

RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES:
HELD ON: FEBRUARY 23, 2012**

**PUBLIC HEARING
6:00 pm**

NOTE: These minutes are a summary of the meeting and are not a word for word account of the discussion. The proceedings were electronically recorded on tape, but limited by the quality of the recording equipment. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

Jim Reed called the Public Hearing to order at 5:08 pm.

PRESENT: Amy Lewis, Trustee; Scott Miller, Trustee; Jim Reed, Trustee; John Faulkner, Fiscal Officer; David Shuey, Public Works Superintendent; and Stephanie Hayden, Prosecutor's Office

GUESTS: Randy Arner, Catherine Cunningham, Steve Raffensperger, James Sharn, Matt McCoy, Mike Compton, Rose Ann Compton, Rich Compton, Alan Stock, Kent Harbison and Virgil Ferguson

PUBLIC HEARING

Lewis read the notice of Public Hearing: Notice is hereby given that application has been received by American Aggregates Corporation, 9277 Center Pointe Drive, West Chester, OH 45069 requesting a change of zoning from A-Agriculture District to M-3 Mineral Extraction. The property is located along the south side of Dayton-Xenia Road and south of the intersection of Dayton-Xenia and Hawkins Road containing 84.721 acres, Parcel ID M36000100160000500 and M36000100160004400, Xenia Township, Greene County, Ohio. A public hearing will be held on the proposed rezoning before the Xenia Township Trustees on February 23, 2012 at 5:00 pm at the Xenia Township Office, 8 Brush Row Road. Interested persons may appear at this scheduled hearing and express their opinion with respect to the proposed rezoning. Copy of the proposed rezoning may be viewed at the Township Office during regular business hours.

Chairman Jim Reed asked everyone to go around the room and introduce themselves. After this Reed asked Martin Marietta/American Aggregates to present their request.

Attorney Catherine Cunningham, representing Martin Marietta/American Aggregates explained that the two property owners the Compton's and Greenhouse LLC have filed the request for rezoning. They have already been before Regional Planning Commission and have been included in the proposed Xenia Township Comprehensive Land Use Plan. They have also received recommendation to the Trustees by the Zoning Commission with four conditions and Martin Marietta does not oppose any of those conditions. The conditions include the berms, the buffer area maintenance, the control of invasive growth, and the notification of all property owners that they will provide well inspections and studies.

Catherine Cunningham showed the Trustees a map of the area that is currently being mined and explained that there is no blasting as this is a sand and gravel mine. They are requesting an extension of the current use. Dayton-Xenia Road will not be affected with the additional extraction at the site. The mining has been in use for 50 years in the area and this is just an expansion of the operation in the area with the same materials at the site. She explained there are many other heavy industrial businesses in the area: KilKare, Phillips Sand and Gravel, a salvage yard and a detention center. This operation will not have any affect on any of the wells in the area and there are others present that will present that information.

Steve Raffensperger, of Martin Marietta, spoke about the sand and gravel operation and what equipment is used. He explained that there is no blasting. The materials are either available above or below the water table. They use loaders and a conveyor to go to the processing facility that is already present. There the material is separated for various uses of sand and concrete. They also use an excavator and a wheel loader. He showed a picture of the property and how they will do the excavating. It is broken into two phases. He showed the area they would work in first and where the conveyor would go. He also explained the buffer and berm area around Dayton-Xenia Road. The berm will be 180 feet from the centerline of the road to the base of the berm. The buffer is a mix of vegetation with a variety of natural vegetation that would not be disturbed. The open area would be the same setback but without the vegetation. He showed

pictures of the existing barriers. Raffensperger showed more pictures of how the phase one and phase two would work and other pictures of the surrounding properties with their views of the area. Raffensperger explained this expansion is needed because the current places have been depleted of resources, and to stay in business they need to extend their area.

Reed asked about the depth of the lakes. Raffensperger said they are approximately 30-35 feet deep.

James Sharn of Martin Marietta said that the max depth could be 45 feet. More likely the lakes are 25-30 feet deep. Sharn explained that the maximum depth for the new lake which is on higher ground will probably be 70-75 feet deep. The lake is a reflection of the ground water table.

The property butts up to Beavercreek Township and the City of Xenia. Miller asked about the property line with the City and with the County facility and what would be done there. They explained it would be the same as on the road, 180 feet. Miller asked how far back Greenwood Manor sits off the property line. Raffensperger said approximately 75 to 100 feet.

Raffensperger explained that this operation has been in business for several years and has had no complaints. They use sprinklers on the road ways to control dust. There is a noise criterion that they have to meet and they see no reason why they can't continue that. The operational season is usually April to mid-November, weekly from 7 a.m. to 7 p.m., Saturdays 7 a.m. to Noon, and no work on Sundays.

Miller asked how many wells are in the area. Raffensperger said there are 14 wells. Martin Marietta will do water quality and water studies of the wells as well as some pump testing with the land owner's approval. Miller asked what the depths of those wells are.

Matt McCoy, hydrologist, obtained to do a report of the area had more information on that. They looked at about 20 logs of the properties and he shared a map of the area. McCoy explained there is a clay layer that separates the two mining areas. Martin Marietta has been mining the shallow area and most wells are deeper under the clay area that has never been mined. All surface storm water stays on the property and goes into the lakes, and there will be no change on surface water. Reed asked how they determined this. McCoy said that the water flows down hill, and he showed on his next map the fall of the ground and how the water flows. They do know that the ground water flows towards the lakes and little Miami River.

Reed said that he noticed in the ODNR well logs only five wells were tested. Only five wells are recorded and the others must have never been recorded. There was a discussion on the maps and the number of wells that were studied. McCoy said that he was not sure what adding additional wells would do for the study. Reed said that he would think that all wells should be included. McCoy said that the well information is publicly available information and that there may be other wells that are there and not recorded but before testing those wells they would need permission from the owners. Reed thought that they should have gotten this information and permission before. Martin Marietta said that is an expense they do not want to pay for if the rezone is not going to be approved. Reed asked him to walk through the process if someone has an issue with a well. Raffensperger explained that the first step is to call Martin Marietta and they will check it within 48 hours; second, they can call ODNR who requires Martin Marietta to take care of the well problem. He said that no matter what they are on the hook to take care of the problem and they will gladly do so. He added that Mrs. Compton lives very close to the site and she has never had any issues with her well.

Miller asked if maybe a shallow well should be tagged and checked on. Raffensperger explained that ODNR requires a bond and if there is any depth where they have affected a well they are responsible for fixing the problem.

Raffensperger explained that dewatering is pumping water from the land to an outfall in order to bring the water down to the material to be mined. They do not do this at this site--all water stays there and they dig under the water for the material. In this type of operation there is no influence to the flow of water. It is not being redirected, moved or changed. It is where it is and in their experience there is no impact on surrounding wells.

Reed was questioning the affect on springs and a wetland in the area. There was a long discussion on the topography and springs in the area and how they would not be affected. Reed did not agree with this statement.

Cunningham gave a well water protection program document to the Trustees. This is the document they give to home owners in the area with how to deal with issues and how Martin Marietta will deal with the problems and it also gives a timeline. This is the same protection program that they used for the last rezone.

Miller asked about the reclamation process and the high slope. The slope is required to be a 3:1 and they have to have vegetation on that slope and 3:1 or 6 feet below the water surface. It is not released by ODNR until the growth is substantial enough to release that bond.

Reed asked if this is the last part that they can mine. There are other areas; however, they have not looked at the feasibility of mining them because they are so far away.

They took a short break at 6:21 requested by Reed so he could ask Stephanie Hayden a question.

There was then a discussion about the distance from the site and wells that they are responsible for. Cunningham answered 1000 feet from the site. Martin Marietta said that they can do the baseline of the wells whenever the property owners consent.

Reed said that they will continue the public hearing on Thursday March 8 at 5:00 p.m. at the Xenia Township building. Cunningham asked if there is additional information needed for the next meeting. Miller asked for the high slope reclamation with the vegetation type and time limit for the vegetation hold. They will prepare a reclamation report for the property and the nearby property owned by the County.

Miller made a motion to recess until March 8, 5:00 pm. Lewis seconded and the public hearing adjourned at 6:35 pm.

Jim Reed, Chairman

Amy Lewis, Trustee

Scott Miller, Trustee

ATTEST:

John Faulkner, Fiscal Officer

ccs