

December 13, 2017

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday December 13, 2017 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present: Mr. Tim Dombrosky, Planning Director and Chairman; Mrs. Julie Haan, Environmental Health Director; and Mr. Corey Gehring, Surveyor Department representative. Also present was: Mrs. Suzanne Baker, Senior Planner; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with three (3) members present.

Mr. Dombrosky then called for approval of the minutes for the October 11, 2017 and November 15, 2017 meetings.

Due to lack of a quorum vote, the approval for the October 11, 2017 and November 15, 2017 meeting minutes was continued for thirty (30) days to the January 10, 2018 meeting.

Mr. Dombrosky then moved on to the first Public Hearing item as follows:

**MRP 084/17: CHRIS ARBUCKLE & DELINDA ALSPAUGH;** a 1-lot minor residential plat, 2.143 acres, Washington Township, S03-T15N-R1e, located on the south side of County Road 100 North, approximately 0.125 mile west of Avon Avenue and surrounded by Teresa Acres, Colonial Estates and Woodbridge Subdivisions. (Banning Engineering, PC)

**WA 289/17: MRP 084 CHRIS ARBUCKLE & DELINDA ALSPAUGH;** a Waiver of the Subdivision Control Ordinance, Sec.6.12 (1.b.) Sidewalks, Pathways & Pedestrian Ways. (Banning Engineering, PC)

Mr. Brian Haggard, Banning Engineering PC, appeared on behalf of the applicants. Mr. Haggard reviewed the request for a 1-lot minor residential plat and described the existing structures on the site and pointed out where a new house and garage would be located. He explained that the drainage went from the northeast to the southwest. He explained that the recommendation of the Drainage Board was to add a swale and he pointed out the new location of that swale. He stated it would be a twelve-inch pipe with an intake of 4 inches out to the ditch. He explained that the property would not be on a septic system and that there would be a grinder pump to the existing WCCD sewer line. He stated that water would be from a well on the property.

Mrs. Haan asked for the location of the well.

Mr. Haggard pointed out the location of the existing well.

Mr. Dombrosky asked if the project had received Drainage Board approval.

Mr. Gehring stated that it had.

Mrs. Baker stated that the applicant had addressed all the staff comments.

Mr. Dombrosky then opened the public hearing.

Mr. Kenneth Hammel stated he had signed the sheet for the wrong matter.

Ms. Alice Schatz of 985 Colonial Drive appeared to speak on the matter. She stated she was concerned regarding the drainage as her property was situated lower than the applicant's property.

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Mr. Haggard explained that the drainage pattern would remain consistent with the existing drainage and he explained the drainage plan further to her.

Ms. Schatz pointed out that her property would still be affected due to the drainage ditch which had not been cleaned out and caused excess water to back up onto her property.

Mr. Gehring explained that the ditch was not a regulated drain, which was why it was not maintained by the county surveyor. He stated that the roadside ditch was probably maintained by the highway department.

Mr. Haggard explained that work done by INDOT on the roadway was the cause of some of the drainage problems, which was why he had been asked to add the swale. He stated that it should function better than it currently did.

Mr. Dombrosky asked if it added any capacity.

Mr. Haggard stated yes.

Mr. Dombrosky stated that an earlier discussion had been had that the culvert might not be big enough or that there might be a blockage.

Mr. Haggard stated that it might be undersized.

Ms. Schatz agreed and reiterated her concerns regarding water runoff on her property.

Mr. Gehring stated that his department would go and investigate and ask either the County Highway Department or INDOT to clean out that ditch.

Mr. Dombrosky added that they would not want to make the matter any worse and were creating a better solution as set out by the Drainage Board.

Mr. Haggard explained the drainage notes to be added to the plat.

There being no further questions or comments, Mr. Dombrosky closed the public hearing.

Mrs. Haan made a motion to grant approval for **MRP 084/17: Chris Arbuckle & Delinda Alsbaugh** subject to the conditions and recommendations in staff's letter dated December 13, 2017.

Mr. Gehring seconded the motion.

FOR – 3 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Dombrosky then discussed the waiver of the sidewalk requirement as there were sidewalks on the other side of the street. He stated that the property was only thirty (30) feet wide and it was in Washington Township.

Mr. Haggard stated that he had added a sidewalk note to the plat that sidewalks would be added if they became contiguous.

Mr. Gehring then made a motion to grant approval for **WA 289/17: MRP 084 Chris Arbuckle & Delinda Alsbaugh** for a waiver of the Sidewalk Requirement.

Mr. Dombrosky seconded the motion with Mrs. Haan voting against.

FOR – 2 –                      AGAINST – 1 –                      ABSTAINED – 0 –

The motion for approval of **WA 289/17: MRP 084 Chris Arbuckle & Delinda Alspaugh** did not pass for lack of quorum vote.

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

Subject to Drainage Board approval and the conditions of the County Surveyor.

**STAFF RECOMMENDATIONS:**

1. A modification is being requested for 30' lot frontage instead of the required 50'.
2. The Health Department is not in favor of any sidewalk waivers due to high rates of obesity, in children and adults, as well as the chronic diseases that result from limited exercise opportunities. Studies show that people with access to sidewalks get more exercise. Reduction of short car trips when engines emit the most pollution because they are not yet warmed up will also improve air quality
3. A small swale along the west property line to catch the site run-off would help with small detention and show good faith to the surrounding property owners instead of additional sheet flow into the existing off-site swale with no detention.

**CONDITIONS OF APPROVAL:**

1. A properly executed County/Owner Inspection Agreement must be provided prior to approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

**MRP 081/17: PATRICK R. & AMANDA N. EVANS;** a 1-lot minor residential plat, 14.595 acres, Liberty Township, S20-T14N-R1E, located on the south side of East County Road 850 South and west of South County Road 525 East. (Holloway Engineering & Surveying)

Ms. Baker stated that the applicant's engineer had not applied to the Drainage Board and the matter would need to be continued.

Mrs. Haan then made a motion to grant a thirty (30) day continuance for **MRP 081/17: Patrick R. & Amanda N. Evans.**

Mr. Dombrosky seconded that motion.

FOR – 3 –

AGAINST – 0 –

ABSTAINED – 0 –

**MRP 082/17: JAMES A. SOMRAK;** a 1-lot minor residential plat, 3.73 acres, Lincoln Township, S17-T16N-R2e, located at the southwest corner of the intersection between East County Road 450 North and Raceway Road. (Kruse Consulting, Inc.)

**WA 288/17: MRP 082 JAMES A. SOMRAK;** a Waiver of the Subdivision Control Ordinance, Sec. 6.12 (1.b) Sidewalks, Pathways and Pedestrian Ways. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc., appeared on behalf of the applicant. He reviewed the location of the property. Mr. Kruse stated that the owner of the neighboring property was in attendance and he asked that he be allowed to approach the board to sit in on the conversation. Mr. Kenneth Hammel of 10903 East County Road 450 North appeared.

Mr. Kruse then discussed the staff comments and stated that they would withdraw their request for a sidewalk waiver as it was not currently required on the applicant's property. He added that the culvert under Raceway Road was added to the plans. He stated that the soil tests conducted were bad and that he had reconfigured the location of the septic easements and he submitted a new soil test. He stated that the property was a very wooded area and they had cleared what could be done and this was due to a concern of the County Engineer.

Mr. Dombrosky added that Mr. Ayers had not included any comments in the staff letter and he assumed that Mr. Ayers was satisfied with what had been done.

Mr. Kruse stated that the engineering inspector, Roger Salsman, would probably look at the site. He discussed the location of the subsurface drain easements and that a potential owner might want to conduct a new soil test. He stated that Mr. Hammel was present because it came to light that there was a tile with an outlet that had been destroyed in years past by hogs that were kept on that site. He pointed out where a blow hole was located on Mr. Hammel's property. He indicated where they were going to replace that tile on his client's property and Mr. Hammel might elect to replace it on his property. He stated he had not shown it on the plan drawings as he did not know what size tile they were going to use.

Mr. Hammel indicated that it was a clay tile.

Mr. Kruse stated that they had committed at the Drainage Board to replacement of that section of tile.

Mr. Dombrosky added that it would be of an equivalent size.

Mr. Kruse stated that was correct.

Mr. Gehring added that Mr. Gaston had directed him to make sure the plat was approved subject to receipt of a recorded written agreement between the parties.

Mr. Kruse stated that Mr. Somrak understood that he would be responsible for the cost of replacing said tile.

Mr. Hammel then explained how he had come to the current agreement.

Mrs. Haan asked for clarification that there would be a recorded written agreement prior to recording of the plat.

Mr. Kruse responded that there would be an easement on the recorded plat.

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Mr. Hammel stated that he was present to back up the written agreement.

Mr. Kruse then commented that he was not sure a written agreement was necessary.

Mr. Gehring stated he would make the motion subject to a recorded written agreement between the two parties.

Mr. Dombrosky asked if a condition needed to be added regarding the roadside clearing to the County Engineer's satisfaction.

Mr. Hammel asked to make another comment. He asked about the other property to the south that had two drainage pipes from the home that went down to the open ditch.

Mr. Kruse stated that was okay because the applicant would have to install a culvert when the driveway was put in.

Mr. Gehring then made a motion to grant approval for **MRP 082/17: James Somrak** subject to the following conditions:

1. Conditions & recommendations in staff's letter dated December 13, 2017;
2. Receipt of executed and recorded written agreement between the applicant and Kenneth Hammel regarding installation and maintenance of drainage improvements; and
3. County Engineer's approval of roadside clearing.

Mrs. Haan seconded the motion.

FOR – 3 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Kruse then officially withdrew their application for the sidewalk waiver **WA 288/17**.

**DRAINAGE CONDITIONS:**

Subject to Drainage Board approval and the conditions of the County Surveyor.

**STAFF RECOMMENDATIONS:**

1. Withdraw sidewalk waiver request. A sidewalk is not currently required on this property; therefore a waiver is not appropriate. However, the sidewalk statement is still to be noted on the plat.
2. Show culvert and size on plans.

**CONDITIONS OF APPROVAL:**

1. A properly executed County/Owner Inspection Agreement must be provided prior to approval with all appropriate fees paid prior to the start of any construction.
2. A septic system must be designed for these lots prior to building permit application to reflect the actual house location and size. A soil analysis report that shows that septic systems are feasible on this lot must be submitted prior to approval. Additional soil borings for each lot may be required at the time of septic permit application. Proposed subsurface drain outlet elevations are required on each lot prior to final approval.
3. The absorption field areas must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar

materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved it could make the lots unbuildable.

4. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
5. Prior to recording a statement must be added to the plat that states: Those designated as secondary septic field easements (SSFE) are secondary septic field easements that are hereby expressly reserved for the purpose of the placement of a sewage disposal field. Uses shall be limited to those consistent with the proper operation of a septic system and that will not result in soil compaction. The easement shall terminate only with the written approval of the Hendricks County Health Officer.
6. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
7. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

**MRP 083/17: JEROME & MELISA BRANSCUM;** a 1-lot minor residential plat, 2.95 acres, Clay Township, S6-T14N-R1W, located on the west side of County Road 200 West, approximately 0.37 mile south of County Road 500 South. (Civil Engineering Consultants, Inc.)

Mr. Jeff Mahan of Civil Engineering Consultants, Inc. and Mr. Jerome Branscum appeared.

Mr. Mahan presented their request for a 1-lot minor residential plat on County Road 200 West and he began by pointing out the outlet for the septic perimeter drain to run out to the right-of-way and that a permit had been applied for.

Mr. Dombrosky asked if there were any comments from the Drainage Board.

Mr. Gehring stated they agreed with their drainage plan.

Mrs. Haan asked about the contours.

Mr. Gehring stated that they were now shown on the plans.

Mrs. Baker confirmed that there were no other comments on the staff's letter.

Mrs. Haan then made a motion to grant approval for **MRP 083/17: Jerome & Melisa Branscum** subject to the conditions and recommendations in staff's letter dated December 13, 2017.

Mr. Gehring seconded the motion.

FOR – 3 –

AGAINST – 0 –

ABSTAINED – 0 –

The conditions and recommendations in staff's letter were as follows:

**DRAINAGE CONDITIONS:**

Subject to Drainage Board approval and the conditions of the County Surveyor.

**STAFF RECOMMENDATIONS:**

1. Contours are to be shown on the entire site.

**CONDITIONS OF APPROVAL:**

1. A properly executed County/Owner Inspection Agreement must be provided prior to approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. A septic system must be designed for these lots prior to building permit application to reflect the actual house location and size. The initial review of the submitted soil analysis indicates that the soils are rated severe and that septic systems are feasible on these lots. Additional soil borings for each lot may be required at the time of septic permit application. Proposed subsurface drain outlet elevations are required on each lot prior to final approval.
4. The absorption field areas must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved it could make the lots unbuildable.
5. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
6. Prior to recording a statement must be added to the plat that states: Those designated as secondary septic field easements (SSFE) are secondary septic field easements that are hereby expressly reserved for the purpose of the placement of a sewage disposal field. Uses shall be limited to those consistent with the proper operation of a septic system and that will not result in soil compaction. The easement shall terminate only with the written approval of the Hendricks County Health Officer.
7. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

There being no further business, the meeting was adjourned at 9:29 a.m.

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Tim Dombrosky, Chairman