

Waterville Zoning Township Commission

at 7:30 pm. At the Waterville Township Hall on September 21, 2015

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OFFICIALS

Chairman, Glenn A. Banas\*

Vice Chairman, Thomas R. Wardell

Member, Keith A. Moosman

Member, Rich Hertzfeld

Member, William J. Burkett

Property Standards/Assistant Inspector, James

E. Fischer

Zoning Inspector, Eric H. Gay

*\* Indicates Absent*

GUESTS

Karen M. Schneider, Trustee Vice Chairman

Les Disher, Trustee

Karen Schaeffer – Note Taker

ROLL CALL

Guest Note Taker, Karen Schaeffer, called the roll and four (4) commissioners were present: Thomas R. Wardell, Keith A. Moosman, Rich Hertzfeld and William J. Burkett.

MINUTES

Keith A. Moosman made a motion to dispense with the reading of the minutes of the August 17, 2015 meeting and to approve the minutes with no additions, deletions and/or corrections.

Seconded by William J. Burkett.

Motion carried.

CORRESPONDENCE

Eric H. Gay has Plots II and III of Coventry Glen in report

A letter from residents Kim and Dorothy Thornton, 5077 Berkey-Southern, was delivered by Mrs. Thornton to Vice-Chairman Thomas R. Wardell in the Township Hall before the Zoning Commission Meeting commenced. The letter issued a formal complaint regarding the excessive noise at The Stables that is affecting their quality of life. Nothing has changed in the past several months. At times there are 100-300 people creating a lot of noise. The DJs microphones, music bass, people congregating outside are loud. They close the doors and windows of their home when events are happening at The Stables and there is still a lot of noise. It is difficult to sleep – they use earplugs. The Thorntons are 24 year residents.

Two (2) weddings at The Stables on the Sunday of Memorial Day weekend and Labor Day weekend that went past the permitted 8:00 P.M. time.

OLD BUSINESS:

Glenn A. Banas to contact Solicitor Dawn E. Sanderson regarding certain issues with The Stables: no fire suppression and occupancy. There are liability issues with Special Use Permit. Dawn E. Sanderson recommends to trustees to look at fire issues, well water and occupancy issues of The Stables.

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NEW BUSINESS:

Rich Hertzfeld - draft and commentary for Compressor Station to be discussed later in the meeting.

William J. Burkett: Hours of operation Sunday through Thursday, 9 A.M. – 9 P.M., music stops at 8:00 P.M. Friday and Saturday, 9 A.M.- 1:00 A.M.. Sound barriers are to be set up.. West doors close at 10:00 P.M. No bass. Outside speakers are to face East and only for use of clergy and bride and groom.

Amendment to hours on Friday and Saturday, 9 A.M. – Midnight.

Karen M. Schneider: The Zoning Board added an extra hour – from 8 to 9 by Glenn, was not asked for but hours came out to be 9 A.M. to 9 P.M. at end of meeting. Researched other wedding venues. In response to question from William J. Burkett about findings of other venues, most wedding venues rent for five (5) hour increments and are finished by 11:00 P.M.: Angola-Holland Gardens – 11:00 P.M., Nazareth Hall – 11:00 P.M., Toledo Zoo – 11:00 P.M., Greystone in Perrysburg – 12:30, Schedel Gardens in Elmore – outdoor venue done by 9:00 P.M. Special Use Permit originally 9 – Midnight on Friday and Saturday and 9 – 8, Sunday through Thursday.

Keith A. Moosman commented that if an event ends at 8:00 P.M., cleanup usually one (1) hour after.

Thomas R. Wardell: What are the options? Operate until 1:00 a.m., music stops at Midnight? Other venues are in city limits.

William J. Burkett had no objection changing time to 9 to Midnight and recommends that music stops at 11:000 p.m.

Rick Hertzfeld clarifying that hours on Sunday through Thursday will be 9-8 and Friday and Saturday, 9 – Midnight, proposing the music stops one (1) hour earlier, at 11:00 p.m (Friday and Saturday)

Keith A. Moosman Hours of operation Sunday through Thursday, 9-8, still takes time to filter out of an event. Music ends at 7:00 p.m.

Thomas R. Wardell wondering if that is too early on a weekday. Functions usually start after 6:00 p.m.

Rich Hertzfeld: regarding the correspondence from the Thorntons, would stopping music at 11:00 p.m. be a satisfactory solution to them. Karen M. Schneider seemed to think that limiting the duration of the music/noise would be helpful. At the last meeting, Duke stated that doors on the West side would be closed at 10:00 p.m. – that would help. Weddings are usually in five (5) hour blocks.

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Rich Hertzfeld Will stopping music at 11:00 have a huge impact on business. Weddings usually start at 4:30 – doesn't know how Duke runs his business, but anything is better than music going until 1:00 a.m.

A. Leslie Disher has concerns about confusion on times/consistency. FFA used facility on a weekday and their meetings run long, until 9:00 p.m./9:30 p.m. when it was hosted at school. 8:00 p.m. may be tight fore it be complete, clean up and out. Meetings usually start at 6:00 p.m.

Thomas R. Wardell: Every function on Sunday goes past 8:00 p.m. – music, DJ, people screaming. The Sundays of Memorial Day and Labor Day weekend, hours of operation did not matter.

Rich Hertzfeld: Other functions other than weddings that you may want to stop at 8:00 p.m.. William J. Burkett mentioned auctions, Karen M. Schneider mentioned sound systems, Rich Hertzfeld amplified sound systems

Keith A. Moosman: Doors would stifle sound of woofers, hot in Summer and doors can't be blocked – cut music back to 11:00 p.m., party out by Midnight. Music at the park – music is done by Midnight – ambience for neighbors not just venue. In fairness to the other guy, Sundays through Thursdays, music stops at 8:00 p.m.; Friday and Saturday, music stops at 11:00 p.m.

Motion was made by Keith A. Moosman that hours of operation at The Stables on Sunday through Thursday, 9:00 a.m. – 9:00 p.m., with music stopping at 8:00 p.m.; Fridays and Saturdays, music stops at 11:00 p.m., everyone out by Midnight. Seconded by William J. Burkett, Rich Hertzfeld amended the language to music or amplified sound, William J. Burkett seconded the amendment. Motion carried.

Keith A. Moosman asked Karen M. Schneider if this would be taken back to the trustees at the meeting. She said it would.

Issues on other stipulations

Installation of sound baffles came back. A. Leslie Disher has no issue.

West-facing door should be closed Friday and Saturday at 10:00 p.m.

Keith A. Moosman is egress affected/blocked when door close – special knowledge to get out of egress door. Fire Department has go through.

The West door is a big overhead barn door – special knowledge door not an egress door. An occupancy permit from Lucas County warrants how much egress.

William Burkett egress door does make difference on sound

Karen Schneider it's always open

James Fischer sizeable percentage

William Burkett would add that to contract

Duke said he was doing it.

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William Burkett add it in the permit

Rich Hertzfeld If Duke doesn't have problem, why not 9:00?

William Burkett Duke Wheeler's contract – everything indoors by 11:00 p.m., no problem closing doors at 10:00 p.m.. In summer, still daylight at 9:30 p.m.

No bass/sub woofer permitted – Duke Wheeler brought this up – added to contract

Outside speakers are only to be used for clergy, bride and groom and are to be facing East. The Thorntons are OK with that. Duke Wheeler ok with this this. Stipulations on #11 – music indoors by 11.

Thomas Wardell Were the stipulations covered to trustees satisfaction?

William Burkett Review of Special Use Permit for The Stables moved to October meeting.

Eric Gay Still have discussion with Duke – go over everything on the 19<sup>th</sup>

Conditions to permit as part of review – no more debate – October 19 will determine if Duke meets the requirements of the permit.

Thomas Wardell changes – good/bad/indifferent

William Burkett If not as willing to be flexible on hours of operation, up for review in another year

Rich Hertzfeld is this a year round operation?

Eric Gay weddings end because of weather, but still has functions in winter

Rich Hertzfeld goal is timing – approve tonight, trustees approve this week, comes back in October. Concerned with compliance in another year.

Issues outside of control: water, occupancy permit, fire suppression

William Burkett done, make recommendation that re-assess

Rich Hertzfeld concerned about waiting a whole year

Thomas Wardell hours of operation will be set for anyone in Township

A. Leslie Disher questions for clarification at what trustees will be looking at Wednesday night. If approved when it comes back in October, Special Use Permit granted?

Thomas Wardell not exactly if he doesn't comply. Duke Wheeler has to show what he's tried to do – not a guarantee that he will get Special Use Permit

A. Leslie Disher is board approving Special Use Permit?

Thomas Wardell as Zoning Board we can only go from Zoning Book and make recommendation to trustees. Trustees make decisions.

William Burkett Trustees can't waive requirements. Need proof from Duke Wheeler that he has met recommendations.

Thomas Wardell take suggestions to trustees – need to see occupancy permit, fire suppression, water

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William Burkett will not add any additional requirements to Special Use Permit – only things that's changed (hours moved back)

NEW BUSINESS

Comments from John Widmer

met several times, drafted language on pump station. The commentary is a supplement to draft and explains where ideas came from.

1<sup>st</sup> Section – ORC exempts townships from regulating public utilities, limited exception for cell towers.

Noise – at the federal level, United States Environmental Protection Agency has enacted air quality standards but not noise. Township has no authority from ORC to enforce them. Township asking as a courtesy to have their concerns brought to the table.

Township cannot give Special Use Permit to a public utility, only federal.

Section 9.29 General Requirements – Zoning Certificate required by compressor and pump stations – not much authority under ORC

Setbacks – 300 foot for parcel surrounded by agricultural zoned property

1<sup>st</sup> Township of have in Ohio – 300 feet seems like a reasonable setback – looking at the parcel it gives them room to locate facility in middle of parcel.

William Burkett someone building a house would not affect setback

Karen Schneider new construction is ¼ mile away

John Widmer 300 feet from property line – applies to parcel itself. Illustrated sketch shows in center of parcel – access to buildings, try to pack it into middle. Pipeline will go through Southern end.

Landscaping: industrial use for purpose of land

Perimeter – 1 shade tree every 30 feet; double row of hedges that will grow to 6 feet; staggered planting of evergreens will visually buffer the site.

Building design is exempt from Township review. Natural oil companies will have seen regulations for building design. The Township is asking for a sloped roof. William Burkett pitches changed due to snow load – ask Rick Hertzfeld

Federal regulation – must obtain a building permit.

Township asking for visual context of building, not just a pole barn. Roof should have cupola, some visual/character relief to roof.

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Outdoor Lighting: One side of facility lit all night long. Concern about Light Pollution, used language from Route 64. Limited light, fixture height of 24 feet, warm color, not harsh.

Noise: Nexus did preliminary noise survey. Federal regulations require to measure noise at nearest noise-sensitive areas (houses) at least ¼ mile. Met noise requirements at 55 decibels. Asking Nexus to measure from property line. Second survey after compressor station is in operation will calculate how much baffling is needed. Township is asking for reading 50 decibels during the day and 45 decibels at night (less than federal). The lowest standards are in Colorado and Alberta – standards for oil and gas industry.

Eric Gay different process at night?

John Widmer no, operations are same, add more insulation and theoretically should be 45 decibels 24/7.

Maximum allowable noise is lesser of 50 or ambient noise level. Route 24 may prevent them from reaching that level. Highest level at house on Route 24.

William Burkett was pre-construction noise survey set up or modelled?

John Widmer Set up Rich Hertzfeld has copy of summary

John Widmer doesn't measure at night based on formulas

Give low sum level of decibels, gives Township stronger bargaining.

Rich Hertzfeld Four (4) houses measured – highest increase is 1.3 decibels over existing ambient noise from Route 24 (1/4 mile away). Shows map. In response to Karen Schneider's question if he could recognize any houses on the map, his brother's house is #1 on map with an ambient noise of 60.6 that was increased to 62.8.

Running at or below ambient levels now, close to federal rule of 55 decibels day and night standing at property line not nearest residence.

John Widmer trees don't do a lot concerning noise, need a concrete wall

Rich Hertzfeld trees psychologically makes you think it's not as loud

John Widmer evergreens scattered and mounding can deflect noise. Noone requires sound barrier walls, usually sound-proofing building itself.

A, Leslie Disher asked what was level of insulation. John Widmer responded six (6) inches. There is a range in amount of insulation but Nexus would not give details of the range.

Thomas Wardell will Nexus look at the numbers and try to change, it's better to increase level at lot line

John Widmer lower level or ambient noise level, more important is §9.29.6 (d) of Draft. Township won't do noise level test – operator responsible and needs to show based on existing noise levels.

Thomas Wardell what if it's 70 decibels? Any recourse?

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Referring to Page 3 of draft, Code of Federal Regulations noise standard. Not anything that Township can do, hopefully will build into station.

John Widmer this is no longer a rural community, with Route 64 has become Suburban. Ten to twenty years from now it will be a different community than what is today, hoping that they will build facility that way.

Vibration There will be two (2) turbines and they should not create vibration. Vibration does not travel as far as noise.

Access Road – no dust

Outside Storage Regional crew maintenance for several hundred miles of pipeline. Did not want site to be used for outdoor storage.

Thomas Wardell asked if there were any questions for John Widmer

Eric Gay more than one (1) building, does permit apply to all buildings, in position to ask for zoning permit

John Widmer zoning certificate to extent allowed

Eric Gay storage?

John Widmer after they are in operation, utility language in Zoning Book about temporary storage during construction, treat same as construction of Route 24

Eric Gay fencing

John Widmer left it out – will put in security fence, chain link, put emphasis on landscaping

Eric Gay landscaping at property line or around building?

John Widmer fencing at property line, only one (1) site in country where station looked like barn, encouraging them to build so it will fit in more suburban community

Eric Gay time to talk about fee schedule?

John Widmer don't charge a penny – exempt by law

John Widmer Eric Gay talked to Josh at Lucas County Planning Commission. If there are no issues, send draft and commentary to them.

Karen Schneider gave copy to Nexus in July. Mark Wagner looking at trying to incorporate Township suggestions.

Rich Hertzfeld made Motion to send Draft and Commentary to Lucas County Planning Commission. Seconded by Keith A. Moosman. Motion Carried

A. Leslie Disher thanked committee and John Widmer for doing a great job of putting together the Draft and Commentary

### ZONING INSPECTOR'S REPORT

Five (5) permit applications, will bring to Trustee meeting on Wednesday

- 1) Josh Doyle – new house in Crimson Hollow, Lot 210, Plot 8
- 2) Brent Lambert – new house on Hertzfeld Road
- 3) Marcus and Nicole Keck – outbuilding – section off Obee Rd. – 6 lots
- 4) William Anderson – Waterville – inground pool and fence
- 5) Duke Wheeler – fence – put up then took it down (landowner didn't like)

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Revision to Coventry Glen 10 adding 1 ½ feet on south wall – revision to original permit

Coventry Glen Plots 2 and 3 final, not signing off copies – issue with south boundary line, Fisher property, has not been resolved between developer and landowner. Developer has made several attempts to talk to woman who owns property. The issue is mounding on whose property. Could wind up in Maumee Municipal Court. Developer has made many calls to attorney who won't return his call. No permits will be written for Plat 2 until issues resolved.

Pat Collins, was going to have a Mystery Garden at The Stables. Dawn E. Sanderson was working on it. He was told to contact Fire Department. Duke Wheeler pulled out.

PROPERTY STANDARDS OFFICER'S REPORT

Mr. Fischer has not received any calls or complaints. Called Jim and Terry Bersee concerning growth along Bluebird. No progress has been made.

A. Leslie Disher house being built in path of pipeline on Hertzfeld Road

Motion to adjourn was made by William Burkett and seconded by Rich Hertzfeld. Motion carried.

Meeting was adjourned at 9:25 p.m.

Original on file