

Minutes of VERMILION MUNICIPAL PLANNING COMMISSION on July 1, 2020

7:00 pm ~ Vermilion Municipal Complex, 687 Decatur Street, Vermilion.

PRESENT: *Jim Chapple, Heather Shirley, Joe Williams, Heidi Strickler, Jeff Hammerschmidt*

In ATTENDANCE: *Bill DiFucci, Building Inspector*

GUESTS: *Mayor Forthofer*

Call to Order:

Joe Williams, Chairman called the Wednesday, July 1, 2020 meeting to order.

Approval of Minutes:

J. Chapple MOVED, H. Strickler seconded to approve the minutes of the June 3, 2020 meeting. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

OLD BUSINESS:

J. Williams conveyed that at last month's meeting the Commission members voted to approve the final site plan for Coal & Ice contingent upon them hiring an engineer. They were given 30 days to comply and today is the deadline, but Dan Roth left a message with the clerk informing her they couldn't meet the 30-day deadline. He said the commission needs to decide on what they want to do about an extension. J. Chapple asked if there was a reason why they couldn't make the 30 days. J. Williams said he has an engineer on board, but the engineer said it would take at least six weeks or less to complete the work. J. Hammerschmidt asked from what date. H. Strickler suggested to extend this matter another 30 days with written proof from the engineer that he has been contracted to do the work, and that they are really that far behind. J. Chapple concurred with this suggestion.

H. Strickler MOVED, J. Chapple seconded to extend the compliance date for another 30 days with proof of written documentation from the engineering firm they contracted with stating they have started the work and it will take this long. Mayor Forthofer asked if there would be an end date by which they have to meet these terms. J. Williams said it would be 30 days from today's date, so August 1. The next meeting is scheduled for August 5, so the clerk will put this on the agenda under 'Old Business'. H. Shirley said they need confirmation from the engineer, so the commission has the proof. If the engineer cannot meet this deadline then they can discuss this. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

(Clerk's Note: The clerk is in receipt of a letter dated July 5, 2020 from James A. Resar, P.E., P.S. from J.A.R. Engineering & Surveying, Inc. that Daniel Roth has retained them to prepare the field topographic survey and the site grading plan at 5693 Liberty Avenue. The field work will be done the week of July 1. The grading plan will be done the week of July 26.)

NEW BUSINESS:

Elaine Reisdorf, Claus Road – PP#: 01-00-037-103-016 (Approval of Site Plan)

Elaine Reisdorf of 2225 Claus Road stated she acquired the property behind her lot in December. It's a 10-acre parcel that is pictured in the drawings submitted to the Commission. She is making improvements to the 10-acre parcel and there has been a long-standing drainage problem and the previous farmers couldn't plant their field because it was very wet and sandy. When acquiring the property, they knew they would have to do some improvement, so she contacted Tony Valerius early in the spring to get guidance and he told her she needed an engineer and she contracted Rich Frederickson who surveyed the lot with a drone elevation and drew up the plan. The picture shows how the water flows and they placed this pond where it would catch most of the storm water runoff according to the elevations.

J. Williams asked if the pond requires EPA approval. Rich Frederickson said if they disturb more than an acre then you must contact the Ohio EPA to get a permit, so she does have to get this which is a quick process. J. Williams was aware that earth and dam is something that the EPA is very concerned with now and wondered if she submitted for their approval. R. Frederickson said they will submit for the required permit as they are not changing the drainage issues – it's just collecting the water where it's naturally flowing. J. Williams asked if there was a water inlet, spring, or stream. R. Frederickson said it's just the natural drainage flows and the excavation will be stacked onto the east side. It's not an embanked pond – it's basically in the ground collecting the water and it's in the low spot already, so it's basically where the water is coming in from north and south in that area. He said they will also get some evaporation off the pond, so he thinks what will end up happening is that the trees and growth will cause a lot less runoff in the future from what they have now.

E. Reisdorf said she has contracted a person to excavate this who does ponds exclusively and she also contracted him to smooth the ground and plant grass into the ground, so she gets vegetation growing, and then they will let weeds and trees grow. They will brush hog it once in the fall.

J. Hammerschmidt asked if the intent is to have the pond dry or wet. R. Frederickson believed the intent will be to store water in it, but it's going to be just natural, so it will go up and down with the water. He said there will need to be a lot of caretaking to make sure it does have more water in it because it's most likely going to leach out into the sand strip. It will take some care to construct it, so it holds water.

H. Shirley asked if she spoke with any of her neighbors and if so, do they have concerns. E. Reisdorf noted that her neighbors will not speak to her due to prior issues. H. Shirley asked if there were any concerns with the runoff being on the neighbor's property. R. Frederickson said the runoff is already basically going from her lot through the neighbor's property. He feels it will decrease in time once the pond is constructed and functioning, and once they get evaporation, they will have less runoff from what is happening now.

E. Reisdorf said she is intercepting the water and the back of her lot is also wet, so she needs an improvement for her own sake and she has nothing to do with where R. Frederickson placed the pond – he put it in the lowest spot which is his job. Their concept is to get all the water to the hole, so it doesn't bother anybody's property.

B. DiFucci said there are requirements that need to be addressed according to the engineer's comments dated June 29, 2020. He said one of the comments in accordance with Section 1030.14 (c) (17) for all ponds and wet detention basins, is that the Applicant shall erect a six-foot-high galvanized chain link fence around the entire perimeter of the pond. E. Reisdorf said she would like to get relief from erecting this fence as she believes the fence will impede the water flow into the pond because grass will grow up around it even if she tries to maintain the grass. Additionally, all the properties on Claus Road has an existing fence on the backside of all residential properties. H. Shirley asked what type of fence is existing along those properties. E. Reisdorf said there are a couple different styles; some of it is the chain link and some it the larger square fence. J. Chapple asked if each owner puts up their own fence. E. Reisdorf thought the prior property owner from who she bought the property from put the fence up. There is a small section that has none, but they are going to put a fence there.

J. Hammerschmidt asked if they looked at other means of solving the same problem or did, they just want the pond. He said the intent is to dry the land, so did they look at all the ways of how this could be done besides the pond. E. Reisdorf said she was not aware of any other ways as this water flow has been happening since she has been there, which is 35 years. The farmers couldn't plant this field for three years. There are other spots in the field that are wet, but in particular, this is right behind their house where they try to get out on the property. It's been a long-standing problem with drainage.

H. Strickler said in the engineer's comments it addresses that the drainage area for the subject pond needs to be provided on the site plan. R. Frederickson thought the city engineer wants an actual quantification of what the drainage area is coming into the site, which they can do. H. Strickler thought this was important if it's affecting neighboring properties. R. Frederickson said they need to keep in mind they aren't changing the drainage patterns – they are just putting this in the lower spot of Ms. Reisdorf's property, so it's just basically in a natural drainage pattern. It will affectively store some water in the pond area and hold back some bigger events. J. Williams asked if the pond as its deepest is 6'. R. Frederickson said it's around 10'. However, it's really not the depth of the pond that is doing any storage. It's basically the depth between the elevation and where it

discharges at, and where it evaporates down to, so this is what will be controlling water flow in and out of there when it does rain. They don't know where the actual water elevation will be at right now. J. Williams asked how they calculated the size. F. Frederickson said they calculated the size as they knew she wanted an appealing looking pond, so they worked within her budgets and constraints of collecting the water. They actually had it sized four times as big, which didn't work.

B. DiFucci asked if the proposed allocation doesn't impede the amount of water that gets into the pond. R. Frederickson said they didn't show details on the grading and it seems the city engineer would like some details, so they will provide this. Basically, they want to ensure there is no runoff into the neighbor's lots or anywhere else.

H. Shirley asked if they foresee any problems with any of the city engineer's recommendations. R. Frederickson said she just knows that Elaine has an issue with the chain link fence. E. Reisdorf said she understands the protection of children and animals but mentioned earlier there is a fence. B. DiFucci said the relief from the requirement of the chain linked fence would go to the Zoning Board of Appeals.

J. Hammerschmidt asked if it would be a problem to show a grading plan. R. Frederickson said no and the only thing they don't have showing is the spoils area on the north side, but they can put some more spot elevations on the plan.

J. Williams asked how high the clay dam above grade is. R. Frederickson said it's a formality of speech of which they use the term of clay dam to ensure that the water is going to flow over the ground and down through the rock, so it's holding the water back against the pond.

H. Shirley MOVED; J. Chapple seconded to approve the proposed pond and grading plan contingent upon the applicant meeting all the items addressed in the city engineer's letter dated June 29, 2020, which would include the chain link fence unless the applicant chooses to go before the Zoning Board of Appeals for a variance, and to include grading plan details. G. Fisher advised the applicant that the Zoning Board of Appeals agenda deadline is July 10, so she would need to make application by this date to be on the July 28 meeting agenda. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Gerhardt Beursken – 2525 North Ridge Road – PP#'s: 01-00-044-000-046 & 01-00-043-000-004 (Lot Split/Lot Combination)

Michele Skidmore of 2475 N. Ridge Road was present on behalf of her father Gerhardt Beursken. She said this is an on death Quit-Claim Deed for the back property which is behind her house. This is for the property to become her property.

H. Strickler said the city engineer provided a letter offering his comments regarding items the applicant needed to address and to resubmit. She noted the application didn't provide a phone number or email, so the applicant could not be reached.

J. Chapple MOVED. J. Hammerschmidt seconded to table this application to the August 5, 2020 meeting. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Continued Discussion: Elaine Reisdorf, Claus Road – PP#: 01-00-037-103-016 (Approval of Site Plan)

Bill Grozik of 2289 Claus Road said he lives immediately south of the property and he already has water problems. He put in his own drainage system and it can't handle all the water like the last big rain they had. His entire back yard was under water. The front where E. Reisdorf's storm drain is on her property by the road had water from the storm drain and across his driveway and about halfway up towards his house. The engineer said the evaporation would take care of a lot of this water, but what if they have a rainy season and the evaporation doesn't keep up with the water. Where is that water going to go? If this doesn't work, what is the resolution for him and the other neighbors who also have problems. J. Williams said he understood the engineer's explanation that the pond is intercepting water that should be more beneficial to the property owners around it than if there was nothing. B. Grozik asked if there was any guarantee – what if it makes it worse? J. Williams said the property owner takes that liability. It was even mentioned by the city engineer in his letter that any liability of potential stormwater runoff impacts to the adjacent property owners is on the landowner and design engineer. He said if the neighbors can show they are damaged by this change, then they have liability. B. Grozik said when he bought his property in the 1990's there was not a single tree in that entrance to the farmer's field – the guy that owned it lived next door and he paid to brush hog that field. Now it looks like a swamp and it has a lot of water on her side and it breeds mosquitos where he can't even sit on his porch. He has asked for her to start trimming those trees and he gets cut and poison ivy when he trims the fence and he's getting tired of it, so is there anything he can do in this forum to make her clean up her property. B. DiFucci said with obnoxious weeds and trees that fall from an adjoining property onto his, he can call the building department. They have a property maintenance inspector that will go out and verify the obnoxious weeds and trees as it is the property owner's responsibility to maintain those, so it can be handled through his department.

Ron Hura of 2211 Claus Road said he has had problems with the property owner in the past of which he doesn't want to discuss, but he had the building inspector come to his house a week ago yesterday as they had a tree service come over and they knocked five or six trees over, and three of them had no bark on them. He was advised by the building inspector she had 30 days to clean them up, but they're still laying back there and nothing has been done. He said they talk about the natural flow and when you bring water down from up ahead because you're riding four wheelers back and forth this is not a natural flow. To him this is a diversion of water. They have put the ruts in the paths and the water is just coming down.

Fred Flesch of 2205 Claus Road provided pictures to the commission members of the back yard, which shows how much water this pond should hold. He said this is not a natural

flow of water. The pictures show all the tire tracks. J. Hammerschmidt said the intent is to dry it. F. Flesch said they have to drain this water somewhere and they can't let it build up.

H. Strickler asked if they can revoke the previous motion because there may be some questions that need answered. She asked if the clay dam can be rerouted because it looks like it is coming to Mr. Flesch's property.

E. Reisdorf asked the dates of the photos Mr. Flesch provided to the commission. H. Strickler said one photo is dated May 2019 and the other is November 2018. J. Williams asked E. Reisdorf when she purchased the property. E. Reisdorf said December of 2019 and said the prior years only make the statement that there has been a lot of water flowing down the same spot for 35 years. She is trying to intercept it by putting a hole in the ground, so it doesn't flow like this. In the spring of this year, they were trying to do maintenance on some of the property, but they had a tractor break down in the field. All spring they were riding out on their property and were avoiding the neighbors back properties, so they didn't make any tracks. She said it's very muddy and they can't plant these fields. She contacted the building inspector to let him know what they were doing as he might get some phone calls. She said they couldn't help this as this was the only way they could get back to the tractor to fix it. Since they've owned the property they never went there while it was wet. They do ride there now as it's dry and they have mowed it, and they cleared a big area because of those dead trees that were removed. She said they couldn't get to the trees that were laying there until it was dry, but they indeed will clean them up. This is the issue of the water behind all of their properties. She has just as much water behind her property as they do, and Mr. Flesch has the low spot for 30 years where it's flowing all the time. They're hoping this pond will intercept all of this flow to help everybody with the water problem. If they get another Friday, May 15 like they had this year, she can't guarantee that the pond won't overflow. She can't guarantee what the water will do on the 80 feet before the pond – it will go to the level of the land. It may go on her yard. She said the field opening is about 80' across and this opening was 80' of water on May 15. She was at the catch basin trying to retrieve sticks from clogging it up. This catch basin cannot handle all of the water from this field. There is already a hole across the road that the city is to fix, and it goes down to the creek. It would never handle all of this water. She said the first gentleman was talking about the trees and the cleaning and in the first six months that she owned the property, the field opening is divided into one neighbor, a bunch of trees, grass that you drive in and out of, and a little stream that goes through there. In the first six months of owning the property they cleaned two sections of that. They cut down all the saplings and picked up all the dead stuff so the drainage would go down to that little stream. She said she cut down five trees and she is maintaining the property, and when Bill voiced his concerns to them, she told him that she has every intention of cleaning that other section of woods, including taking anything down; vines, etc. She wished she would be taken at her word as she demonstrated that she wants to do the right things. B. DiFucci said as long as there is consistent improvement being made they don't expect all the trees to be taken care of all at once, but when they go out 30 days later and things look better than what they did then it becomes

a continual monitoring until it's cleaned up, so they are tasked with this burden and they will take care of it.

H. Strickler said in the previous motion the commission passed, they added the grading detail. She said the city engineer will look at this again and will ensure this. B. DiFucci said the city engineer will make sure items 1-6 are addressed along with the additional item based on Planning's recommendation is met. J. Hammerschmidt said the drainage area for this pond needs to be provided per the engineer's comments. J. Williams didn't see a need to make any changes to their motion at this time as it's covered. He said he sympathizes with the neighbors as he has experienced kind of the same problem himself. J. Hammerschmidt said it was the wettest spring on record and it has been a crazy time that has slowed a lot of things down. J. Williams did not believe the pond would be worse than what they currently have. He would be concerned about the pond overflowing. If they give it a defined area to overflow, then wouldn't it be putting it at somebody's property and is this a problem. R. Frederickson said they are basically taking an area and widening it out, so it gives the opportunity for the water to go into the natural drainage. When you're getting a big storm then you'll still see water coming – it's not going to stop it, but it should help it and not make it any worse. J. Williams said this is a Planning Commission for an improvement and they really aren't able to resolve the issue for the adjacent homeowners who have had issues for a long time, but it looks like this could help a little.

Paul Jasin – 6024 Edson Street – Lot Split of 18-02178.000 & Consolidation of 18-02178-005

Paul Jasin of 6000 Edson Street said they are doing a lot split. H. Shirley asked what the purpose is of the lot split. P. Jasin said his mother lives next door and told him he could have the land, and he is pretty much doing this so nobody can build on it, but it's not big enough anyway to build on because it's only 50' wide.

H. Strickler noted the city engineer recommended approval.

J. Chapple MOVED, H. Strickler seconded to approve the lot split and consolidation as presented. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

Michael Lich (Old Prague Restaurant) – 5586 Liberty Avenue (Approval of Site Plan)

J. Williams MOVED; J. Chapple seconded to table this application until August 5. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

Adjournment:

J. Williams adjourned the meeting after no further discussion came before the commission.

Next Meeting:

The next meeting has been scheduled for Wednesday, August 5, 2020 at 7:00 p.m.