

RECORD OF PROCEEDINGS

Minutes of

ZONING HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

NOVEMBER 17, 2009

Held

20

The Atwater Township Trustees held a zoning hearing to consider a proposed text addition to the township's zoning code pertaining to Outdoor Hydronic Furnaces on November 17, 2009 at 5:30 pm at the Atwater Town Hall located at 1219 St Rt 183 Atwater Ohio.

ATTENDING

Those attending the meeting were Dan Derreberry, James Conley, Rebecca Bennett, Claude Custer, Tina Mann, Martha Bevard, Naomi wise, Ken & Charlene Folks

CALL TO ORDER

Chairman Conley called the meeting to order at 5:30pm Roll call Cindy absent, Dan yes, Jim yes. The board members previously received the proposed text addition

SWEAR IN

The following citizens were sworn in by Chairman Conley. Tina Mann, Claude Custer, Martha Bevard, Ken & Charlene Folks

PROPOSED TEXT

Rebecca Bennett stated the current zoning code does not have language pertaining to Outdoor Hydronic Furnaces then read the proposed text.

1.80 General Provisions:

B. Outdoor Hydronic Furnaces

A typical Outdoor Hydronic Furnace burns wood to heat water that is piped underground to a nearby building and/or structure (i.e. residence, accessory building, swimming pool, hot tub) resulting in heat and/or hot water. An Outdoor Hydronic Furnace resembles a small shed with a smokestack, and is located on the outside of the building or structure to be heated.

A number of studies recognized by the Environmental Protection Agency have determined that the emissions of particulate matter from an Outdoor Hydronic Furnace can be a health hazard. These studies have indicated that the heavy smoke released close to the ground, where it often lingers, exposes people to health risks and the smoke is reported as causing other nuisances as well. Therefore, in order to mitigate the harmful effects associated with the use of an Outdoor Hydronic Furnace, no person shall operate an Outdoor Hydronic Furnace, except in full compliance with the following requirements:

1. A zoning certificate is required.
2. No person shall operate an Outdoor Hydronic Furnace in such a manner as to create a nuisance.
3. Minimum lot size shall be 2-1/2 acres.

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7. Time of Operation and Setbacks

- a.. An Outdoor Hydronic Furnaces may only operate between September 15 and May 15.
- b. If an Outdoor Hydronic Furnace is to be operated year-round, then the Outdoor Hydronic Furnace shall be placed no closer than 200 feet from the nearest building intended for human habitation, place of assembly, education, occupancy by the public that is located on the surrounding properties.

8. Allowable Fuel Material

No person that operates an Outdoor Hydronic Furnace shall use a fuel other than the following:

- a. Clean dry wood that has no paint, stains or other types of coatings and wood that has not been treated with, but not limited to copper chromium arsenate, creosote or pentachlorophenol.
- b. Wood pellets made from clean wood.
- c. Home heating oil in compliance with the applicable sulfur content limit or natural gas may be used as starter fuel for dual-fuel for Outdoor Hydronic Furnaces.
- d. If a corn burner then corn may be used as a fuel.

9. Visible Emission Standards

- a. No person shall cause or allow visible emissions from any Outdoor Hydronic Furnace to exceed an average of twenty percent (20%) opacity for six consecutive minutes in any one-hour period of normal operation.
- b. No person shall cause or allow visible emissions from any Outdoor Hydronic Furnace to exceed forty percent (40%) opacity for twenty consecutive minutes during the startup period. This only includes initial firing of the Outdoor Hydronic Furnace. This does not apply to refueling.

10. Smoke Stack Height

All Outdoor Hydronic Furnaces shall have a permanent smoke stack/chimney that is at least five feet higher than the peak of any roof on any surrounding property within 150 feet of its location.

11. Fencing Requirements

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Held NOVEMBER 17, 2009 at 20Outdoor Hydronic Furnace:

A unit located outside of a building or structure, used to produce heat and/or hot water for the building or structure.

Chairman Conley asked if anyone had any comments or questions about the proposed test addition.

Martha Bevard asked "are you saying if you don't have 2 ½ acres then you can't have one?" Rebecca Bennett responded "that is what the proposed text states, yes" Martha- "I don't like that" Rebecca then asked Claude Custer, Zoning Commission Chairman to explain why the proposed text states the 2 ½ acre requirement is necessary. Claude responded "As far as it is consistent with regulations throughout the area and the state" Tina Mann stated "One of the things that was brought up, is the need of the air to circulate so that it lifts the particulates into the air to that it blows away, if it is not close to a house or someone else's yard, barn area, or their house." Claude- "They need an area to disperse the smoke and the exhaust that the furnaces give off, it is felt that 2 ½ acres to be the minimum size to allow dispersion of the particulates" Martha- "Would this also effect fireplaces? They give off exhaust too." Rebecca- "Fireplaces are not outdoors though." Tina- "The chimney height is over the top of a house." Martha- "so if the chimney was over the house it wouldn't be a problem would it?" Tina- "The problem is that if you put it next to house that's a 20 to 30 feet in height then you have to go 5 feet over that, the chimney's for the out door furnaces would have to be stabilized with guide wires and if you get a good wind it will blow it over." Martha- "The chimney on your house could too." Tina- "But the material it's made of off is different." Martha- "So what if you put brick on the other?" (Inaudible) James Conley stated if something like that comes up they apply for a variance.

RESOLUTION 17-2009

Motion by James Conley to adopt Resolution 17-2009

Whereas; The Township of Atwater located in Portage County, Ohio is a political subdivision organized under the Ohio Constitution and the laws of the state of Ohio; and

Whereas; The board of trustees is the governing body and legislative authority for Atwater Township, Portage County, Ohio; and

Whereas; the governing body of the political subdivision desires to include the additional text pertaining to the requirements for Outdoor Hydronic Furnaces to the Zoning Code of Atwater Township; and

Whereas; the additional text having been read and considered with testimony being giving both for and against in a public hearing

Now therefore, be it Resolved, by the board of trustees of Atwater Township, Portage County, Ohio that the political subdivision hereby determines it necessary for the safety and welfare of the community, that the text for zoning requirements be adopted into the Zoning Code of Atwater Township