

ZONING COMMISSION

Regular Meeting

November 1, 2018

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Int. Ch. Dermody called the regular meeting to order at 7:02 p.m.

Roll found: Dermody, Powell, Schneider, Marzullo and McCarthy.

Also in the audience were Mr. Spellman, Mr. Kalina, Ms. Peterlin, Trustee Schulte and Zoning Inspector Wilson.

Int. Ch. Dermody asked if everyone had received and read the minutes from the October 4, 2018 Regular Zoning Commission Meeting, and if there were any comments. There were no comments.

Int. Ch. Dermody entertained a Motion to accept the minutes for the October 4, 2018 Regular Zoning Commission Meeting:

- Motion was made by Mr. Powell
- Seconded by Mr. McCarthy
- No further discussion
- Roll was called

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes

Int. Ch. Dermody asked if everyone had received and read the minutes from the October 11, 2018 Special Zoning Commission Meeting regarding the Trails at Redwood Falls, and if there were any comments. There were no comments.

Int. Ch. Dermody entertained a Motion to accept the minutes for the October 11, 2018 Special Zoning Commission Meeting.

- Motion was made by Mr. Powell
- Seconded by Mr. Schneider
- No further discussion
- Roll was called

VOTE: McCarthy – Abstained, Marzullo – Abstained, Schneider – Yes, Powell – Yes, Dermody – Yes

Old Business:

Int. Ch. Dermody asked if Mr. Schneider had anything to report regarding his research on solar. He responded that he was waiting on three return calls. Once he obtains the information he will provide a brief breakdown of his findings. At that time, the Zoning Commission Board can determine what the next steps are. Mr. Schneider added that additionally he is obtaining information regarding sound decibels for windmills. Int. Ch. Dermody asked Mr. Schneider to clarify his research and he stated that he is looking at both solar and wind.

Int. Ch. Dermody stated that further discussion regarding solar and windmill will be tabled until additional information has been reported by Mr. Schneider.

New Business:

Int. Ch. Dermody noted that there was no new business to report on.

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Int. Ch. Dermody asked for Board Member reports:

Int. Vice-Chairman Powell stated that he had nothing to report.

Int. Ch. Dermody stated she had nothing to report.

There were no further comments from the Board members.

Int. Ch. Dermody asked for comments from the audience.

Trustee Schulte reported on the following:

Trustee Schulte thanked those who attended the MCTA seminar regarding agricultural and agritourism held at Montville Township. He added that the seminar was well attended. He asked for feedback from those who attended, and Int. Ch. Dermody commented that she thought it was very good information. She asked if Hinckley Township is having a lot of requests for agritourism and is there potential for agritourism use in Hinckley? Zoning Inspector Wilson responded that he was not aware of any requests.

Trustee Schulte commented that it is only a phone call away, and that not too long ago, someone inquired about establishing a bed and breakfast business at their River Road horse farm. This occurred right about the time that the ORC was adding language to the code.

Trustee Schulte stated that Hinckley Township does not have agricultural zoning, and has become somewhat controversial for our rural community. He added that there are agricultural activities on one acre lots, and our code has no language that prohibits or restricts agricultural in any district, regardless of acreage. He referenced the chickens over in Brookside Estates on the less than one acre lots, where neighbors attended a Zoning Commission meeting asking that the Code be updated to restrict or prohibit agricultural in subdivisions. Trustee Schulte stated that there is language in the ORC that allows for Townships to zone for agriculture and that this be something the Zoning Commission Board may think about for future changes.

Int. Ch. Dermody also commented that the seminar gave insight on noise, lighting and pollution and that this also could be something to outline in the code, going forward.

Trustee Schulte commented that Montville Township has recently updated their Zoning Regulations to include agricultural and agritourism language in their code and that the Zoning Commission may utilize this as a template to consider. He stated that Peggy Hall from the OSU extension has information on her link website regarding the ORC and agricultural and agritourism that may be used as a research point.

Int. Vice-Ch. Powell commented that he thought the seminar to be informative, however, thought Ms. Hall may have some question to some of the specific language that Montville adopted in their code. Trustee Schulte stated that he thinks that it is because there is no case law to compare to – however, Ms. Delvaney, Montville's legal counsel, sees it differently.

Int. Vice-Ch. Powell believes that whatever language is developed that the Township limits the chance of a court battle. Int. Vice-Ch. Powell stated that the ORC limits what the Township may do, and Trustee Schulte agreed. Further discussion ensued.

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Zoning Inspector Wilson briefly outlined what the current procedure he follows is. He explained that someone may ask to fill out a Declaration of Agricultural Exemption Certificate, and that is really the only thing they need to do – he doesn't really question them much. The current code states that agriculture is permitted in all districts – there are no setback guidelines, or size limitations on what can be built. We are a rural community. He does believe that the Zoning Commission should study this and put something in place for both agricultural and agritourism.

Int. Ch. Dermody asked for clarification and Zoning Inspector Wilson stated that he was referencing agricultural and not agritourism.

Trustee Schulte commented that he recently learned that Litchfield Township is up against a court case regarding a wedding barn – the farmer decided to grow some grapes and utilize his barn for weddings.

The Zoning Commission Board discussed the farm on Weymouth Road (Rt 3) and Trustee Schulte stated that they have applied through the Ohio Department of Commerce for a liquor permit. Mr. Marzullo had some concern with a structure that had been started, but is still unfinished. Trustee Schulte stated that we have little in our code to address it because it is agricultural.

Trustee Schulte stated that more farmers today are looking for secondary uses to help subsidize their farms.

Int. Vice-Ch. Powell asked Trustee Schulte if he or the Zoning Inspector wanted something to be written for agriculture and agritourism and Trustee Schulte's response was that it was something worth exploring – but there were other things that needed to be addressed also, such as solar panels.

Int. Ch. Dermody commented that this can be added to the list for consideration.

Mr. Schneider commented that he learned a lot from the seminar – noting that Ms. Hall stated that it must be a farm first, before it can become something secondary. Currently, what Montville is looking at is the CAUV status to determine if agricultural. Further discussion ensued regarding acreage and property owners of one acre or less, having a horse, chickens, bee keepers, etc. Int. Vice-Ch. Dermody asked if there is a tax break if your property is agricultural and Trustee Schulte stated that yes, that there is criteria that must be met regarding CAUV status, acreage and a percentage of gross profit – then there may some tax break.

Trustee Schulte encouraged the Zoning Commission members to attend zoning workshops and seminars when offered, and any extended learning is helpful to keep up with what is going on throughout Ohio with Planning and Zoning.

Trustee Schulte commented on the support of George Smerigan (Tactical Planning). He also stated how important it is to have everyone contributing, and not just a couple of people carrying the load. Everyone's support is important – from researching subject matter, to offering comment – he would like to see more moving into 2019.

Lastly, Trustee Schulte stated that the Trustees will hold their Organizational Meeting the first of January. With that, brings the appointments of the Zoning Boards. Every year one member comes up for reappointment and alternate positions are reappointed annually. This year, Mr. Marzullo's five year term is up. Therefore, he asked that Mr. Marzullo and Alternate's McCarthy and Kalina forward a letter of interest to the Trustees to be considered for another term on the Zoning Commission Board. Trustee Schulte expressed

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he would like feedback to move forward into 2019. Mr. Marzullo stated that he had interests to continue his commitment. Mr. Kalina asked if it be a formal letter to the Trustees and Mr. Schulte responded that sending a letter to the Trustees was not a bad idea, but an email would be acceptable communication.

Trustee Schulte reminded everyone that the Trustee meeting will be held on Monday next week in the old Fire Station bays following the Public Hearing regarding the Terry Properties Text and Map Amendment proposal. The Public Hearing will begin at 5:30 pm with the Regular Meeting to immediately follow. He added that the reason for moving into the Fire Station bays was 1) voting booths will be set up in Town Hall meeting room for Tuesday's election and 2) the anticipated attendance for the Public Hearing.

Mr. Powell asked what the status of the old Fire Station bays was and Mr. Schulte responded that Trustee Burns has been working on getting quotes to fix the drainage issue as phase one of the overall project. The estimated cost to fix the drainage and landscape in front of the bay area is \$30,000.00. He added based on the conceptual plan, that the entire project is estimated to be \$1,000,000.00. There is also the septic system that needs repaired/replaced.

Ms. Peterlin stated that she will be forwarding the attendance record via email for review and asked that everyone check their respective attendance to assure that what they have coincides with what she has. She also asked to include any seminar or work shop attended that she may not be aware of and to follow the outlined compensation schedule.

Mr. Spellman thanked the Zoning Commission Board for respecting his leave of absence. He noted that he had been kept in the loop via a few phone calls with Ms. Dermody. Mr. Spellman stated that it has been about eleven years since he sat on the opposite side of the table and found it interested to see Zoning from a different perspective. He commended the Zoning Commission Board for their efforts and the fantastic job they did this year with what was on the table for discussion. He said it was good to be back.

There were no further comments from the audience.

Int. Ch. Dermody said that the next Zoning Commission Meeting will be held on Thursday, December 6, 2018 at 7:00 p.m.

Int. Ch. Dermody stated that she would entertain a Motion to adjourn the Zoning Commission Regular Meeting:

- Motion was made by Mr. Schneider
- Seconded by Mr. McCarthy
- No further discussion
- Roll was called and all were in favor.

The Zoning Commission meeting was adjourned at 7:32 p.m.

Suzanne Peterlin, Zoning Secretary

Minutes Approved: _____, 2018

Diane Dermody, Int. Chairman

Calvin Powell, Int. Vice-Chairman

Bruce Schneider, Member

Matt Marzullo, Member

Sean McCarthy, Alternate