they've been using it
4 against the township because then they say, "Oh, well then I
5 should have X number of lots because it says I can." And it's
6 like, well, it's a possible maximum, you know, density and
7 then they really want to argue back and forth.

8 I mean, if that's the route you guys want to
9 seriously explore about how we might get just get rid of that,
10 I think --

11 MR. IAFELICE: That's why I brought it up.

12 MR. LINGENFELTER: Yep.

13 MR. PETERSON: I agree.

14 MR. LINGENFELTER: You wouldn't get too much
15 opposition from me on that.

16 MR. IAFELICE: I hear that.

17 MR. LINGENFELTER: Because the yield plan, to me, is
18 just really, it's kind of, it's just a fraud. It really is,
19 in a lot of cases, a fraud. You know it's not real. You know
20 it's not going to happen but yet here we are, we're looking at
21 it, trying to -- It's like, come on. Why even go through it?
22 Eliminate it.

23 CHAIRMAN REPPERT: I agree.

24 MS. FREEMAN: Frank, any thoughts on that?

25 MR. SCHINDLER: No. I agree with the board because,
26 by doing away with that, it would encourage this kind of
27 development really in itself when they don't have to go
28 through that. There again, we're supposedly supposed to
29 review all these on its merit and that's what we should be
30 looking at, its merit, rather than trying to come up with a

1 yield plan that sometimes, like everyone says, it's almost
2 very difficult to try to achieve.

3 MS. FREEMAN: We're already controlling the maximum
4 density of the site by saying so much has to be in open space
5 and then here are your minimum lot sizes. So we take a look
6 at our minimum open space requirements.

7 MR. LINGENFELTER: Right.

8 MS. FREEMAN: And do we want to say a hard 40
9 percent?

10 MR. LINGENFELTER: At the end of the day, that's
11 really all that matters, right?

12 MR. IAFELICE: I think so, Andy. I think so,
13 written in such as 40 percent. Then I looked at your
14 statistics and they were all between 40 and 50 percent.

15 MS. FREEMAN: They were all high, yeah.

16 MR. IAFELICE: They were all in the 40, the last
17 four that you gave us were there. It seems like a very
18 reasonable approach when you think of a piece of property that
19 40 percent of it we're already saying, okay, you can't
20 develop. I mean, that's --

21 MR. LINGENFELTER: Well, what does the yield plan
22 accomplish in that? Nothing.

23 MR. IAFELICE: Nothing.

24 MR. LINGENFELTER: What is the ultimate
25 accomplishment of the yield plan? There really is no benefit
26 to the yield plan.

27 MR. IAFELICE: No, no.

28 MR. LINGENFELTER: Because at the end of the day on
29 an RCD, it's number of lots, open space.

30 MR. IAFELICE: Open space.

1 MR. LINGENFELTER: Right? And our goal is maximize
2 open space, right? Try to keep density under control. And
3 the yield plan really is, it's kind of a, it's a nonstarter in
4 the lot of those cases.

5 CHAIRMAN REPPERT: Yep, I agree.

6 MR. LINGENFELTER: So why put that in the process
7 because it can get crazy.

8 MS. FREEMAN: I think, possibly, with that change
9 coupled with requiring them to submit like an existing
10 conditions plan of the site at the time of pre-app.

11 MR. IAFELICE: Yes, yes.

12 MS. FREEMAN: Come in with your existing conditions.
13 Show us what's on the property. Where are the woodlands?
14 Where is all the environment? Why is it worthy of
15 preservation? Show us your sketch, your initial layout, not
16 fully engineered but here are the areas we want to preserve,
17 here is how we think we're going to do the lots. Initial, you
18 know, look at the township before they move forward with the
19 rezone. And then if they decide to move forward, that's when
20 they submit their formal application.

21 Just keep in mind, this is all at the option of the
22 developer. No one has to do this. But I think that we
23 definitely want to -- This is a big change that we would be
24 proposing.

25 CHAIRMAN REPPERT: Right.

26 MS. FREEMAN: So we would want to get a little
27 feedback, obviously, from the developers. But once we had
28 something a little bit more solid to show them, like, "Look,
29 this is what we're proposing to do. What are some of the
30 challenges?"

1 CHAIRMAN REPPERT: Invite them or have a separate
2 meeting or whatever.

3 MS. FREEMAN: Yeah. I mean, I have heard from a
4 couple of them that have done RCDs lately that they struggle
5 with the whole yield plan and the whole process and how much
6 effort they put into it. So I think streamlining it for us
7 also helps them, too.

8 CHAIRMAN REPPERT: Okay.

9 MS. FREEMAN: Well, I think we have done a lot
10 tonight. I don't know if you want to get into the
11 microdistilleries. You know, I can work on that again for
12 next month.

13 CHAIRMAN REPPERT: No, yeah.

14 MS. FREEMAN: Mr. Chairman, if you like, I would
15 like to figure out, you know, now that we have a good idea of
16 where we're going with some of these design features and the
17 changing the whole process.

18 CHAIRMAN REPPERT: That's fine.

19 MR. IAFELICE: Good, good.

20 MS. FREEMAN: We have a lot.

21 CHAIRMAN REPPERT: So we are going to table the
22 microdistilleries.

23 MS. FREEMAN: We'll just continue that on for next
24 month.

25 CHAIRMAN REPPERT: Okay.

26 MR. LINGENFELTER: Oh, man.

27 CHAIRMAN REPPERT: Well, you've got to be here.
28 You've got to be here.

29 MR. LINGENFELTER: Man.

30 MS. FREEMAN: I mean, we can talk about it briefly.

1 MR. PETERSON: We talked about it last month.

2 MS. FREEMAN: I don't have anything to give you
3 tonight but, you know, last month --

4 MR. LINGENFELTER: Yeah, Heather gave me bogus
5 information to log in, just so you are aware. It was not
6 right. I tried joining the meeting remotely and I just kept
7 getting, "The meeting hasn't started yet."

8 MS. FREEMAN: Yeah, somehow --

9 MR. LINGENFELTER: I know they're talking about
10 something right now, I know they are.

11 MS. FREEMAN: Yeah. Andy and I did talk a couple of
12 days after.

13 MR. LINGENFELTER: Right.

14 MS. FREEMAN: And I kind of updated him on what we
15 were discussing and we were trying to recall why, with the
16 microdistillery, why we went with the 8,000. And Andy
17 reminded us that -- Do you want to?

18 MR. LINGENFELTER: Yeah. When we originally came up
19 with that quantity, it was because we wanted, because it was a
20 thought process going into the Gateway District and we were
21 wanting to have something that would enable like counter
22 service, walk-in service, things of that nature, bar,
23 restaurant, tasting room, things of that nature. And when you
24 went beyond that 8,000 gallon limit, then it became -- it was
25 hard and fast distillery or a hard and fast brewery, which
26 would negate the ability to have those types of facilities.
27 You're just a brewery now.

28 MS. FREEMAN: That was per the Ohio.

29 MR. LINGENFELTER: Yeah, it was per Ohio code.
30 Yeah, it was per Ohio. That's why we dropped, we dropped the

1 limit to 8,000. That way, you could have a tasting room, you
2 could have a bar, you could have retail where people could
3 come in and buy beer, buy liquor or whatever you had, you
4 know, on site and that would be in kind of in a consistent
5 idea behind the Gateway District and what we were going to do
6 there.

7 With them increasing that amount now, there would be
8 no reason to cap it at eight. We would want to keep it to
9 whatever the limit is and raise that because, obviously, the
10 more they can make the better for their business, and still
11 being able to encourage the counter service, walk-up service,
12 retail part of the distillery and/or brewery or combination
13 thereof.

14 So that was the, that was the reason originally with
15 the cap on that, was to encourage, to allow foot traffic and,
16 you know, customers walking in and buying things. So that's
17 how that, that's why we came up. But then now that they've
18 increased that number to a higher number than 8,000, I think
19 we should raise our ceiling to equal whatever the laws are,
20 the state guidelines are.

21 MR. IAFELICE: Can I ask a question? Andy, so does
22 the state law -- I tried research it a little bit but does the
23 state law then allow the distillery to be part, adjunct to a
24 restaurant and a bar, not just walk-up service but to serve it
25 in their restaurant or in their bar if a distillery, like the
26 one in Willoughby, I'm thinking --

27 MR. LINGENFELTER: Well, if I remember right, there
28 wasn't a delineation between a bar, a restaurant serving food
29 as well as product or just product. I don't think there
30 really -- It was 8,000 was the cap. Anything beyond that, you

1 weren't allowed to have anything, you know. It was basically
2 you were a brewery or a distillery, period.

3 MR. IAFELICE: So is this proposal just a distillery
4 or a distillery with a bar?

5 MR. LINGENFELTER: Well, with -- I don't know that
6 it necessarily has to be a bar. Even if you just have retail
7 space where you, say, you have distillery in the back and
8 you've got retail space in the front where people can come in
9 and shop and buy beer or, you know, you're making on prem, you
10 know, that type of thing.

11 MR. IAFELICE: Okay.

12 MS. FREEMAN: The outfit that had approached the
13 township, their vision was the production area and a tasting
14 room with a retail component.

15 MR. LINGENFELTER: Right.

16 MR. IAFELICE: Okay.

17 MR. LINGENFELTER: A tasting room.

18 MS. FREEMAN: So not a full restaurant, they weren't
19 going to have. It was just all going to be --

20 MR. IAFELICE: I see, okay.

21 CHAIRMAN REPPERT: But we did have a percentage for
22 the tasting room.

23 MS. FREEMAN: We had, currently, it's an 80/20
24 split. So at least 20 percent of your building area has to be
25 devoted to this retail component or restaurant/tasting room
26 type use.

27 MR. LINGENFELTER: Right, yep.

28 MS. FREEMAN: Because we don't want a straight
29 distillery in our Town Center or in these other districts that
30 we had put them in.

1 CHAIRMAN REPPERT: And that would remain if we
2 increased the number?

3 MS. FREEMAN: I think that --

4 MR. LINGENFELTER: Yeah, it's not going to affect
5 the 80/20 split, it is just going to affect the quantity, the
6 volume that they can produce.

7 MS. FREEMAN: I don't see why we would need to
8 change that unless --

9 CHAIRMAN REPPERT: Just to clear everything up.

10 MS. FREEMAN: The other thing that, you know, taking
11 a look at this brought to my attention, too, was the fact
12 that, if it does then become a full distillery or brewery, do
13 we want to allow that in our industrial district? That's
14 something that we could consider adding specifically. So say
15 you start in the Town Center and you're doing successful and
16 you want to expand and you want to stay in Concord, could you
17 add a separate production facility down on Discovery?

18 MR. LINGENFELTER: Which has happened. It happens
19 to where there is multiple buildings, yeah, there is multiple
20 buildings on a site where they've got, you know, they started
21 out with their brewery/tasting area, bar thing and then all of
22 the sudden they really become wildly popular and they decide
23 they want to really get into full-time production, so they
24 build another building on their, you know, on their site or
25 whatever or close to it. It's just really dedicated, you
26 know, to just distilling or brewing.

27 MS. FREEMAN: And that's kind of like, you know,
28 looking at the City of Willoughby's codes, what they have
29 done. They did a really nice job kind of grouping those
30 together and defining them very clearly. Here is the

1 production limits, and then once you exceed those, you're no
2 longer a microdistillery or brewery, you know. Then you're a
3 brewery or a distillery and then you can go over in this area
4 of our city, which I thought was something that the township
5 might want to consider.

6 CHAIRMAN REPPERT: Okay.

7 MS. FREEMAN: Looking at Willoughby's code as well,
8 you know, they were requiring, you know, that the facility
9 provide, you know, documentation, if requested, showing how
10 much production that they actually did during the year. And I
11 think they would probably only do that if there was some
12 problem or issue but we would probably want to request that,
13 too, because we put those limits in but we've got no way to
14 even know if they're abiding by them.

15 MR. LINGENFELTER: I think that's controlled pretty
16 tightly by the state, too, though.

17 MS. FREEMAN: Yeah. And I know they report all of
18 that to the state, so it isn't anything that would be -- We
19 would just get a copy of that document.

20 MR. LINGENFELTER: Right.

21 MS. FREEMAN: If you needed to if there was some
22 concern that they were way out of hand and not complying the
23 conditional use permit that might have been granted in the
24 maximum number of gallons but, yeah. So there was some good
25 ideas from some of the other resolutions that I looked at.

26 CHAIRMAN REPPERT: Anything else on
27 microdistilleries right now?

28 MR. LINGENFELTER: Would love to see one come to the
29 township, I would. I think it would be great.

30 MR. IAFELICE: I think it would be great.

1 MR. LINGENFELTER: I think it would be a great
2 addition.

3 MR. IAFELICE: Perfect demographic here.

4 MR. LINGENFELTER: Absolutely. Microdistillery,
5 microbrewery, I think it would be a big hit.

6 CHAIRMAN REPPERT: Okay. Moving on? Okay. Item 2
7 under New Business, approval of minutes from our January
8 meeting.

9 MR. PETERSON: Mr. Chairman, I would like to make a
10 correction to the minutes. Page 37, lines 13 through 17 and
11 19 through 22 were quoted to me and I didn't say them. It
12 said I lived in Stark County and I didn't, so I don't know
13 who --

14 MS. FREEMAN: Oh, that was probably Ashley, Ashley
15 Garcar.

16 MR. PETERSON: So I think those should be changed to
17 Ashley saying those. I didn't. I had two quotes there that
18 weren't mine but --

19 CHAIRMAN REPPERT: So that's not Mr. Peterson.

20 MR. PETERSON: Line 13 and line 19, starting at
21 both. Other than that, no other --

22 CHAIRMAN REPPERT: Okay. Any other comments of the
23 minutes? Do I hear a motion?

24 MR. PETERSON: Mr. Chairman, I make a motion that we
25 approve the minutes from the January meeting with the
26 exceptions noted.

27 CHAIRMAN REPPERT: Second?

28 MR. SCHINDLER: Second.

29 CHAIRMAN REPPERT: All those in favor?

30 MR. LINGENFELTER: Abstain.

1 MR. IAFELICE: Abstain.

2 CHAIRMAN REPPERT: Abstain, abstain, okay. We have
3 three ayes and two abstains.

4 (Three aye votes, no nay votes, two abstentions.)

5 CHAIRMAN REPPERT: Correspondence report. Frank,
6 anything?

7 MR. SCHINDLER: None, Mr. Chairman.

8 CHAIRMAN REPPERT: Nothing?

9 MR. SCHINDLER: No, sir.

10 CHAIRMAN REPPERT: Andy?

11 MR. LINGENFELTER: No.

12 CHAIRMAN REPPERT: Rich Peterson?

13 MR. PETERSON: Nothing, Mr. Chairman.

14 CHAIRMAN REPPERT: Rich?

15 MR. IAFELICE: Nothing, Mr. Chairman. Thank you.

16 CHAIRMAN REPPERT: Okay. And I have nothing, also.
17 So there was nothing.

18 Audience participation.

19 MR. SCHINDLER: Let it be noted that there isn't
20 anybody in the audience because we've had issues in the past
21 sometimes where that was brought up, you know, about how many
22 people were here and how come there wasn't any input.

23 MR. LINGENFELTER: Is there anybody online?

24 CHAIRMAN REPPERT: Yeah, I was just going to ask
25 that.

26 MS. FREEMAN: No, there is no one else online.

27 CHAIRMAN REPPERT: Nobody online.

28 MR. SCHINDLER: Okay.

29 CHAIRMAN REPPERT: So we had nothing from the
30 audience.

1 MR. SCHINDLER: Nothing.

2 CHAIRMAN REPPERT: The next meeting is March 2nd.
3 Oh, my goodness.

4 MR. LINGENFELTER: March, holy smokes.

5 CHAIRMAN REPPERT: Yeah, Marach.

6 MR. LINGENFELTER: What happened to January?

7 CHAIRMAN REPPERT: It's gone.

8 MR. PETERSON: We were here.

9 MR. IAFELICE: Wow.

10 CHAIRMAN REPPERT: Do I have a motion for
11 adjournment?

12 MR. PETERSON: So moved.

13 MR. IAFELICE: Second.

14 MR. LINGENFELTER: Wow.

15 CHAIRMAN REPPERT: All those in favor, aye?

16 (Five aye votes, no nay votes.)

17 CHAIRMAN REPPERT: There we go, okay. Thank you
18 very much. Thank you very, very much.

19 (Whereupon, the meeting was adjourned at 8:50 p.m.)

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STATE OF OHIO)
COUNTY OF CUYAHOGA)

CERTIFICATE

I, Melinda A. Melton, Registered Professional Reporter, a notary public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that, to the best of my ability, the foregoing proceeding extension reduced by me to stenotype shorthand, subsequently transcribed into typewritten manuscript; and that the foregoing is a true and accurate transcript of said proceedings so taken as aforesaid.

I do further certify that this proceeding took place at the time and place as specified in the foregoing caption and extension completed without adjournment.

I do further certify that I am not a friend, relative, or counsel for any party or otherwise interested in the outcome of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 26th day of February 2021.

Melinda A. Melton
Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the State of Ohio

My Commission Expires:
February 4, 2023

