

XENIA TOWNSHIP ZONING COMMISSION

January 19, 2012

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Zoning Commission held a public hearing on January 19, 2012 at 6:00 P.M. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Willie Washington, Chair, Virgil Ferguson, Kent Harbison, Connie Paoliello and Alan King. Willie Washington presided at the Hearing.

Washington called the hearing to order at 6:05 p.m. On December 1 there was a public hearing. It was continued because one of the members wanted to view the property. Tonight we will continue to talk about the request. He offered Martin Marietta the opportunity to make comments if they choose. Catherine Cunningham - attorney for the applicant. We are here to answer questions. At the last meeting the hydrologist and geologist. Today James Sharn is here. Since then, we staked the property and took a more detailed look at the property. They are here to answer additional questions regarding setbacks and what the zoning resolution required.

Willie introduced himself and the other Zoning Commission members introduced themselves. Washington briefly explained the nature of the request and asked if anyone in the audience had any questions.

Marshall Foiles - newly elected board member of KilKare. Asked if the rezoning will have any affect on KilKare.

Cunningham said this is a continuation of existing mining. No new roads, no new curb cuts. Won't increase production, just a replacement of exhausted resources.

Rick Chrysler - Vice President of KilKare Raceway - how long will this go on? Cunningham - approximately ten years, depending on market conditions.

Washington said if there are no more questions, the public hearing will be closed, and Board will deliberate. Public hearing closed at 6:10 p.m.

Alan King said he went to the site with a Martin Marietta representative. The site was marked where the berm was going to be. He went onto the property next door, and estimated where the berm would be, and then saw the stakes. The land rises where the berm will be, so the natural contour of the land are favorable to shield properties on the other side of the berm. Some homes across the road are elevated as high as the berm, so some will be able to see over the berm. There are approximately 12 homes across the road. The land is primarily scrub, has been timbered twice in past 10 years. It used to be pasture, now is honeysuckle. Personal opinion we may consider additional setback and height to berm so no houses across the street will be able to see over the berm.

Connie Paoliello - will the berm be planted with pine trees? That will solve the problem especially if berming is done soon and pines will have a chance to grow.

Cunningham said the mining will be 40-50 feet below the berm. If someone is looking over the berm, they won't see anything, as the mining will be way below the berm. There will be two sections, and the second tier will be down below.

James Sharn - because of the 250 feet setback, the slope pushes it further away. There might be a few houses across from Greenhouse Improvement that could see, but the others will be looking straight into woods. With the height of the zoning code saying minimum of 6 feet, if you look at 70 feet width berm, and minimum slope of 3:1, the berm will be 10 - 12 feet high. It will be similar to other berms along Dayton Xenia Road. From property owners point of view, they are losing property value. Is there some way to improve

the view by removing honeysuckle and replacing with attractive landscaping? Sharn said it would be vegetated and seeded. Removing honeysuckle is a question.

Cunningham said the berm creates a visual barrier.

Kent Harbison said the honeysuckle takes over everything.

Paoliello said OSU Extension can help. Honeysuckle is a problem in Greene County, and people are going to extensive measures to get rid of it.

Harbison asked if anything is being done to keep the hillside from caving in?

Sharn said no, the vegetation hold the hillside. We don't think it's a concern. We place overburden against previously mined out areas. We place dirt on it to help hold it. I can bring pictures. We don't foresee this based on our mining practices. If there is a problem we have loaders to fix the problem. ODNr grading is 3:1. It has to be graded for at least two years, and they inspect and prove it is stable and well vegetated before it is released. We usually let it sit 5-7 years before we release. We have 25 sites in Ohio and all are in compliance with ODNr.

Discussion regarding mining, depth and slope. What happens with gullies? You can fill with riprap or large boulders. In one case there was water running from the highway so we put a pipe in. Are there any known springs? The hydrology report did not show any.

Paoliello asked about a previous rezoning which backs up to county property.

Picture is about two years old. There was a concern about the disturbance of the ground underneath the county buildings because of the steepness. We are staying back additional 250 feet, total 500 feet. Idea is to leave all vegetation. What do you expect the steepness to be? It will be 3:1, and then depth will be 20-70 feet below ground. There will be no disturbance to ground on the other side of the property line. What is difference between what will happen in the actual mining process compared to reclamation. What is the plan for reclamation. End use will come from future owner, could possibly be a rezoning, will be up to zoning commission.

On phase two, there is substantial clay which prevents us from mining deeper.

Washington said we are ready to make recommendation based on what we have heard. The request is in line with Perspectives 2020 and proposed land use plan. we have heard plans to mitigate noise and dust and other concerns.

According to Regional Planning, there are no archeological sites or endangered species to be disturbed. With that in mind, I'd like a motion.

Alan King made a motion to recommend approval of the request for rezoning with the following conditions:

1. Berming to be increased to minimum height of 10 feet along Dayton Xenia Road. Trustees can determine length.
2. Trustees consider requiring additional landscaping along buffer area.
3. Control of invasive growth (honeysuckle)

Virgil Ferguson seconded the motion. After discussion about affect mining has on private wells, Alan King added the following:

4. Martin Marietta to notify adjacent property owners that they have the right to request a baseline survey of existing well conditions.

Connie Paoliello seconded the motion.

Roll call vote as follows:

Virgil Ferguson - aye

Kent Harbison - aye

Alan King - aye

Connie Paoliello - aye

Willie Washington - aye

ATTEST:

Rhonda Painter, Zoning Clerk