

CONCORD TOWNSHIP BOARD OF TRUSTEES
LAKE COUNTY, OHIO
PUBLIC HEARING

Held via Webex Teleconference
and YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

June 3, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Present on behalf of the Board of Trustees:

Carl Dondorfer, Chairman
Morgan McIntosh, Trustee
Amy Lucci, Trustee

Also Present:

Andy Rose, Administrator
Heather Freeman, Zoning Director/Zoning Inspector
Michael Lucas, Esq., Legal Counsel

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

1 7:00 p.m.

2 CHAIRMAN DONDORFER: Okay. Good evening, Concord
3 Township. We are here for a public hearing this evening for
4 Zoning Map Amendment and Preliminary Plan Application 0320-2,
5 submitted by Sommers Real Estate Group LLC, for a proposed
6 Residential Conservation Development, R-2 RCD District, for
7 approximately 29.6 acres of land owned by Colburn Development
8 LLC, located off of Colburn Road and currently known as
9 Permanent Parcel Numbers 08-A-012-B-00-018-0 and
10 08-A-012-B-00-009-0. Present tonight are the Concord Township
11 Board of Trustees, as well as Heather Freeman with our Zoning
12 Department and the developer and our law director, Michael
13 Lucas.

14 We are going to open the meeting at this point in
15 time. I would ask those that are joining us on the telephone
16 here, we have experienced some technical difficulties tonight,
17 so bear with us. I think we will be okay. We have it up and
18 running. I would ask that everybody online mute your phone
19 until we get to the audience portion, at which time I will
20 give some further instruction. I would appreciate that.

21 Okay. Heather, do you want to provide an overview
22 of the rezoning request for us, please.

23 MS. FREEMAN: Sure, thank you. Good evening. The
24 purpose of tonight's public hearing is to consider a zoning
25 amendment district change from R-1 to R-2 Residential
26 Conservation Development District. As part of the district
27 change, the applicant is required to submit a township
28 preliminary plan for consideration. And the purpose of the
29 preliminary plan is to establish a frame of reference for the
30 township to consider the merits of the proposed RCD and to

1 afford a basis for determining whether or not the township
2 would rezone the property to RCD.

3 The 2004 Comprehensive Township Plan recommends that
4 the township encourage the use of RCD District as a preferred
5 development option. One of the primary objectives of the RCD
6 District is to promote the health and safety of the community
7 through the application of flexible land development
8 techniques, while the flexibility is intended to maximize the
9 conservation of open space while accepting development and
10 retaining for the property owner the development rights that
11 are permitted under the existing conventional zoning on the
12 property.

13 Staff did submit the preliminary plan to Lake County
14 Planning Commission, the County Engineer, Sanitary Engineer as
15 required, in addition to Soil and Water, in order to provide
16 the applicant feedback on their project early on during this
17 review process. The Lake County Planning Commission has
18 reviewed the proposed application at their April 29, 2020,
19 meeting and recommended that the district amendment be made
20 and that the property be rezoned to R-2 RCD with no additional
21 comments or recommendations.

22 The Zoning Commission held a public hearing on
23 May 5, 2020, and voted to recommend approval of the
24 application with seven modifications.

25 Since the May 5th hearing, the -- Since the May 5th
26 hearing and recommendation of the Zoning Commission, the
27 applicant has actually provided additional information to the
28 township in an effort to comply with the recommendations of
29 the Zoning Commission, including providing a new updated legal
30 description, an amended RCD plan, and a landscape plan. Those

1 items have been on the website since we did receive them.

2 The Zoning Department staff has reviewed both the
3 R-1 yield plan and the amended rCD Preliminary plan for
4 compliance with the zoning district standards, including but
5 not limited to the minimum lot size, setbacks and yard
6 clearances, riparian setbacks, and open space requirements as
7 set forth in Sections 15, 16, and 17 of the Concord Township
8 Zoning Resolution. Said plans are in compliance with the
9 minimum standards.

10 Finally, I just thought I'd take just a couple
11 minutes to explain what happens after a district amendment to
12 an RCD plan is approved. After the township would approve a
13 district amendment to an RCD, the applicant then submits his
14 or her subdivision plan to the Lake County Planning Commission
15 to be reviewed and approved in accordance with their
16 standards, and they have the review authority, not the
17 township.

18 Additionally, this is when the engineering
19 feasibility studies and the improvement plans showing, as
20 necessary, the water, sewer, drainage, electricity, phone,
21 gas, street improvements within and outside the project area,
22 and the nature and extent of the earth work that may be
23 required for the site preparation and development is
24 submitted. This is the time when the improvement plans are
25 reviewed in detail for conformance with county regulations and
26 rules.

27 As part of that review process, the township
28 departments are afforded the opportunity to comment and make
29 sure that these plans conform to the zoning, fire standards,
30 and Service Department roadway standards, and making sure that

1 it's in substantial compliance with the township preliminary
2 plan.

3 So, again, tonight we're considering whether or not
4 this district change should happen and we're using this
5 preliminary plan as a basis for that district change.

6 CHAIRMAN DONDORFER: Thank you, Heather. I believe
7 we have Mr. Sommers, the developer, here this evening, if
8 you'd like to step up and provide us with any additional
9 information or comments, please.

10 MR. SOMMERS: Thank you, Mr. Chairman.

11 MR. ROSE: (Moving phone.) That way, everybody can
12 hear.

13 MR. SOMMERS: My name is Richard Sommers, with
14 Sommers Real Estate Group, 10585 Summerset Drive, Chardon,
15 Ohio. Tonight we are here to present a request to change the
16 Zoning Map for the 29-acre parcel located north of Colburn
17 Road and east of Timber Lane from R -- I believe it's R-1 but
18 I --

19 MS. FREEMAN: R-1.

20 MR. SOMMERS: R-1. I believe the Chairman, you
21 indicated R-2 but I believe it is R-1.

22 CHAIRMAN DONDORFER: If I did, I am wrong. It's
23 R-1, that's correct.

24 MR. SOMMERS: Just to clear the record. To an RCD
25 District category. The requested change is to an RCD zoning
26 classification as recommended by the Comprehensive Plan and
27 allowed by the Concord Township zoning code. One of the
28 components of the RCD code is to establish a yield plan, which
29 establishes the maximum number of lots allowed under the RCD
30 code, and I'd like to talk about that just for a few minutes

1 just because it is the basis of the subdivision. Is it
2 possible to get that up?

3 MS. FREEMAN: Rick, can we put the plan up on the
4 screen? Can we get the PowerPoint on the screen?

5 MR. SOMMERS: Thank you. I just want to -- a few
6 quick excerpts from the yield plan code. The purpose of the
7 yield plan is to present to the township the initial plans of
8 the proposed development as it conforms to the purpose and
9 intent of the RCD District, as well as the criteria and
10 standards contained within. This is from the code. Further,
11 the yield plan review process is provided to establish early
12 on the number of lots permitted within the proposed
13 development through the preparation of a yield plan as set
14 forth in 16.24(A).

15 While the yield plan is intended to be conceptual in
16 nature and not involve significant engineering costs, the
17 applicant must be able to demonstrate on the plan proposed
18 street layouts and number of lots that could be developed
19 under the conventional zoning district for the property in
20 accordance with the lot requirements set forth in the
21 corresponding district section of the Zoning Resolution, in
22 other words, R-1 zoning.

23 The yield plan shall conform, at minimum, to
24 Article 3, Section 2(C), sketch contents, of the Lake County
25 subdivision regs. And that plan, as Heather said, has been
26 approved by the Lake County Planning Commission as approved as
27 to the sketch plan requirements of the county.

28 The yield plan and the proposed RCD plan was given
29 unanimous support recommendation for approval by the Concord
30 Township Zoning Commission with conditions that we feel have

1 been met, and we have submitted those to the township zoning
2 administrator.

3 Code Section 16.28 clearly states the yield plans
4 are intended to be conceptual in nature and not require
5 significant engineering costs. Despite this, we have gone
6 through -- we feel we have gone above and beyond the scope of
7 the code, in that, I think this is probably the sixth yield
8 plan we've done. And that was primarily due to comments of
9 the planning board, the zoning administration, the street
10 department, Lake County Planning, Lake County Soil and Water,
11 Stormwater, and the Engineer. The yield plan clearly meets
12 the intent of the code and has been designed to exceed the
13 requirements of the code. Again, we did that.

14 I believe that's all on the yield plan unless
15 anybody on the board has any questions at this time.

16 CHAIRMAN DONDORFER: I don't on the initial yield
17 plan. Does anybody have any?

18 MR. McINTOSH: I don't have any questions. You
19 might want to remind to mute.

20 CHAIRMAN DONDORFER: Oh, if somebody is online, can
21 you mute your phone, please, those that are just joining us.

22 MR. ROSE: I just muted everybody from the control
23 panel. I'll unmute it when we get to the audience portion.

24 MR. SOMMERS: I would like to move on to the yield
25 plan, if we can -- I mean the RCD plan. Excuse me.

26 MS. FREEMAN: Can you advance it one slide?

27 MR. McINTOSH: Is this too far away?

28 CHAIRMAN DONDORFER: Now, Mr. Sommers, the RC-1
29 (sic) plan, the yield, has 43 lots?

30 MR. SOMMERS: I believe so, 43. The code allows

1 for, if you have over 40 percent, it's called a density bonus
2 in your code. The code allows an additional, I believe, it's
3 11 percent bonus based on us being over 40 percent open space.

4 CHAIRMAN DONDORFER: Open space.

5 MR. SOMMERS: For permanently preserved open space.
6 I don't think that there is any question from the board or the
7 administration or the Planning Commission that it is open
8 space and that those requirements have been exceeded at the 40
9 percent level.

10 We feel that the RCD plan that we have presented is
11 the best development option, both for the township and the
12 neighbors. It meets the requirements of the Concord Township
13 RCD code. It meets the Comprehensive Plan code and
14 recommendations. Per Section 16.24(C) of the code, the vast
15 majority of the streams, wetlands, steep slopes, and riparian
16 areas are in protected green space areas. In excess, again,
17 of 40 percent of the site is permanent open space that will be
18 preserved in perpetuity by recorded deed restrictions.

19 There will be a third-party manager of those open
20 spaces. We will enter into an agreement with a third party
21 that will, at minimum, yearly check and make sure that there
22 are no encroachments, that nothing is happening in those areas
23 that shouldn't happen. They will be paid a fee and they will
24 be, basically, the overseer of that easement.

25 Another thing that this plan does is there will be
26 no back-to-back lots along Timber Lane. There is green space
27 between all of the lots in the proposed RCD subdivision and
28 the houses on Timber Lane. I think that's important that we
29 don't have back-to-back lots and that there is some green
30 space preserved in between those. I believe all of that's --

1 There is one lot that did not meet the retirement of the
2 township and that is not included in the RCD plan. The rest
3 of them meet all of the requirements as far as width and
4 depth, so it's included in the green space requirements. All
5 the lots in the proposed RCD, the amended RCD plan meet the
6 RCD code for size, setbacks, and riparian setback distances.

7 We would like to make a few additional points on the
8 RCD plan as a result of neighbor discussions. We have, since
9 it was even put out, we went to all the people on Timber Lane
10 and left either in their mailbox or handed to people the
11 redesigned landscape plan that incorporates a mound along the
12 people on Timber Lane Drive and has a mixture of deciduous and
13 evergreen trees. We did hear from two people that requested
14 some additional screening that's legitimate and we will be
15 amending the landscape plan to include those people that were
16 not originally had screening even though there is green space,
17 substantial green space, for instance, behind Lots 5 and 6. I
18 talked to that lady today. We're going to put -- There is a
19 steep slope there. We're going to put the mound at the
20 property line of the lots in the subdivision to effect some
21 screening.

22 Another thing that came up with neighbors is the
23 issue -- Do you want me to stop?

24 MS. FREEMAN: People --

25 MR. McINTOSH: No, that's just technical.

26 MR. ROSE: No, I got it. I will take care of it.

27 MR. SOMMERS: Another issue that came up was people
28 were concerned about traffic on Timber Lane.

29 MR. McINTOSH: Right.

30 MR. SOMMERS: I am not sure that somebody would come

1 down Girdled with a big cement truck or a truck and then make
2 the turn onto Colburn to get to this subdivision, but we have
3 agreed, at our expense, to post both ends of the road to
4 notify all of our trades, our contractors, our delivery people
5 in writing prior to engaging in any contracts that they are
6 not to use Timber Lane. We would direct them to either come
7 off Ravenna and/or 44, which are both -- one is a county road,
8 one is, obviously, a state road and have the weight limits and
9 won't have the traffic issues. There will be some people on
10 Colburn that will be affected but we do think that we can
11 minimize the affect on people by keeping the traffic off
12 Colburn -- or off Timber Lane.

13 MR. McINTOSH: Okay.

14 MR. SOMMERS: Stormwater retention is another issue
15 that's been mentioned by a lot of the neighbors.

16 MR. McINTOSH: Right.

17 MR. SOMMERS: The stormwater basins as shown on this
18 are not final. Again, these plans aren't engineered and won't
19 be engineered until an approval might be received from this
20 board. At that time, we would go into full engineering
21 studies that will determine the flows, the number and the size
22 of the outlet structure or the retention basin structures on
23 the property.

24 CHAIRMAN DONDORFER: Mr. Sommers, I don't mean to
25 interrupt you but that involves the Ohio EPA, correct?

26 MR. SOMMERS: That involves the Ohio EPA, Lake
27 County Engineer, Lake County Stormwater --

28 CHAIRMAN DONDORFER: Stormwater.

29 MR. SOMMERS: -- Soil and Water, I believe even
30 Planning has some input. And those all have, those agencies

1 all have to approve the soil and water -- the stormwater
2 management plan, so it will be well designed.

3 We've done, as you know, some other RCD subdivisions
4 in Lake County or in, also, in Concord and all of those
5 stormwater basins, we do what are called wet basins. So they
6 always have at least three to four feet of water in them.
7 They're designed that way. So they stay wet, they stay clean.
8 These ponds can become an asset. A lot of people -- I have a
9 pond at my house. A lot of people think a pond can be an
10 asset. There may be some people that don't like ponds but I
11 think overall a well maintained stormwater retention basin can
12 become an asset to the subdivision, not a liability. Nothing
13 in the code that we found, and history, we've always had the
14 stormwater ponds in the open space areas.

15 I have, tonight, I have invited and asked him to
16 speak just a little bit, Mr. Dusty Keeney, from Polaris
17 Engineering. I would like to let him take just a few minutes
18 to explain the stormwater process and the permitting process.

19 CHAIRMAN DONDORFER: Certainly.

20 MR. SOMMERS: Then I would like to finish.

21 CHAIRMAN DONDORFER: Thank you, Mr. Sommers.

22 Sir, if he could step up to the podium, state your
23 name and address for the record.

24 MR. KEENEY: Good evening. Dustin Keeney, with
25 Polaris Engineering and Surveying, the address is
26 34600 Chardon Road, Willoughby Hills, Ohio 44094. I am here
27 on behalf of the Sommers Group. We've been working with them,
28 you know, from the beginning on this project and we will be
29 working with them as we go, you know, as the project moves
30 into the final engineering and design stages.

1 And as Rick mentioned, as part of that process, you
2 know, there is many agencies that are involved, the Ohio EPA
3 in regards to stormwater, water quality controls and treatment
4 of the water, and then quantity controls which are through the
5 local regulations, which would be, you know, through the
6 township, the County Engineer, County Stormwater Department,
7 take into account, as Heather mentioned earlier, you know,
8 input from the Service, the folks at the Service Department,
9 the Road Department, Soil and Water. So all of these
10 projects, we spend a lot of our design time making sure that
11 the detention and stormwater systems are designed per the
12 regulations.

13 The regulations require that, from a detention
14 standpoint, that the water flow that leaves the site
15 post-development is less than what it is pre-development. You
16 go through some pretty extensive calculations to prove that.
17 So I guess I am just here tonight to go on the record to say
18 that all of those steps will be taken, you know, all the
19 approvals will be sought from water quality and Ohio EPA
20 perspective. Those permits will be put into place.

21 You know, there will be water quality basins. We
22 are not sure exactly what those will be, whether it will be
23 part of the basins or if there, also, there may be even some
24 separate water quality features that are separate from the
25 detention. It is just going to depend, kind of, how the final
26 design works out. But I just wanted to, I guess, go on record
27 on behalf of them and let you know that we will be taking
28 great care in making sure those things are taken care of.

29 CHAIRMAN DONDORFER: A quick question for you. So
30 that engineering that you're talking about is designed

1 ultimately to ensure that there is no more water discharged in
2 that area than is already discharged now?

3 MR. KEENEY: Correct. We'll make sure -- This site
4 has several tributaries running through it. There is
5 topography. Some of the topography falls to the north, some
6 of it falls to the south, and then this water goes, the water
7 kind of goes in several different directions on this
8 particular site, which -- but we would have to analyze to make
9 sure that we don't take water out of one, that drains
10 currently to one area and send it to a different area. That's
11 part of it.

12 CHAIRMAN DONDORFER: Okay.

13 MR. KEENEY: And then making sure, at that discharge
14 point, the water that goes west, we're not sending, you know,
15 a flow west that is greater than currently goes to the west or
16 same thing for the north or, you know, depending how the
17 tributaries are broken up.

18 CHAIRMAN DONDORFER: Okay, great. Thank you.

19 MR. KEENEY: Sure. Thank you.

20 CHAIRMAN DONDORFER: Mr. Sommers.

21 MR. SOMMERS: Just real quick, the Planning
22 Commission of Concord Township made a few recommendations. We
23 wanted to clear up the legal description. There was very old
24 legals and the Auditor's site was listing acreages that were
25 not accurate. We do now have a legal description for the
26 entire property. It's been approved by the Lake County Tax
27 Map Department. That matches the RCD plan to the
28 one-thousandth of an acre. Again, that was approved by an
29 independent third party, the County Engineer.

30 Lots 1, 6 and 42 on the RCD plan have been changed

1 as requested.

2 The storm sewers in the rear of the lots on the
3 south side will be addressed during the design phase but they
4 will be moved over to the road area.

5 Again, the landscape plan, we have circulated. That
6 will need a few more tweaks based on the commitments we have
7 made to neighbors to beef that landscaping up along the
8 property border with the -- our west border and the east
9 border of Timber Lane, those homeowners.

10 Another question was cul-de-sac maintenance. It was
11 requested we give an easement. We can't legally do that. But
12 we will have in the legal or the deed restrictions, that in
13 the past have been approved by your legal counsel, an
14 obligation to maintain the center of the cul-de-sac. It will
15 be a closed cul-de-sac, per your -- or an open cul-de-sac.
16 They call it closed. It will have a planting in the center
17 and there will be a place for snow piling, per your Service
18 Department. And that will be maintained by the HOA that runs
19 in perpetuity that makes all the lot owners responsible for
20 that maintenance over time.

21 Based on the proposed RCD plan meeting the Township
22 Comprehensive Plan, the zoning codes, the Lake County Planning
23 Commission, and the Concord Township Planning Commission, we
24 would ask that the Township approve the plan that we have
25 submitted, and I would be glad to answer any questions now or
26 after the public portion of the meeting.

27 CHAIRMAN DONDORFER: I am sure we're going to have,
28 each of us are going to have some questions for you but I
29 would like to get to the audience portion and see what
30 questions we have and maybe we can address that at the very

1 end, if that's okay.

2 MR. SOMMERS: Thank you, sir.

3 CHAIRMAN DONDORFER: Are we muted?

4 MR. ROSE: No, you're on.

5 CHAIRMAN DONDORFER: Okay. We are now into the
6 audience portion of the meeting tonight as far as this public
7 hearing. The way I'd like to conduct this is in a fashion
8 that's orderly so we can make sure that everybody on the line
9 has the opportunity to participate in the hearing tonight. So
10 it's important if you are not speaking to please mute your
11 phone.

12 I am going to limit the time to three minutes. I
13 think we have several people online, so we want to make sure
14 everybody, we hear everybody and we get everybody's questions
15 written down so we can work to answer those. So the way I am
16 going to start this is if anybody on the line has a last name
17 that begins with A through H, at this point in time, you can
18 speak. If you would state your name and address clearly for
19 the record and then you can go ahead and speak.

20 MR. ADAMS: Hi, it's Mike Adams, 11567 Colburn Road.

21 CHAIRMAN DONDORFER: Good evening, Mr. Adams.

22 MR. ADAMS: Good evening. I appreciate the time. I
23 want to first thank the -- So the Trustees understand, there's
24 been a lot of interaction between us and the zoning committee.
25 I appreciate some of the changes that Sommers has made but we
26 think there are some, still some issues with Eagle Glen. To
27 start off with, I'd like to work with the Concord Township to
28 proceed to grow reasonable development in Concord Township.
29 The township is a great place to live for -- We just recently
30 moved here. We're very, very happy and we're hoping that our

1 children will eventually move out this way. I strongly
2 believe in the concept of RCD. I think it's the right thing
3 to do. I own six acres, so I appreciate trees and, you know,
4 some green space.

5 We desire to work with the township to develop
6 Concord in a manner which would benefit both new and the
7 existing residents. I am an existing resident. My house was
8 built in 1988. Unfortunately, the proposed Eagle development
9 raises several alarming issues that don't comply with the
10 letter or the intent of the RCD zoning text. Specifically,
11 the yield plan has multiple problems culminating in showing
12 too many sublots. The actual RCD plan shows spaces that were
13 not returned to their natural characteristic, which is
14 required by the zoning text.

15 It is up to you trustees to interpret the language
16 of the RCD in a meaningful way that protects township
17 residents and future residents and (inaudible) zoning to the
18 RCD to develop the RC-1 (sic) yield plan. I understand the
19 mechanics and the calculations behind it. I think it's the
20 right thing to do. But the problem is, once the calculation
21 is determined, the base number of sublots for the development
22 are not -- At the Zoning Commission, he stated that the
23 sublots are feasible and developable. I agree. But Concord's
24 definition for the yield plan is that the yield plan is
25 reasonable, and the difference here is marketable.

26 If you look at the way some of the sublots
27 themselves are divided, the way the house is positioned and
28 the spacing, it is not marketable enough, in my opinion. And
29 I'd like you guys, as new trustees, to protect us residents
30 and not just something that plunks the sublots in a street

1 that's not going to sell.

2 I appreciate your time and thank you very much.

3 CHAIRMAN DONDORFER: Thank you, Mr. Adams. And,
4 just briefly, you know, I read the transcript in-depth and I
5 understand you had some concerns about your well and things of
6 that nature. And we will do our due diligence on this. I
7 know that, you know, what you're speaking with right now as
8 far as the lots and what's actually buildable, some of that
9 is, you know, I think subjective. I believe, you know, there
10 are maybe some people that would build on maybe a lot like
11 that and some that won't. But we are definitely going to look
12 into it and I appreciate you calling in tonight.

13 MR. ADAMS: I just appreciate you taking the time to
14 look at everyone's issues. I think it's the best way for the
15 township to grow and prosper going into the future, so thank
16 you so much.

17 CHAIRMAN DONDORFER: And we agree. Thank you.

18 Is there anybody else on the line with the last name
19 beginning with A through H that would like to speak at this
20 time? If so, please state your name and address for the
21 record.

22 MS. HADLEY: Hi there. This is Christine Hadley.

23 CHAIRMAN DONDORFER: Hi, Ms. Hadley.

24 MS. HADLEY: And I'm at 11 -- I'm at 11505 Colburn.
25 Everybody hear me okay?

26 CHAIRMAN DONDORFER: Yep.

27 MR. McINTOSH: Yep.

28 MS. HADLEY: Okay. So I would like to expand upon
29 Mike's words a little bit as far as the specifics of our
30 concerns with the R-1 yield plan. There are five small homes

1 that are placed on the very edge of the riparian setback,
2 forcing the developer to make small difficult- or
3 impossible-to-build homes with no rear or side yards. I am
4 not sure how you would build a home on the edge of the
5 riparian setback, dig a basement, be able to actually feasibly
6 build that home, specifically on Sublot 7, 8, 20, 21, and 40.

7 In the RCD plan, the amended one where the developer
8 is faced with the same situation on the riparian setback, he
9 actually revised Sublot 6 in order to build a bigger house
10 with a yard so that it would be marketable. So he understands
11 that this is an issue because he changed the RCD plan in that
12 same situation.

13 The intent of the words "reasonable" and
14 "marketable" in the Concord zoning text was to make sure that
15 that these type of sublots would not be counted in a yield
16 plan. (Inaudible) when you require the developer to revise
17 these five sublots in the yield plan in the same way that he
18 revised the RCD to get rid of the homes that are touching the
19 setback.

20 And then there are two more, 22 and 24, that have a
21 back yard of only 10 feet and a retention pond in their half
22 acre lot is the rest of their back yard. These two sublots
23 are unreasonable and unmarketable. And the Lake County
24 Planning Commission and the Soil and Water kind of agree with
25 that in their assessment. The Planning Commission stated that
26 it still had some concerns with the overall reasonability and
27 marketability of the yield plan. Sublots 22 and 24 show back
28 yard of 10 feet due to the proposed detention basin.
29 Additionally, on Sublot 20 and 21, the houses are sited on the
30 edge of the riparian setback. This would not allow for any

1 grading or creation of any yard in this area.

2 While the yield plan is never intended to be
3 developed, it is important as it establishes the base density
4 permitted under the RCD District in their assessment.

5 In addition, Lake County Soil and Water comments,
6 their report, there is still concern that the R-1 yield plan
7 in its marketability/reasonableness remain. By estimation,
8 the break even price for each lot is approaching the sale
9 price of similar sized lots in Orchard Springs. It's a shame
10 a representative from this agency was asked not to attend by
11 you, the trustees, to walk us through the expert opinion on
12 this showing us that the plan was not reasonable and
13 marketable, as required in the zoning text.

14 What facts do you have showing and proving that the
15 R-1 yield plan is reasonable and marketable? Will you require
16 the developer to revise the R-1 yield plan to make it less?

17 CHAIRMAN DONDORFER: All right. Miss -- Are you
18 completed there, Ms. Hadley?

19 MS. HADLEY: I am. Thank you.

20 CHAIRMAN DONDORFER: Okay. I don't know. Who did
21 we not ask to attend?

22 MS. HADLEY: When I had -- Again, like Mike said,
23 the trustees did a really great job. We appreciated being
24 able to spend time with them and talk with them. And I talked
25 with Amy and she mentioned having someone present to talk
26 about the details of the yield plan there to help us clear up
27 discrepancies.

28 CHAIRMAN DONDORFER: Okay. Thank you.

29 Anyone else on the line with the last name beginning
30 with A through H?

1 MR. HOFFMAN: Yes. This is Bob Hoffman. I am at
2 8205 Timber Lane. Can everybody hear me?

3 CHAIRMAN DONDORFER: Yes, sir, Mr. Hoffman. Go
4 ahead.

5 MR. HOFFMAN: Great, thank you. I want to talk
6 about is (inaudible).

7 MR. McINTOSH: Hold it. There's --

8 CHAIRMAN DONDORFER: We're getting some, we're
9 getting some background. If you are not speaking, can you
10 please mute your phone.

11 MR. ROSE: I am fixing that right now.

12 CHAIRMAN DONDORFER: All right. Mr. Hoffman, you
13 can go again.

14 MR. HOFFMAN: I appreciate that. Thank you. I am
15 going to discuss tonight the insufficient detention pond and
16 stormwater management. In particular, the R-1 yield plan does
17 not take into account sufficient area or location for
18 stormwater management and retention ponds. The yield plan has
19 a longer concrete road and longer driveway, therefore, more
20 impervious surfaces.

21 Additionally, the large wetlands on the north end is
22 to be filled in. Therefore, water, stormwater detention
23 ponds, at least as far as the RCD plan, should be included in
24 the drawing, yet the yield plan only shows one small detention
25 pond of one-half acre versus the RCD plan having 1.6 acres of
26 retention pond and wetlands. R-1 yield plan shows less than
27 one-third of the required retention pond and wetlands
28 necessary for the subdivision.

29 Will you require the developer to redraw the yield
30 plan to adequately address the stormwater in this yield plan

1 by adding a sufficient retention pond with these retention
2 ponds not being in the sublots?

3 CHAIRMAN DONDORFER: Are you concluded, Mr. Hoffman?

4 MR. HOFFMAN: Yes, I am.

5 CHAIRMAN DONDORFER: Thank you very much.

6 MR. HOFFMAN: Sure.

7 CHAIRMAN DONDORFER: Anybody else on the line with
8 the last name beginning with A through H?

9 (No response.)

10 Okay. Seeing none, we're going to move on. Anybody
11 on the line with the last name beginning with I through Q?

12 MS. PESEC: Hi, sure. This is Vanessa Pesec,
13 11705 Cali Court. Just a comment on what Bob said. There is
14 no special engineering that's required. If you look at the
15 RCD plan with all of those wetlands, I mean, all the retention
16 ponds and wetlands, you realize that the same amount needs to
17 be in a yield plan that would be somewhat accurate.

18 But I'd like to talk now specifically about the RCD
19 plan and some of the problems. First of all, you can't
20 approve an RCD plan until you have an accurate yield plan.
21 So, hopefully, some of the comments that you've heard will
22 allow you to spend a little more time on that plan and revise
23 it and then look at a fresh new RCD plan.

24 We know that, in Section 15.19, the purpose of an
25 RCD is to maintain and conserve natural characteristics such
26 as woods and growth, natural vegetation, et cetera. Woods
27 is the very first thing on that list. Furthermore,
28 Section 16.24(C)(4) states any area within the designated open
29 space that is disturbed during construction or otherwise not
30 preserved in its natural state shall be landscaped with

1 vegetation that is compatible with the natural characteristics
2 of the site.

3 So when the property was clear-cut to some of the
4 property lines in the area other than the riparian setback,
5 the landscape plan does not restore the open space to its
6 natural characteristic. The natural characteristics are
7 hardwood forested areas. It doesn't restore it to the natural
8 characteristic, which is required by your zoning text.

9 (Inaudible) and will maintain privacy buffering, which is
10 excellent and really helpful but not the same thing as
11 restoring to its natural characteristic. Consequently, will
12 you not approve this space as conserved open space on the RCD
13 plan and, therefore, not towards the density bonus?

14 Along this line, on the RCD plan, stormwater
15 retention ponds are included as conserved open space yet,
16 again, they're most wet and dry ponds not being restored to
17 their natural wooded characteristic. It's been stated that
18 the retention ponds can be in the open space, yet nowhere in
19 the zoning text does it state that the retention ponds shall
20 be considered open space in a previously fully-wooded lot.

21 Furthermore, don't just take residents' word for
22 this. Soil and Water stated in their staff report to the
23 Planning Commission, "There is concern with the RCD plan is
24 the amount of stormwater infrastructure that is proposed
25 within the open space...Consider moving the water quality
26 features out of the open space to lessen the disturbances of
27 the open space, or move to other open space areas that are not
28 used for the calculation of open space."

29 CHAIRMAN DONDORFER: All right. Thank you, Vanessa.

30 MS. PESEC: I had one other comment or two.

1 CHAIRMAN DONDORFER: Well, I -- Okay. We are at
2 three and a half minutes. What else would you like to say?

3 MS. PESEC: Okay. So the question is, since you are
4 all new, we hope that you will not consider the retention
5 ponds conserved open space in the RCD plan.

6 And then there is one final point that is important
7 within the RCD plan as you are looking at it and prior to
8 approval. The Lake County Planning Commission states, "Does
9 the wetland located in the open space behind the detention
10 basin need to be mitigated? There are no disturbances shown
11 on the plan for the wetland, and it appears it is being
12 proposed to be mitigated to make sure the 30 foot riparian
13 setback is met. This may change the RCD plan and the open
14 space calculation."

15 So, again, before you approve 40 percent open space
16 and the RCD plan, I think it's really important that you look
17 at the yield plan and then you have -- look at a revision of
18 this. You are able to change what is considered the open
19 space and it's really important for you to do the right thing
20 for everyone involved.

21 CHAIRMAN DONDORFER: Thank you.

22 MS. PESEC: Thank you.

23 CHAIRMAN DONDORFER: Thank you, Vanessa. Yes, we
24 are all new here but I can assure you that we have spent
25 considerable time, each one of us, learning about zoning and
26 doing our due diligence so that we can serve the community
27 favorably and make the best decisions that we can to offer
28 the, you know, the community that we work in. So thank you
29 for your comments.

30 Anybody else on the line with the last name

1 beginning with I through Q? Please state your name and your
2 address for the record. You can go ahead and speak.

3 (No response.)

4 Seeing none, we will move on. Anyone on the line
5 with the last name beginning with R through Z, if you would
6 state your name and address for the record and go ahead and
7 speak.

8 MR. RACHEK: This is Tim Rachek, 8180 Rainbow Drive.

9 CHAIRMAN DONDORFER: I am sorry, sir. I didn't,
10 I didn't catch your name. Can you repeat that, please?

11 MR. RACHEK: Last name is Rachek, R-a-c-h-e-k, first
12 name is Tim, 8180 Rainbow Drive.

13 CHAIRMAN DONDORFER: Thank you.

14 MR. RACHEK: So, first off, I want to just
15 acknowledge those that have spoken before me. And the
16 gentleman on Colburn and those on Timber Lane, you're very
17 well prepared and it's disappointing to see what's happening
18 to your back yards and that.

19 I guess my only -- I have two comments. I think
20 the -- I don't know the last lady that spoke. That was a very
21 mature lot but I think the landscaping plan that's been
22 presented is minimal, at best. And you're replacing mature
23 trees with trees that will grow to 12 feet tall, which seems
24 very -- Mr. Sommers talked about all the money he put into
25 it. The money should go into ensuring that the landscape is
26 returned to the previous state.

27 And there is no landscaping plan for the other side
28 of the development. I appreciate that the folks in Timber
29 Lane will need some type of buffer and open space is not a
30 buffer and 12 foot trees will not be a buffer for them.

1 Whoever cleared that lot put the cheapest approach possible
2 and cleared it down and all of the land, and very well could
3 have put time and effort into keeping the mature trees and
4 doing a better job of carving it out. There was mention at
5 the last meeting about needing to get that done by a certain
6 date.

7 The other thing I don't understand, it goes to
8 Sommers Court. I don't understand why there is a dead-end
9 road. It serves one to two purposes: Either there is a
10 Phase 2 plan that involves additional land being bought and
11 developed and, to me, that should be considered as part of
12 what's going on now, or that's serving some purpose to get
13 around zoning. So, I guess, I would want, if that is going to
14 be a dead-end court, why not eliminate it and be able to build
15 on the lots that are on that court a little fuller. So thank
16 you for letting me speak.

17 CHAIRMAN DONDORFER: Thank you, Mr. Rachek.

18 Anybody else on the line with the last name
19 beginning with R through Z?

20 MS. NIETO: Excuse me. This is Jennifer Nieto and
21 you couldn't hear me when I was yelling into my phone.

22 CHAIRMAN DONDORFER: Okay. I apologize. You can
23 speak now.

24 MS. NIETO: Okay. I just had a couple points here.
25 Is there a reason why this northern creek is not indicated on
26 any of the plans, the yield plan or the two RCD plans, the old
27 one or the revised one? Would that have an effect then on
28 that yield plan because there should be a setback off that
29 creek? That creek causes the most problems on Timber Lane at
30 the time. It was rerouted on the other side of the street and

1 it's just a mess every time we get a heavy rain. I showed
2 pictures to people as to what happened this last time.

3 CHAIRMAN DONDORFER: Correct.

4 MS. NIETO: And the acreage, I guess I am concerned.
5 That extra acre and a half that showed up of Mr. Sommers,
6 where did it come from? If the Auditor had all that acreage
7 between Colburn, Timber Lane, Girdled, and Ravenna all
8 accounted for, how does an acre plus just appear, you know?
9 It's already been divvied up. I think I said the example to
10 Amy is, was there like 200 acre here and, all of a sudden, now
11 there's 201 point something acres. Did I lose acreage? Did
12 someone else lose acreage? I don't understand how that
13 happened.

14 And, lastly, I appreciate the landscape plan. It's
15 a good alternative to a fence around the pond, but I would
16 hope that we could put even a thicker area, especially by the
17 pond. We do have older people on Timber Lane with health
18 conditions that I don't want to see them wandering, because
19 we've all wandered here for plus years. I don't want these
20 older people wandering, not knowing where they're at and
21 falling into a pond or whatever, too. So it's concerning to
22 me because these people here are family to me. I have lived
23 here my whole life and now I feel like (inaudible) as well.

24 So those are the points I wanted to make, so
25 increasing the trees for the landscape plan and I don't
26 understand how this acreage got all discombobulated and I
27 wondered about that northern creek, why it's not listed on any
28 of the plans. Thank you.

29 CHAIRMAN DONDORFER: Thank you.

30 Anybody else on the line with the last name

1 beginning with R through, through Z? Go ahead and state your
2 name and address.

3 MS. PYLE: My name is Pat Pyle. (Inaudible) it's
4 okay, 8273 Timber Lane. And my questions are regarding the
5 stormwater and flooding. And I know you mentioned that the
6 engineers and stormwater people going to analyze all that.
7 But here are the things that I feel that, prior to adopting
8 the plan, additional input from the Lake County Stormwater
9 Department should be provided. I feel they need to attach
10 stringent conditions for approving an RCD.

11 It is frustrating that the Lake County Stormwater
12 experts were asked not to attend this important meeting. I
13 question why they weren't included. Recent spring rains
14 showed two stormwater problems on Timber Lane. I mean, if you
15 had walked in our yards or even on your entrance to the
16 development, it was a mess. And with this new development
17 going in, will it be any worse, I wonder?

18 This is with no hard, impenetrable surfaces. And
19 once you put that allotment in, that's going to change. And
20 that won't be constructed when the development goes in, and
21 the development increases flooding and property damage to
22 Timber Lane homes is my concern.

23 Also, the plan must reduce the risk of flooding for
24 concerned Concord residents' properties. It's important for
25 residents and all Concord taxpayers who pay for road work when
26 we have repeated flooding.

27 While Lake County agencies deal with the details for
28 stormwater, will you attach stringent protective language that
29 requires the developer to adhere to utilizing the most
30 protective engineering and stormwater design to protect Timber

1 Lane from flood? And will you require the developer to fix
2 any flooding problems the development creates? I mean, I know
3 I don't know anything about the piping and everything but I
4 know the size of the drains is important and I know people
5 cost when they are building anything. And my concern is, if
6 the right products are not used, (inaudible) flooding. And I
7 just think it's better to use the materials that were
8 presented now.

9 Also, I have learned that, according to the Lake
10 County Planning Commission, proposed the storm sewers to be
11 located in the road right-of-way and not at the rear of the
12 sublots. The township will not accept any drainage easement
13 in the back yard. If the storm sewers are approved by the
14 Lake County to be located in the rear of the sublots, it
15 should be stipulated that there shall not be any additional
16 disturbances to the open space to accommodate the sewers.

17 Will you, the Trustees, assure in the RCD approval
18 for storm (inaudible).

19 CHAIRMAN DONDORFER: Okay.

20 MS. PYLE: Those are my concerns. Thank you for
21 taking time for us.

22 CHAIRMAN DONDORFER: Thank you very much, ma'am.
23 Thank you.

24 Is there anybody else on the line who would like to
25 speak with the last name beginning with R through Z?

26 MR. STEWART: Yes. Lee Stewart, 8229 Timber Lane.
27 My comments, I see everybody (inaudible), so I will try and
28 get through this quickly for you here but I want to follow up
29 on what Pat has said. We had some significant rains this
30 spring. I think that, personally, we've had more, more runoff

1 because the trees were not there. And now my concern is we're
2 going to put in additional hard surfaces (inaudible),
3 concrete, roads, and so forth. I understand water and the
4 sewer arrangements and so forth. What occurred earlier
5 (inaudible) and I understand that. But as an RCD, it is
6 important that you guys, I believe, you can ask for the good,
7 better and best and we have the ability now (inaudible) --

8 MR. McINTOSH: I can't hear.

9 MR. STEWART: (Inaudible.)

10 CHAIRMAN DONDORFER: Sir, can --

11 MR. STEWART: (Inaudible). We want the very best
12 here in Concord to make sure we don't have flooding.
13 (Inaudible.)

14 Also, I believe the comment was that the Commission
15 had noted, the Planning Commission had noted Sublot 6 had a,
16 subplot (inaudible) a setback line issue with it and so it
17 wasn't moveable. And in the revised plan, that stream
18 riparian setback line is moved. So the question is the
19 credibility then of the accuracy, you know, of the rest of all
20 of the wetland demarcations throughout. It is a minor move
21 but it was moved slightly. And so the question is, you know,
22 why was that? So I simply say, well, let's -- We know this is
23 going in. We will do the best we can.

24 I real quickly want to circle back to simply say,
25 yeah, the yield plan isn't feasible because, you know, they're
26 putting in a half an acre of retention pond and yet the RCD
27 requires like, you know, two and a half to three acres. So
28 that was just -- I know that Mr. Sommers said it doesn't
29 require a lot of engineering but it does need some common
30 sense to it in terms of its design. That's all I have to

1 offer. Thank you very much for your time.

2 CHAIRMAN DONDORFER: Thank you, Mr. Stewart.

3 Is there anybody else on the line with the last name
4 beginning with R through Z? If so, can you state your name
5 and address for the record?

6 (No response.)

7 MR. ROSE: I am unmuting people.

8 CHAIRMAN DONDORFER: Okay. Seeing none, we're going
9 to move on. Mr. Sommers, would you like to respond?

10 MR. WITT: Excuse me. Can you hear me?

11 CHAIRMAN DONDORFER: Oh, I'm sorry, sir. We didn't
12 know we had anybody else still on the line. Yes, sir.

13 MR. WITT: Yes. This is Bill Witt, at 8347 Timber
14 Lane. I live on the south end of the development.

15 CHAIRMAN DONDORFER: Okay.

16 MR. WITT: I wanted to just kind of summarize or
17 formalize a request. I mean, we're asking you to deny this
18 until a couple things. We would like to see a new yield plan
19 that is more accurate because of all the things that we have
20 already talked about. I won't reiterate that. And that's
21 basically going to end up with fewer sublots.

22 The yield plan, in addition to the problems, the
23 open space just isn't there. I mean, I am reading from, right
24 from your zoning text where it says the open space shall be
25 designated and located to conserve significant natural
26 features. Any designated open space shall be preserved in its
27 natural state. So I think a couple people touched on that.
28 That really leads to the landscape plan being insufficient by
29 a long shot. And to be honest, I mean, the fact that the lots
30 are, for the most part, clear cut, there is no conserving

1 anything. They kind of screwed the (inaudible) on that one,
2 so to speak. So, I mean, there, really, there needs to be a
3 lot of remediation work for you to consider it undisturbed.

4 That's going to lead to the need for a new RCD plan
5 that takes into account (inaudible)--

6 CHAIRMAN DONDORFER: Okay. Whoever is talking in
7 the background, can you please mute your phone.

8 MR. ROSE: I just muted them.

9 CHAIRMAN DONDORFER: Okay. Go ahead. Continue,
10 sir.

11 MR. WITT: Okay. Yeah, not much more. Just we are
12 looking for a more accurate yield plan which will give us a
13 fair RCD plan and not sneak extra lots in there to make it
14 even more dense. You know, the RCD, the whole point of it is
15 conservation, right, not conservation of the developer's
16 profits. So, you know, we need to be mindful of the text in
17 our Concord zoning and follow that more clearly. So a new
18 yield plan, new RCD plan, we'd like better landscaping to
19 remediate some of that, the issues there.

20 And we'd like some stipulations from the trustees
21 for some stormwater protections. There's a lot of concerns
22 that you've heard. We have all kinds of streams crossings. I
23 have one in my back yard that floods regularly. We have sump
24 pumps running all the time already. This isn't an area to
25 play around with, so it's got to be right.

26 CHAIRMAN DONDORFER: Right.

27 MR. WITT: So I would request that you don't vote on
28 the subdivision tonight. We would ask you to keep open the
29 public hearing so that we can keep in tuned to any changes and
30 make comments. That's all. Thank you very much.

1 CHAIRMAN DONDORFER: Thank you.

2 Anybody else on the line that hasn't spoken yet?

3 (No response.)

4 Okay. Thank you. Mr. Sommers, do you want to
5 respond to any of those questions?

6 MR. SOMMERS: I would. First of all, I do have a
7 revised map.

8 MR. McINTOSH: Can we get the phone over there?

9 MR. ROSE: Yeah. Mr. Chairman, just so you know,
10 I've got the audience muted except for the phone, the
11 conference phone that we're using to broadcast.

12 CHAIRMAN DONDORFER: Okay.

13 MR. SOMMERS: First, a couple comments. The acreage
14 issue, some of these legal descriptions dated back to the
15 early 1900s. I can't tell you why or how the legal
16 descriptions got or the Auditor's site -- It's common to see
17 acreage calculations that are not accurate on an auditor's
18 site. Some of these deeds, again, are from the 1900s. They
19 didn't have the technology. We use an engineer, Polaris
20 Engineer, to do a boundary survey and a licensed engineer
21 signed off on that.

22 Secondly, that legal description and that acreage
23 calculation was confirmed by the Lake County Tax Map
24 Department which is part of the County Engineer. I stand by
25 its accuracy. It's been looked at by a third party. I can't
26 tell you. I don't think anybody lost any acreage. I believe
27 that that acreage was just greater. And today we have better
28 technology to determine the exact acreage. So I do not think
29 that's an issue and it's been approved and it's been studied
30 and I think that the acreage calculation is now correct.

1 A couple things on the other comments, the landscape
2 plan, again, we are willing to look at that a little further
3 but I also stated when we talked about the landscape plan that
4 there would be deciduous trees on there. Those will grow
5 taller than 12 feet. We've looked. We are working with an
6 expert landscape planner. It is not just going to be pine
7 trees on top of a dirt mound. So there would be deciduous
8 trees and various species of trees, especially ones that are
9 fast growing.

10 We have a 29-acre site here. It's totally wooded.
11 So to put in a development, we have to cut some trees and we
12 have to cut trees to put in retention. So we cannot develop a
13 property and not cut trees, unfortunately. There were
14 approximately, between 11 -- I don't have the exact
15 calculation but there were between 11.6 and 12 acres of this
16 site that were untouched. And what we did per the code is we
17 identified what we would call the pristine areas, the creeks,
18 obviously, with riparian setbacks, the areas that have slopes
19 that are subject to erosion. Those are the areas that I think
20 the code addresses to be included in the open space and that's
21 what we did with this plan. We took care to, obviously, you
22 develop where it's as flat as reasonably can be expected.
23 This site does have some terrain. So 12 acres were untouched.
24 We did not clear-cut property line to property line.

25 Other neighbor comments, I do know that along Timber
26 Lane there are some houses that are built next to or within a
27 few feet of that creek. Those problems are preexisting. We,
28 obviously, will do whatever we can to reroute water and
29 contain water. But, again, based on the Ohio EPA regs and the
30 Lake County regs, we will not increase the flow into those

1 creeks when there is a storm event. The storm ponds are
2 designed with outlet structures that have orifices that let
3 the water out at a calculated rate. So I believe, if
4 anything, we may help that situation. Any flooding that was
5 out there, and I know it's been even before we bought the
6 property. Right now there is flooding issues but that was
7 preceded by us owning the property and we will do whatever we
8 can to help with that issue.

9 Other comments, all the streams on the property have
10 been addressed in our plan. Lot 6 on the RCD plan, I will
11 pass out for the record one of the things that we did for and
12 during this plan, there were some inaccuracies in the topo and
13 the Lake County GIS that we found, so what we did was we
14 engaged a third party, CT Consultants, to do what's called an
15 aerial topography. We had this Lot 6. The creek had a sharp
16 bend in it. And if you look at that, that's not how it is out
17 there. And I believe that Lake County either Soil and Water
18 or Storm Management has looked at this and agrees with us.
19 But, again, that will be part of the plan. We're not trying
20 to -- We could have moved a house over but this accurately
21 depicts what's there.

22 Other comments I am looking through, again, we stand
23 by the yield plan. It is buildable. It's not what we want to
24 do because, if we have to build that yield plan, we'll
25 probably have to clear another eight or nine acres and that's
26 not what we want to do, and I don't think that's what the
27 township wants and I don't think that's what the Comprehensive
28 Plan addresses. Again, the yield plan is, in theory, what
29 could be done but we're not doing that.

30 As far as feasibility of whether the plan is

1 feasible, there is nowhere in the code that addresses what our
2 profit should be or if it's feasible. Obviously, if it was
3 not feasible, we wouldn't build it. But I can tell you this,
4 that we could build the yield plan and it would be feasible to
5 do but monetary issues aren't part of the code and part of
6 this Board's decision.

7 Wetlands, we are disturbing -- As designed right
8 now, the plan calls for, I believe, less than a quarter of an
9 acre of wetlands disturbance. This is also part of the good
10 side of the RCD plan is it allows us to minimize the amount of
11 wetlands that are disturbed. We only have two creek crossings
12 and those are approximately 60 feet each. Between 100 and 120
13 feet of creek will be crossed at the south end of the
14 property. The rest of the creeks will be not crossed by our
15 road. So, at this point, we only have 120 feet of creek
16 impact.

17 We would also note that the Army Corps has been to
18 this site and it's been submitted to both agencies. The Army
19 Corps has agreed with our wetland assessment and that's done
20 and been approved already. That was done early in the process
21 even though it's not required.

22 Oh, the dead-end road was another. Mr. Rachek
23 opposed not putting that in. That is required by the Lake
24 County Planning Commission and it's good planning. It allows
25 for, if and when the property to the east is developed, that
26 allows for a secondary access. It allows for improved
27 traffic. It allows for water and sanitary sewer and storm
28 sewer loopage, which is a safety, for the water, is definitely
29 a safety factor. So that can't go away. That's required by
30 Lake County Planning and, basically, nonnegotiable. It's

1 required and that's what we've done.

2 Anything else, Greg?

3 I believe, at this point, that's all I have to say.
4 We will look at the landscape plan. Again, I spoke to two
5 neighbors. We have agreed to beef that plan up and we will go
6 from there.

7 CHAIRMAN DONDORFER: Thank you, Mr. Sommers, and
8 thanks for your commitment to working --

9 MR. SOMMERS: Thank you.

10 CHAIRMAN DONDORFER: -- together with the neighbors
11 out there in the area.

12 With that, I guess real quickly, do you have
13 comments? Any comments, Morgan? I don't know if we're going
14 to comment today. There is a lot of questions regarding this
15 project. I don't know if we necessarily want to get into
16 answering these tonight. I think we all took a considerable
17 amount of notes.

18 MR. McINTOSH: I've got a couple things to say. I
19 don't know if you want to finish what you are saying.

20 CHAIRMAN DONDORFER: Go ahead.

21 MR. ROSE: Let me move the phone just so, that way,
22 we get good clarity for everybody.

23 MR. McINTOSH: Thank you. I want to thank everybody
24 for coming in tonight and receiving feedback -- or so we can
25 receive your feedback. I think it's very important.
26 Obviously, that's what the public hearing is for. And as
27 Mr. Dondorfer said, we've all taken a copious amount of notes
28 here.

29 You know, we do have a new trustee board here and I
30 was a little disappointed that Ms. Pesec has forgotten that I

1 served on the zoning board for ten years. So for those who
2 are not familiar, this is not the first time I have voted on
3 an RCD rezone.

4 So there are some very important concerns to be --
5 or that you've raised and you deserve answers to these
6 questions. With respect to Lake County Soil and Water or
7 members from the county being invited, that's not standard
8 protocol for this. They've had their comment. We get that.
9 We don't ordinarily -- I think there was a member of, I forgot
10 which came to the preconference hearing but normally to a
11 rezone, we don't -- that's not normal. It's certainly
12 something that we can request if we wanted them to come and
13 testify specifically with us to clarify points. I know that
14 some of us have talked with those offices, me included, to get
15 an understanding of their calculations and how they do that.
16 Again, I have talked with them a number of times over the
17 year.

18 And, again, so I'd like to take, I guess, I'd like
19 to take some of these comments under advisement.

20 Oh, one other final thought, I think, is something I
21 want to clarify. I think Ms. Freeman said something as well.
22 I think it's important to understand, I know some people had
23 made requests that the trustees, I think, we had stipulations,
24 as I heard somebody said, or that we will require enforcement.
25 The township didn't legally have the authority to regulate
26 water. That's a county function. We will take, we take
27 guidance from them with respect to that and we will ask that
28 the developers adhere to those regulations and, of course,
29 require that but it's almost out of our hands whether or not
30 the county enforces that. So that's something that I don't

1 believe we really have the authority to dig into. I could
2 check with legal on that but I don't think we --

3 CHAIRMAN DONDORFER: Mr. Lucas.

4 MR. LUCAS: No, you don't have that authority.

5 CHAIRMAN DONDORFER: Thank you, Mr. Lucas.

6 MR. McINTOSH: I guess that concludes my remarks at
7 this time.

8 MR. ROSE: It's easier to go from the outside.

9 (Moving phone.)

10 CHAIRMAN DONDORFER: Mrs. Lucci.

11 MS. LUCCI: Thank you, everybody. I would just like
12 to comment that I do appreciate some of the residents who I
13 reached out to or reached out to me. Thank you for allowing
14 me to, you know, kind of letting me know your concerns. I
15 appreciate the impacts of this on your property, as well as
16 your neighbors' concerns. And I do apologize if I did
17 miscommunicate about having, you know, Soil and Water or
18 someone else here to understand the yield plan a little
19 better. So I do want to apologize for that. But I do agree
20 there is a lot of information to -- a lot of notes here that
21 we did take that need some consideration.

22 CHAIRMAN DONDORFER: I would like to echo the fellow
23 trustees' comments as far as thanking the public for
24 participating tonight in the public hearing. That's what this
25 is for. Obviously, there are a lot of questions that we need
26 to look into. With that, I know Mr. Sommers has been very
27 amicable to working with the residents in that area and
28 listening to their concerns. I have also spoken with several
29 residents over there and fielded some questions. And there is
30 a lot here that I think we need to digest before we, you know,

1 make any further comments or decisions at this point.

2 I would recommend at this point in time that we
3 recess the public hearing until the next meeting so we can
4 have some time to go through and answer these questions.

5 MR. McINTOSH: I have a question for Mr. Sommers.

6 MR. ROSE: If you can come up here, Rick, that way,
7 the speaker phone just all kind of works. Thanks.

8 MR. McINTOSH: I understand that you reached, you
9 said that you had reached out to the residents and so forth
10 and that you've heard from a couple people. So just to, I
11 think, clarify one thing I heard is that you're willing to
12 have ongoing conversations about the landscaping. So is that
13 something that a little more time would be useful for? Is
14 that --

15 MR. SOMMERS: Yes, I think it would be.

16 MR. McINTOSH: Okay.

17 MR. SOMMERS: I think that coming back, answering
18 the questions -- I spoke to two residents today by phone and
19 my son spoken to another. We did make the landscape change.
20 There is two more that need to be made.

21 MR. McINTOSH: Okay, great.

22 MR. SOMMERS: So I think that's a great idea.

23 MR. McINTOSH: Okay.

24 CHAIRMAN DONDORFER: Okay, great. So with that,
25 like I said, I would like to recommend that we recess the
26 public hearing until the next meeting. If there is no
27 objections, we can take that up on June 17th, which is our
28 next trustee meeting. So we will need a motion for that.

29 MR. McINTOSH: Mr. Chairman, I move that we table
30 or --

1 MR. LUCAS: No, no, recess.

2 MR. McINTOSH: -- recess -- I am sorry -- recess the
3 public hearing and then we will take it up again on the 17th
4 of June.

5 MS. LUCCI: And I second that motion.

6 CHAIRMAN DONDORFER: All in favor?

7 (Three aye votes, no nay votes.)

8 CHAIRMAN DONDORFER: Thank you to all that
9 participated tonight. Mr. Sommers and your representatives,
10 thank you for being here, as well as our residents in Concord
11 Township, thank you very much and good evening.

12 MR. SOMMERS: Thank you for your time.

13 MS. LUCCI: Thank you.

14 CHAIRMAN DONDORFER: Thank you.

15 MR. SOMMERS: Again, we are an open book.
16 Everybody, we've put our cell phone numbers on the letters.
17 We'll take calls, we'll meet people, whatever it takes to move
18 this along in a very equitable manner.

19 CHAIRMAN DONDORFER: Thank you very much.

20 MS. LUCCI: Thank you.

21 MR. ROSE: Thanks, guys.

22 (Whereupon, the public hearing was closed at
23 8:10 p.m. and there was brief discussion off the
24 record.)

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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 15th day of June 2020.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023