

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 17, 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  
Amy Dawson, Fiscal Officer

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: Good evening, Concord Township.  
3 We are going to open up the 7:00 p.m. public hearing. This is  
4 for Zoning Map Amendment and Preliminary Plan Application  
5 0320-2 submitted by Sommers Real Estate Group LLC for a  
6 proposed Residential Conservation Development, R-2 RCD  
7 District, for approximately 29.6 acres of land owned by  
8 Colburn Development LLC, located off of Colburn Road and  
9 currently known as Permanent Parcel Numbers 08-A-012-B-  
10 00-018-0 and 08-A-012-B-00-009-0. Good evening, everyone that  
11 is in attendance here with us or online.

12 In regard to this application, I would like to state  
13 before we get started, you know, as a preliminary matter, the  
14 Board did hear substantial comments from the public on the  
15 June 3rd meeting in regards to this application that all three  
16 of the Trustees present tonight plan on addressing.

17 I would ask Mr. Sommers to come forward and see if  
18 there is anything new as far as the updates since our last  
19 meeting and any other questions that you may be able to answer  
20 that were raised on the June 3rd meeting. Thank you,  
21 Mr. Sommers.

22 MR. SOMMERS: Richard Sommers, 10585 Summerset  
23 Drive, Chardon, Ohio. Just a few quick updates. The  
24 landscape plan has been updated to show plantings at Lot 5 and  
25 6. Additional plantings will be installed at the rear of the  
26 lots for screening. This was requested by a homeowner and we  
27 have agreed to do that.

28 Just a few other comments since the Board has  
29 already heard our presentation. I would note the yield plan  
30 meets the Lake County Planning Commission standards for sketch

1 plans for subdivisions as required by the Concord Township RCD  
2 requirements. I would also note that in researching the codes  
3 of both the Lake County Planning Commission and Concord  
4 Township, nowhere in any, either code is the storm sewer  
5 retention basins required to be on this plan. We've gone  
6 above and beyond to add those to get, at least, get an idea.  
7 We have used outside people for surveying, third-party topo.  
8 That's why the creek changed a little bit once the topo was  
9 done.

10 The yield plan is reasonable and marketable;  
11 however, the RCD plan, we feel, is a much better plan.  
12 Streams, slopes and natural features are all preserved in the  
13 open space areas.

14 That's basically all I have to say. I would like to  
15 hear from the public and answer any questions that they may  
16 have or comment after the public portion.

17 CHAIRMAN DONDORFER: One question I have, what type  
18 of additional landscape improvements did you make as far as --

19 MR. SOMMERS: The homeowner that abuts Lots 5 and 6,  
20 which are on the left side coming in on Timber Lane, I can't  
21 remember the name from memory but she requested some plantings  
22 there at the back of the lots to screen. There is a creek at  
23 the bottom and up to her property where we did not clear but  
24 she felt that the additional plantings would be an asset and  
25 we agreed to do that.

26 There was also a fellow at the other end by the  
27 retention pond. Those improvements were actually done for the  
28 last meeting. But that also was changed, again, trying to  
29 screen the neighbors and seed and plant trees in those open  
30 areas.

1           CHAIRMAN DONDORFER: Okay. My understanding is that  
2 natural buffer at the rear of those residents' lots on Timber  
3 Lane is going to be planted with trees and things of that  
4 nature.

5           MR. SOMMERS: It's a combination of a mound,  
6 approximately three to four feet high, depending on adjacent  
7 topography, and then there will be a combination of evergreens  
8 that stay green year-round and provide excellent screening,  
9 along with deciduous trees. The landscape planner expects  
10 some fast-growing and meadow, a transition from meadow around  
11 the pond to large growth trees over time.

12           CHAIRMAN DONDORFER: Okay. Thank you.

13           At this point in time, I would like to ask if there  
14 is anybody online that has any new questions or comments  
15 regarding this proposal. We did field a lot of public comment  
16 at the last initial public hearing, so I would ask that if you  
17 have something new that you would like to ask or comment on,  
18 please do that at this time. I will limit time to three  
19 minutes. And if you could please state your name and, name  
20 and address for the record when you begin to speak.

21           Is there anyone on the line that would like to speak  
22 at this point in time? Is there anybody on the line?

23           MS. HADLEY: Hi. This is Christine Hadley.

24           CHAIRMAN DONDORFER: Okay, Ms. Hadley.

25           MS. HADLEY: Hi. 11505 Colburn Road. I think we  
26 have kind of a reiteration -- not a reiteration, a follow-up.  
27 Just because something has been done before in the township  
28 and there is a history of something doesn't mean that it's  
29 right exactly. Mr. Sommers has been allowed to put retention  
30 ponds in the open space on previous RCD neighborhoods but it

1 doesn't make it right and it doesn't mean that we have to do  
2 the same thing over and over again. I just ask that we  
3 consider that just because something has been done before  
4 doesn't mean it has to be done again. Thank you.

5 CHAIRMAN DONDORFER: Okay. Thank you.

6 Is there anybody else on the line?

7 MS. NIETO: Yeah, Jen Nieto.

8 CHAIRMAN DONDORFER: Hi, Ms. Nieto.

9 MS. NIETO: Hi. 8305 Timber Lane. I am not really  
10 sure much of what Mr. Sommers said. I think the reception  
11 might be bad or something. But about the drainage easement,  
12 on the yield plan, he only has the one pond and it's on the  
13 wetlands and it's in the back yards of the homeowners there.  
14 So that doesn't play a role then? I don't understand what he  
15 is saying.

16 CHAIRMAN DONDORFER: You talked to --

17 MS. NIETO: It should be outside of people's yards,  
18 you know, not in people's yard because wouldn't that be  
19 considered, you know, territory that would be utilities that  
20 would go in, possibly, into their back yards, the two sublots  
21 that are involved in this, to fix things or what have you? I  
22 don't think it should be in the back yard with these people.  
23 On the R-1 plan, I am talking.

24 CHAIRMAN DONDORFER: Okay.

25 MS. NIETO: He talked about the easement and that  
26 but I couldn't understand everything he said.

27 CHAIRMAN DONDORFER: I don't know if we had  
28 discussed today --

29 MR. McINTOSH: Why don't we just --

30 CHAIRMAN DONDORFER: -- about the easement but we

1 will address that.

2 MS. NIETO: Yeah, just as far as the retention pond  
3 being in the wetland and the sewers coming in on the wetland,  
4 on the yield plan, I think it should have been redone so it  
5 isn't in people's back yards and it isn't coming through  
6 people's back yards. The RCD plan has it correct in that area  
7 for that to come in.

8 CHAIRMAN DONDORFER: Okay.

9 MS. NIETO: I thought we were going off the yield  
10 plan first to approve that to get the number of homes, et  
11 cetera, for the --

12 CHAIRMAN DONDORFER: No. The R-1, the R-1 plan was  
13 approved, right?

14 MS. NIETO: I don't understand how.

15 MR. McINTOSH: No, no.

16 MS. NIETO: The drainage easement and the retention  
17 pond is right in people's back yards. How was that approved?

18 MR. McINTOSH: No. I think you -- Jen, this is  
19 Morgan McIntosh. I think you have it -- There is no approval  
20 of the R-1 plan. The way that the process is set up and the  
21 way that the zoning text works up -- And let's be clear that  
22 that's not just exclusively a Concord Township thing. That  
23 runs all the way up to the county, involving the Planning  
24 Commission and the various other entities. The purpose of the  
25 R-1 plan is a concept, to approve a concept to show that we  
26 can -- that a land is developable under the R-1. It isn't, it  
27 isn't required at this point that it be -- It isn't required  
28 that it goes through all the steps to take it to fruition as  
29 if it was an actual plan. The only requirement is that it's a  
30 conceptual presentation and it doesn't have to go into the

1 detail you're suggesting.

2           There is no requirement for that. We do not have to  
3 approve the R-1 plan. What is before us tonight is the, at  
4 this point with the public hearing, is the question of whether  
5 we are going to grant the rezone and that's simply to change  
6 the land over as far as its zoning classification.

7           This was going to play into the remarks I would say  
8 later but I would like to remind everybody that you're talking  
9 about specifics that will be addressed when the plan enters --  
10 If the zoning is denied and Mr. Sommers goes through the R-1,  
11 he has to go through a full approval, what you are talking  
12 about. If we grant the rezone, he takes the RCD plan and  
13 makes it a formal plan and that has to go through subdivision  
14 review. So it's not that both of them go through that review.  
15 We're here to determine what the zoning classification is and  
16 then he takes the plans forward to subdivision.

17           Did I get that right? Okay.

18           MS. NIETO: If the yield plan determines the number  
19 of homes and the needed bonuses for the RCD plan on the yield  
20 plan but the yield plan shouldn't have as many homes on there  
21 to be reasonable and marketable, then I just don't understand  
22 how, if we can go with a, you know, reasonable yield plan and  
23 move towards the RCD without the yield plan reflecting true,  
24 true things.

25           MR. McINTOSH: Well, I guess that's certainly an  
26 opinion. And I think when you come to the definition  
27 "marketable" and "reasonable," that's sort of a subjective  
28 evaluation. So it certainly, if you object to it and you  
29 think that it's not, you know, reasonable or marketable, then  
30 that's certainly -- and I understand that you do and I hear

1 that. I hear that from you and some of the other residents.  
2 But what I am telling you is there is no requirement in the  
3 process that it be taken to full review and be completely  
4 technically approved as you're requiring. That's the way that  
5 the process is set up. That's the way -- I don't know that  
6 there is ever a point in any rezone for any classification  
7 that we ever go to that level of detail. That's just not how  
8 zoning works.

9 CHAIRMAN DONDORFER: And, ma'am, I guess I wasn't  
10 being clear. What I meant was that the, you know, the R-1  
11 yield plan met the zoning requirements for Concord Township.

12 MS. NIETO: I was not in that impression at all.

13 CHAIRMAN DONDORFER: Okay. Well, the R-1 plan did  
14 meet the minimum zoning requirements for Concord Township.

15 MS. NIETO: Even as far as the drainage easements  
16 and everything and the amount of retention ponds and all that?

17 MR. McINTOSH: If that plan were to be developed, it  
18 would have to go through further diligence to be approved as  
19 buildable; but for the purpose that it's being constructed  
20 now, it isn't required to go to that level of detail.

21 MS. NIETO: Yeah. And you know what? It's kind of  
22 in and out. I don't if too many people have their mikes open  
23 or what but I can't understand what you just said.

24 CHAIRMAN DONDORFER: Okay. Well, I think we'll  
25 address some of what you're -- you have an issue of in our  
26 discussion amongst the three of us because I have some  
27 specific notes on that, so we will move on.

28 Is there anybody else on the telephone that has some  
29 new comments or questions that weren't originally stated at  
30 the first public hearing? You can speak now. Please state

1 your name and your address for the record.

2 MR. ADAMS: Hi. This is Mike Adams. I have a  
3 question.

4 CHAIRMAN DONDORFER: Yes, Mr. Adams.

5 MS. DAWSON: Address.

6 MR. ADAMS: 11567 Colburn Road. My question is on  
7 the process. So tonight you're going to make a ruling on  
8 whether you agree with the plan to go further to development.  
9 What's the next step after this? Because we're all, you know,  
10 just taxpayers trying to do what's right for our property and  
11 for the community. What's the process?

12 CHAIRMAN DONDORFER: I am going to have Heather  
13 Freeman, our Zoning Inspector, respond to that question for  
14 you, sir.

15 MR. ADAMS: Okay, great. Thank you.

16 MS. FREEMAN: Hi, Mike. This is Heather. So --

17 MR. ADAMS: Hi, Heather. How are you?

18 MS. FREEMAN: Good. If the zoning amendment is  
19 approved, it becomes effective within 30 days. At that point,  
20 the developer would submit their formal plans to the Lake  
21 County Planning Commission. They are the entity that has the  
22 review authority over subdivisions in unincorporated areas in  
23 Ohio. So they'll submit their formal preliminary plan to the  
24 Planning Commission, where the Planning Commission submits  
25 that plan to all the other county agencies that are involved  
26 in the review process, including but not limited to like the  
27 Lake County Engineer, Stormwater, Soil and Water, Utilities,  
28 the Sanitary Engineer. They also submit those plans to the  
29 township to make sure that it still conforms with township  
30 zoning, Fire Department regulations and also our township

1 Service Department regulations.

2 Then after they get the preliminary plan approved by  
3 the county, they continue through the process. They submit  
4 their formal improvement plans, including their plats, and  
5 they're also getting, you know, permits from Army Corps of  
6 Engineer and Ohio EPA for any things that those agencies, you  
7 know, require for the developer to move through a subdivision  
8 review process. At that point, the township again is able to  
9 look at those plans and ensure that they still conform to our  
10 regulations.

11 I hope that kind of summarized that enough for you.

12 MR. ADAMS: No, no, that's perfect. That's way more  
13 information than I need. Thank you so much.

14 MS. FREEMAN: Okay.

15 MR. ADAMS: My question is, so it is the middle of  
16 June. Do we anticipate seeing building starting August?  
17 I mean, will we --

18 CHAIRMAN DONDORFER: I don't --

19 MR. ADAMS: -- (inaudible) beginning of third  
20 quarter, fourth quarter?

21 CHAIRMAN DONDORFER: I don't know if we can even  
22 answer that at this point because we haven't made a  
23 determination of, you know, zoning yet.

24 MR. McINTOSH: It's kind of up to Mr. Sommers.

25 MR. ADAMS: I am just trying to understand process  
26 and, you know, the flow of the process. I appreciate that.

27 MR. McINTOSH: Well, what, I guess, maybe to fill in  
28 a little bit, if it's approved and, like Ms. Freeman said, it  
29 goes into the process, then that's sort of up to the developer  
30 and whatever their construction timelines are.

1 CHAIRMAN DONDORFER: And I also think that --

2 MR. ADAMS: That's perfect. I appreciate your time.

3 CHAIRMAN DONDORFER: I think the developer also --

4 MR. ADAMS: (Inaudible.)

5 CHAIRMAN DONDORFER: Mr. Adams, I think the

6 developer also addressed working with, you know, traffic

7 redirection and things of that nature through, you know --

8 MR. ADAMS: Yeah, I mean, I do an evening walk with

9 dogs with limited traffic. I don't have to worry about trucks

10 and that kind of stuff. So I'm just curious to see when it

11 was going to change is all for the short-term of building. I

12 understand that.

13 CHAIRMAN DONDORFER: All right. Thank you,

14 Mr. Adams.

15 Is there anybody else on the line that has something

16 new to ask that was not previously stated in the first public

17 hearing? If you would state your name and your address for

18 the record.

19 MR. WITT: Hello. Can you hear me?

20 CHAIRMAN DONDORFER: Yes, sir.

21 MR. WITT: Yes. This is William Witt at 8347 Timber

22 Lane Drive. I don't think I heard anything about a plan for

23 street lighting. Since the people on Timber Lane specifically

24 and some on Colburn will be looking at street lights in their

25 back yard, I thought I would ask about what that might look

26 like. And, also, is there a way for you, the Trustees, to

27 place some limitations on those to help with respect to our

28 neighborhood. Timber Lane has no street lights except at the

29 intersections. Thank you.

30 CHAIRMAN DONDORFER: Thank you.

1 MR. McINTOSH: Why don't we just keep going.

2 CHAIRMAN DONDORFER: Yeah, we will keep going.

3 Anybody else on the line that has anything new that we --  
4 hasn't been brought up at the first public hearing? Hello?

5 MS. PESEC: Go ahead.

6 CHAIRMAN DONDORFER: Go ahead, ma'am, if you can  
7 state your name and address for the record.

8 MS. PESEC: This is Vanessa Pesec, 11705 Cali Court.  
9 The first question I heard that, in the landscape plan, that  
10 the developer has modified it or is propping modifying the  
11 plan. And so my question is, prior to your approval, will  
12 that landscape plan that's been approved be in writing? We  
13 had, over the years, problems where the developer might say  
14 one thing but then, because it's not in writing, it doesn't  
15 end up happening. So I would hope that the final landscape  
16 plan that's been promised to the residents would be in writing  
17 before you approve it.

18 CHAIRMAN DONDORFER: Thank you.

19 MS. PESEC: Second, I looked up the staff report  
20 from the, from the Lake County Planning Commission and it says  
21 the proposed storm sewers should be located in the right-of-  
22 way and not at the rear of sublots. The township will not  
23 accept any drainage easements in back yards.

24 CHAIRMAN DONDORFER: Correct.

25 MS. PESEC: So -- I understand that. And so my  
26 question is, why would you accept a yield plan that shows  
27 retention ponds in people's back yards? That seems to me to  
28 not be an approved plan for the township. I understand very  
29 well that the Planning Commission has approved that on a  
30 conceptual basis but there is no reason that the township

1 can't look into that yield plan further and make additional  
2 comments and modifications and requests from the developer to  
3 do the right thing by the township in terms of being  
4 reasonable and marketable. You have the power to do that and  
5 I think that's what residents are asking for is a reasonable  
6 and marketable yield plan, and that would include the  
7 appropriate amount of drainage. Currently, it only shows a  
8 third of the drainage that is in his own RCD plan. He said,  
9 This is the amount of drainage I need in my RCD plan. In the  
10 R-1 yield plan, it only shows one-third of that amount. So it  
11 seems to me that, again, you should be asking for a yield plan  
12 that would be reasonable and marketable.

13           And the third point that I would like to request is  
14 that it seems that the citizens spent a lot of time with very  
15 thoughtful questions at the last public hearing, and it seems  
16 to me that they asked them of you and that you should answer  
17 those questions so that, if they have a clarifying question or  
18 comment or something comes up, that they are able to ask  
19 something else before you close the public hearing because,  
20 otherwise, you're not really listening that well to the  
21 residents.

22           CHAIRMAN DONDORFER: Okay.

23           MS. PESEC: It's pretty much a one-way street.

24           CHAIRMAN DONDORFER: Thank you, Vanessa.

25           MS. PESEC: I ask that you keep it open until  
26 afterward so that you're doing a dialogue that I know that  
27 you, the Trustees, had stated that you want to do with  
28 residents.

29           CHAIRMAN DONDORFER: And I thank you for your  
30 comments. And I disagree. I did tell you that we are going

1 to answer the questions. We did listen to the residents. I  
2 think all of us had had substantial conversations either  
3 through email or over the phone with residents speaking with  
4 them, answering questions, maybe not in the form of the  
5 trustee meeting but we certainly did answer several questions  
6 over the phone and via email. And I did indicate to you that  
7 there would be responses from all the Trustees regarding their  
8 questions tonight and during the trustee meeting. So I  
9 appreciate your comments.

10 Is there anybody else on the line who has anything  
11 to comment on or ask questions that has not either been asked  
12 before or new? I am sorry. Is somebody there?

13 MS. LORD: Yes. Can you hear me?

14 CHAIRMAN DONDORFER: I turned up the volume. Go  
15 ahead, ma'am. You can state your name and address for the  
16 record.

17 MS. LORD: My name is (inaudible) Lord. I am at  
18 8175 Timber Lane. My concern is, when it rains, when we had  
19 that really substantial rain in May, we had a large amount of  
20 water coming from that back yard that was cleared even coming  
21 through the back of our property into the stream that's  
22 running through our back yard. So my question is, since back  
23 behind our property is considered wetland, has the Army Corps  
24 of Engineers, who protects wetlands, been notified and have  
25 approved them building anything, the sewer line or any of  
26 those homes in that back section, the north section of that  
27 property?

28 CHAIRMAN DONDORFER: Okay. We are going to -- We  
29 had considerable amount of questions on stormwater that we  
30 plan on responding to. I know that, as far as the stormwater,

1 that's out of the purview of this zoning amendment. That  
2 would be addressed in the engineering portion of the site  
3 development plan, is my understanding, with the Ohio EPA, as  
4 well as the Army Corps of Engineers, as well as Lake County  
5 Stormwater. There are checks and balances as far as, if the  
6 zoning text amendment is approved and the plan moves forward,  
7 those functions or those parts of the development will take  
8 place.

9 So we are going to have some additional comment on  
10 stormwater but rest assured that -- and it's in the, you know,  
11 the transcripts from the previous meetings -- that, you know,  
12 when that engineering is done, there is not going to be more  
13 water runoff in that area. It has to be at the same level or  
14 less than.

15 Is there anybody else on the line that would like to  
16 ask a question or make a comment that we haven't discussed  
17 during the first public hearing?

18 MR. RACHEK: This is Tim Rachek, 8180 Rainbow Drive.  
19 I guess my question goes to the understanding the process and  
20 the township (inaudible). Can you revisit your approval? In  
21 the case of the stormwater, if the Corps of Engineers doesn't  
22 come up with something that meets the township needs, can you  
23 rescind your approval and revisit that?

24 CHAIRMAN DONDORFER: According to our legal advisor,  
25 we cannot rescind or -- Mr. Lucas, if you want to comment on  
26 that. And, again, I think I spoke to, this as part of the  
27 site development.

28 MR. LUCAS: This is Mike Lucas. To answer your  
29 question, number one, the sole legislative function tonight is  
30 to rezone. The question regarding the wetlands and the Army

1 Corps of Engineers is independent of the rezoning itself and  
2 deals with the actual site plan that's going to be presented,  
3 as our Zoning Inspector indicated, to Lake County Planning  
4 Commission and the Lake County Engineer to deal with that.  
5 The wetlands, the county -- or excuse me -- the Trustees do  
6 not have any authority with reference to wetlands. It's a  
7 consideration in terms of the appropriate planning for a site  
8 plan but the township itself doesn't have any authority in  
9 that regard.

10 And the township, if there is an approval by the  
11 Army Corps of Engineers on the site plan presented, then the  
12 question is moot. If there is not an approval, then the  
13 developer is going to have to make some changes in that  
14 because, otherwise, he is going to be in federal court for  
15 violation of disturbance of wetland. All of that though is  
16 completely separate and independent from the rezone here  
17 tonight.

18 CHAIRMAN DONDORFER: Thank you. Is there anybody  
19 else on the line that has something new that we haven't  
20 discussed previously in the first public hearing that would  
21 like to state your name and address for the record? You can  
22 speak now.

23 MS. TOMBA: Yes. This is Kim Tomba. I'm at  
24 8315 Timber Lane. And we need, just for the clarification of,  
25 you know, those who are involved and don't do this for a  
26 living, maybe if there was an outline of, okay, we understand  
27 that it's currently zoned R-1. We're in the process, I  
28 understand, of, you know, the developer trying to get the RCD.  
29 So then, if that happens, what happens next? Maybe if there  
30 were just an outline that would say, you know, once this

1 happens, this is what comes next. Here is the, you know, 25  
2 things that need to be done before building begins just so we  
3 would maybe have an idea of what the process is. I have heard  
4 a couple times people say, you know, "What's the process?  
5 What's the process?" Maybe that would just be something that  
6 we can have in our hands that would help us follow, you know,  
7 the trail of what's going on.

8 CHAIRMAN DONDORFER: Okay. Thank you very much for  
9 your comments, ma'am.

10 MS. TOMBA: You're welcome.

11 CHAIRMAN DONDORFER: Is there anybody else on the  
12 line that has a statement to make or a question that hasn't  
13 previously been asked? State your name and address for the  
14 record. (No response.) Okay. Thank you.

15 Mr. Sommers, would you like to respond to any of the  
16 new comments or questions that were raised? I know there, in  
17 respect to the easement, I don't know if you can address that.  
18 I know there was some comment about that before. Thank you.

19 MR. ROSE: I am going to move this phone so folks  
20 can hear him a little better, if that's okay. I will set that  
21 right, right there. Okay.

22 MR. SOMMERS: I'm sorry. Could you repeat your  
23 question?

24 CHAIRMAN DONDORFER: I know there was a question in  
25 respect to the easement or the retention basin. I don't  
26 remember that coming up.

27 MR. SOMMERS: The retention, as was said, is part of  
28 the next step in the process.

29 CHAIRMAN DONDORFER: Right.

30 MR. SOMMERS: We go to Lake County Planning

1 Commission for a preliminary plan review, which is basically  
2 the plan we've presented tonight --

3 CHAIRMAN DONDORFER: Correct.

4 MR. SOMMERS: -- with any conditions that you might  
5 put on that approval. Then -- That meeting, by the way, is a  
6 public meeting and the public is welcome to speak at that  
7 meeting. We then move on to get numerous permits that usually  
8 run concurrently, our Army Corps of Engineer permit, our soil  
9 and water plan, our stormwater plan. All the plans that are  
10 required, there is about, at least, 12 agencies that will look  
11 at this and approve it.

12 To answer the question about construction, I would  
13 not think that we would get these plans done in time for  
14 August construction, maybe September, could be October. You  
15 never know with the system and what might be approved and what  
16 might be sent back for questioning. So I can't really answer  
17 the timeline. That's dependent on the agencies that are  
18 approving.

19 CHAIRMAN DONDORFER: Thank you.

20 MR. SOMMERS: There were a couple other things  
21 mentioned. Street lights, as you're aware of, any street  
22 lights in a subdivision in Concord Township have to be  
23 approved by the Trustees. We would agree to not put street  
24 lights in here if that's what the township wants. I know, in  
25 the past, there was some, the previous trustees, at least two  
26 of them didn't like street lights. So, again, trying to work  
27 with the neighbors, we would agree to no street lights.

28 CHAIRMAN DONDORFER: Okay.

29 MR. SOMMERS: And I understand their concern.

30 There was also a question about the sewers. We have

1 agreed to move the main line trunk sewers up to the right-of-  
2 way out of the rear yards. There will be some sewers that go  
3 down the sides. Those will be in an easement in favor of the  
4 homeowners association. That association is responsible for  
5 those yard drains and storm sewers. But the main line will be  
6 on the road, as will the sanitary. There was some confusion  
7 last time about that. The sanitary sewer doesn't go to the  
8 rear yards until it gets very far north out of the cul-de-sac.

9 CHAIRMAN DONDORFER: Very good. I believe you --  
10 There was a question, I think, Mrs. Pesec raised regarding the  
11 revised landscape site plan. I believe you submitted that to  
12 the --

13 MR. SOMMERS: That is submitted. It was just  
14 submitted today. Unfortunately, I was a little behind.

15 CHAIRMAN DONDORFER: So we have that.

16 MR. SOMMERS: And, again, I would -- however your  
17 law director wants to do it or you want to do it -- I would,  
18 we would agree to make it a condition of that approval that  
19 that's the minimum landscape plan.

20 CHAIRMAN DONDORFER: Okay.

21 MR. SOMMERS: And if there is any other conditions  
22 that the Trustees would like to discuss, we're open to discuss  
23 that.

24 CHAIRMAN DONDORFER: Morgan.

25 MR. McINTOSH: I had one thing just, it was raised,  
26 we received in writing some concerns of the residents along  
27 Timber Lane and there is a lot of things. I mean, you'll  
28 address some of them. A lot of this stuff has come down to  
29 the water and I think we have talked about this being more  
30 county related and us not having the authority. Though we

1 don't really have the authority on this one, it was a request  
2 if the developer would use the least impactful way to cross  
3 the two streams and consider something like a side, a  
4 three-sided box culvert. Is that something that you would be  
5 willing to entertain?

6 MR. SOMMERS: We saw that comment. It's  
7 approximately \$20,000 cost. At this point, we would agree to  
8 that. We are going to minimize the stream crossings into a  
9 minimum of the right-of-way, which is 60 feet, so it would be  
10 a total of 120 feet, and that will also be part of the Army  
11 Corps permit. We would agree to that three-sided box culvert  
12 to maintain stream integrity.

13 MR. McINTOSH: I appreciate that since, like I said,  
14 it's not something we can demand of you but I think it's  
15 generous of you to make that concession. Thank you.

16 MS. LUCCI: I just had one question.

17 MR. SOMMERS: Yes.

18 MS. LUCCI: How many extra trees are on the new  
19 plan?

20 MR. SOMMERS: I don't --

21 MS. LUCCI: Roughly?

22 MR. SOMMERS: Fifteen to twenty, at least, that's  
23 just behind Lot 5 and 6. There is a schedule on the left side  
24 of that plan of the number of trees and it's listed by species  
25 and by number. It's fairly substantial. And if it's  
26 determined that, after these stormwater ponds are designed,  
27 that we need more trees, we're willing to put them in.

28 MS. LUCCI: Thank you.

29 MR. SOMMERS: But what you see, we would agree to as  
30 the minimum planting and I think that that will serve as an

1 effective screen, as well as directing stormwater away from  
2 Timber Lane, although the terrain runs away from Timber Lane  
3 anyway but that 3 foot mound should help any water from going,  
4 migrating onto anybody's back yard.

5 MS. LUCCI: Thank you.

6 CHAIRMAN DONDORFER: Thank you, Mr. Sommers.

7 MR. SOMMERS: Any other questions?

8 CHAIRMAN DONDORFER: I have none. Either of --

9 MS. LUCCI: I do not.

10 MR. SOMMERS: Okay.

11 CHAIRMAN DONDORFER: Thank you. Seeing that we have  
12 no other questions, are you ready to close the public hearing?

13 MR. McINTOSH: Yeah.

14 MS. LUCCI: Yes.

15 CHAIRMAN DONDORFER: Okay. We will close this  
16 public hearing. Thank you for those that attended with us  
17 over the phone.

18 (Whereupon, the public hearing was closed at  
19 7:35 p.m. and there was brief discussion off the  
20 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 30th day of June 2020.

*Melinda A. Melton*  
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Melinda A. Melton  
Registered Professional Reporter

Notary Public within and for the State of Ohio

My Commission Expires:  
February 4, 2023

