Special Beavercreek Trustees' Meeting

Monday, September 30, 2013

Ms. Graff brought the meeting to order at 1:00 p.m.

Roll Call: Mrs. Prystaloski; Mr. Paxson; Ms. Graff.

Others: George Oberer, Jr.; Alex Zaharieff, Township Administrator; Ed Amrhein, Zoning Administrator

Modification to the Consent Decree – Nathaniel's Grove

Mr. Amrhein gave the staff report.

Mr. Amrhein stated it was his understanding that this development is governed by a consent decree that dates from May 23, 2006 that finalized zoning to PUD-R. The specific site plan was finalized by board action on October 10, 2006, based on recommendations of the Zoning Commission dated August 24, 2006.

The modifications being proposed today are major modifications to an approved site plan. The developer is proposing to add two (2) lift stations and to deepen some of the sewer mains. A modification is necessary because Condition 13 of the consent decree stipulates that no sewer lines will be installed any deeper than existing sewer mains running through the property. The current sewer mains are too shallow for the engineering needed for proposed development.

Mr. Amrhein emphasized this issue came about after engineering revealed the subdivision cannot be built, even as approved by the consent decree, unless some modifications are made to it. It is entirely an engineering problem, not something prompted by the developer.

Of note in the consent decree, the development is broken down into four (4) sections (A, B, C, & D). Each of those sections carries their own conditions which will not change. This is strictly about attaching some of the sewer lines to a deeper main.

Mr. Amrhein and Mr. Zaharieff met with Mr. Oberer and offered suggestions which were incorporated into the plan. There had been concern with the impact a deeper sewage line would have on the wetlands and other sensitive environmental areas. However, Mr. Amrhein believes that deepening the sewer line will provide better separation between the water and sewer lines, as well as separation from other underground utility lines. With the proposal of anti-seep collars along the deeper line, the developer has taken the necessary steps at this point in the engineering process to mitigate any potential for additional environmental damage.

If the board is satisfied with how the environmental concerns have been addressed, and with the letters of support from two environmental specialists, Mr. Amrhein recommends approval of the amendment to the consent decree.

Mrs. Prystaloski questioned a date from the letter dated September 20, 2013. It was clarified to be a typo.

Ms. Graff referenced Sanitary Engineering's general feeling about eliminating the use of lift stations and asked if approval to use them had been obtained. It was confirmed that approval had been given by Sanitary Engineering.

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Ms. Graff noted that in the original consent decree the concern had been with drainage onto the wetlands and asked if the Beaver Creek Wetlands Association had been contacted.

Greg Smith, engineer for Oberer Development Co., stated that he had requested feedback from Dr. Amon and had not received a response. It is Mr. Smith's opinion that Dr. Amon isn't necessarily for the idea, but he isn't against it either.

Ms. Graff noted that Dr. Amon had not brought any concerns to her.

Mr. Oberer clarified that Dr. Amon was given this information early on in the process to allow time for review and comment.

Mr. Zaharieff emphasized that Dr. Amon and the wetlands association were invited to be part of the process. Dr. Amon was aware of the meetings; if he had any objections they would have been made before now.

Mr. Amrhein noted that there are two separate processes taking place here. One, the Trustees have authority over, which is the amendment to add lift stations and to put in deeper sewer lines. The other involves making modifications to a site plan that has already been approved. Mr. Amrhein characterized the changes to the site plan as incidental. The first change involves moving a few parcels over several feet to accommodate drainage. It was emphasized that these changes will not alter density either for the development as a whole or for the individual sections.

The second change involves landscaping. Since the consent decree was approved over seven years ago, some of the trees already in place on the property have matured. If the original plan is followed, the existing mature trees on Beaver Valley Road would be removed, mounds would be created and saplings would be planted on top of the mounds. This does not make sense .

Mr. Amrhein noted that the changes to the site plan are classified as minor modifications and, as such, will go only to the Zoning Commission. There is no public hearing and the board either approves or denies the request, per Article 17.11.2 of the zoning resolution.

Ms. Graff asked for confirmation that the trees were not ash trees and that they would not be affected by non-native insect invasions. This was confirmed.

Mrs. Prystaloski said she was appreciative of all the work that Mr. Amrhein had done with the developer in making sure everything was addressed before it came to the board.

George Oberer, Jr. addressed the board. He apologized for missing the last scheduled meeting and thanked the board for meeting today.

Greg Smith, Oberer Development Company, addressed the board and stated the miscommunication over the last meeting date was his fault. He also apologized to the board.

Mr. Smith then gave a brief overhead presentation of the information contained in the Trustees' meeting packet. It was noted that most of the wetlands are over 200 ft. east of the development. In addition to the distance from the wetlands, anti-seep collars are being installed, which are basically concrete structures that surround the sewer lines and fill in the gravel channel so that it is mostly groundwater travelling along the sewer lines. The groundwater is stopped by the

concrete structures. This limits the possibility of groundwater following down into the sewer water. Mr. Smith stated the addition of the anti-seep collars makes the system better than what had originally been proposed.

The two lift stations will also assist with preventing groundwater from travelling along sewer lines. Once it reaches the lift station groundwater has no way to follow the sewer line.

Ms. Graff asked where the sewage would be going. Mr. Smith said it would follow existing lines.

Ms. Graff asked if the water and sewer lines would be on the same side of the street. Mr. Smith responded that traditionally they were not. The only time they would conflict is when they cross. It was noted that the sanitary sewer probably would be five (5) feet deeper than the water main, which is the way it should be. You do not want the sewer above the water main.

Mr. Zaharieff stated that part of the discussion with Mr. Oberer was to amend the consent decree to allow the donation of land to other conservation entities. The final consent decree states the land will be donated to ODNR.

Mr. Smith noted that was changed in the final version of the consent decree. It actually states that the Township Trustees will designate to which organization the land is donated.

Mr. Smith then discussed the parcels that would be adjusted to accommodate drainage and also reviewed the new landscape plan.

With regard to using the existing trees, Ms. Graff asked if there was anything within the consent decree or the HOA covenants that addresses replacing trees that have died.

Mr. Oberer stated the HOA does maintain a reserve account specifically to address maintenance issues, including the replacement of trees.

2013-293 Mrs. Prystaloski moved to approve the recommended amendment to the consent decree and to direct Mr. Zaharieff and Ms. Frick to work with Mr. Oberer and his attorney to modify the consent decree. Mr. Paxson seconded the motion. The Vote: Mrs. Prystaloski, yes; Mr. Paxson, yes; Ms. Graff, yes. The motion carried.

2013-294 Ms. Prystaloski moved to adjourn. Mr. Paxson seconded the motion. The Vote: Mrs. Prystaloski, yes; Mr. Paxson; yes; Ms. Graff, yes. The motion carried.

The hearing adjourned at 1:23 p.m.

Trustee: _____

Fiscal Officer: _____