

July 11, 2018

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday July 11, 2018 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, Chairman; Mrs. Julie Haan, Environmental Health Director; Mr. John Ayers, County Engineer; Mrs. Sonnie Johnston, Plan Commission Member Representative; and Mr. David Gaston, County Surveyor. Also present was: Mrs. Suzanne Baker, Senior Planner; and Mrs. Joanne Garcia, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with five (5) members present.

Mr. Dombrosky then called for approval of the minutes for the June 13, 2018 meeting.

Mrs. Johnston made a motion to grant approval for the June 13, 2018 meeting minutes.

Mrs. Haan seconded the motion and it passed unanimously.

FOR – 5 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Dombrosky then called for the first item on the Public Hearing portion of the agenda as follows:

**MIP 1094/18: RICHARD M. & SHIRLEY M. LARKIN;** a 2-lot minor subdivision, 11.646 acres, Liberty Township, S25-T15N-R1W, located on the north side of Cartersburg Road, approximately .06 mile west of the intersection with South County Road 200 East. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared along with the applicant, Mr. Richard Larkin. He stated that the petitioner wished to create two lots, sell the existing home on one lot and build his own home on the remaining lot. He added that they now had received Drainage Board approval and felt they had the Health Department's concerns met with the completed soil test.

Mrs. Haan stated that she had reviewed the test and there were good soils there and adjusted a lot line. She stated she still had concerns regarding the well and realized that it was a property owner issue and also that it was a blanket easement.

Mr. Ayers stated that the existing water line needed to be located.

Mr. Kruse stated he did not know how to do that because it was a plastic line.

Mr. Ayers suggested "witching." He stated he did not think it was fair to other or future lot owners not to have that line located and to have an easement described for it.

Mr. Kruse first asked if there were any other issues with the property.

Mr. Ayers asked if he had received the clear zone materials he had sent.

Mr. Kruse stated he had and that Mr. Larkin had cleared the trees.

Mrs. Haan stated that she had no regulations about the well that she could enforce on and that it would be a civil issue. She repeated that there was a blanket easement she did not agree with.

Mr. Kruse gave his suggestion that the power that powered the well came from their property and perhaps that power line followed the water line. He stated he did not think he could get the utility location service to do a location, but that he might get a company called "Bloodhound" to locate that power line and that might tell us where the waterline was. He stated that the neighbor to the north

July 11, 2018

believed that the waterline was along the west property line. He stated that one of the neighbors was okay with creating a defined easement as opposed to having the blanket easement and he also explained the problems with doing that. He stated they could do one of two things, those being either creating an easement where a new waterline should be cut or if they were successful in getting the waterline located with test digs or some other method, then the line would be followed, and an easement created.

Mr. Ayers agreed that should be done one way or the other for clarification before he was comfortable as a member of the committee approving the plat.

Mr. Larkin responded that he had talked to his neighbor who indicated he was fine with an easement in that location.

Mr. Ayers stated again that he wanted to see that easement and also, he would like to know where it crossed the road.

Mr. Larkin stated that his neighbor indicated he thought it went down the west property line.

Mr. Kruse asked if it was feasible if we could ask for an approval contingent upon either defining the route where the line followed, if located, or create a new route and eliminate the blanket easement.

Mr. Ayers stated he was okay with that as long as the line was located. He added that needed to be done before he was comfortable with approving the plat for recording.

There was further discussion on what service could be used to locate the water line.

Mr. Dombrosky stated that he wanted to make a couple comments and that he had consulted with Mrs. Haan on the matter. He stated when there was a septic field or set aside near the edge of a property line, it concerned him because it imposed a setback onto the neighbor that wasn't there before. He went on to say if that system were designed and built right up against the property line, it would put a ten-foot setback on that neighbor.

Mr. Kruse stated that it happened all the time. He gave an example that a fifty-foot setback could be imposed if a well were put at the edge of a property line.

Mr. Dombrosky stated that concerned him. He stated that was something for the committee to think about. He went on to say that his other concern had to do with the west property line when the perimeter outlet was there and if we needed to put a drainage easement on that side property line. He stated that there was a swale and ravine ditch.

Mr. Gaston stated that was definitely a natural surface water course.

Mr. Kruse stated that it was mostly on the neighbor's property.

Mr. Dombrosky agreed that it would come into play if a ditch were constructed.

Mr. Gaston stated he could see where he was going in this specific circumstance, but that he was not sure it would be necessary.

Mr. Dombrosky then opened the public hearing.

Mr. Bruce Babbitt of 3389 Cartersburg Road appeared and stated that he had attended the Drainage Board meeting and felt that he and Mr. Larkin had worked out his concerns as far as the drainage coming down onto his property. He stated he had noticed that the leach field was fairly close

July 11, 2018

to his property line but felt that it was set back far enough being approximately seventy (70) feet away. He added that a drainage pipe and swale should take care of the surface water running off of Mr. Larkin's property.

Mr. Dombrosky asked about the swale mentioned by Mr. Babbitt and whether or not they were going to construct one.

Mr. Kruse responded that they had discussed Mr. Babbitt's request that they construct a small swale down the property line to get the water coming from a small hill into the perforated drain. He stated that another part of the discussion was that the field of row crops which would be replaced back with alfalfa, would cause less water to flow onto Mr. Babbitt's property.

Mr. Babbitt went on to discuss the drainage flow on his property and stated again that with the drain pipe and swale on Mr. Larkin's property, it should make the drainage problems on Mr. Babbitt's property better.

Mrs. Haan explained that the perimeter drain field drained the ground water away from the finger system and would keep the 24-inches below the fingers dry, which was the whole point and that it may help Mr. Babbitt's property.

Mr. Kruse explained that it would be noted on the plot plan also when Mr. Larkin was ready to construct the house.

There being no one else signed up to be heard, Mr. Dombrosky closed the public hearing and asked for any further questions or comments. There being none, Mr. Dombrosky called for a motion.

Mr. Ayers then made a motion to grant approval for **MIP 1094/18: Richard M. & Shirley M. Larkin** subject to the following conditions:

1. Conditions and recommendations in staff's letter dated July 11, 2018 and discussed during the meeting;
2. Receipt of described easement for the waterline for the property owner across the road being located preferably over the actual existing waterline in a location to be used in the future; and
3. Received prior to recording of the plat.

Mrs. Haan seconded the motion and the vote was unanimous.

FOR – 5 –                      AGAINST – 0 –                      ABSTAINED – 0 –

#### **DRAINAGE CONDITIONS:**

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

#### **STAFF RECOMMENDATIONS:**

1. Turn in an 11X17 copy, when you submit final plans
2. Label all soil borings. At least three acceptable soil borings must be within the proposed septic field on Lot 2 and at least 1 acceptable soil boring must be located with the SSFE on Lot 1.
3. The existing onsite sewage system on Lot 1 must be accurately located to ensure that it does not cross the proposed property line.
4. Drainage concerns- follow up with the Surveyor's Office.
5. SSFE proximity to property lines (on Lot 1 and 2), need to discuss.

**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 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 or development plan must be obtained from the Drainage Board prior to Approval by the Plan Commission. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit.
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 rate 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 final design of the septic systems.
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.

**MIP 1095/18: CHARLES W. & VICTORIA PATTERSON;** a 2-lot minor subdivision, 8.440 acres, Washington Township, S35-T16N-R1E, located on the west side of North County Road 800 East, approximately 0.25 mile south of the intersection with East County Road 200 North. (Kruse Consulting, Inc.)

**WA 298/18: MIP 1095 CHARLES W. & VICTORIA PATTERSON;** a Waiver of the Subdivision Control Ordinance, Section 6.12 (1.b.) Sidewalks. (Charles Patterson)

Mr. Dale Kruse of Kruse Consulting, Inc. and Mr. Charles Patterson appeared. Mr. Kruse reviewed their request for a 2-lot minor subdivision on 8.440 acres and the location of said project. He stated that Mr. Patterson wished to create an approximate 3.2-acre parcel around his existing home and then create an approximate 4.5-acre vacant parcel to sell to an interested person.

Mr. Patterson explained that a potential buyer wished to hire him to construct a new home on that parcel.

July 11, 2018

Mr. Kruse then stated that a permit from the Town of Avon would be required for the road to access the sewer and also a permit to do a water tap as Mr. Patterson would not be digging a well. Mr. Kruse also added that Mr. Patterson had made application for a sidewalk waiver.

Mr. Dombrosky then asked if there was an allocation letter or if one was needed.

Mr. Kruse stated since they were not putting in a main, an allocation was not needed and that they had received a capacity letter for the sewer lateral. Mr. Kruse stated he would provide Mrs. Haan and the planning department with a copy of that letter.

Mr. Patterson then explained why he had requested a waiver of the sidewalk requirement and the problems encountered on the property if trying to do that installation and that it would not be practical.

The members asked questions and discussed the matter with Mr. Patterson and determined that because of the 75-foot thoroughfare right-of-way, sidewalks would not be practical at that location.

Mr. Patterson stated he would be willing to put the note on the plat regarding installing sidewalks on the property if they became contiguous.

Mrs. Haan added that note usually did not insure that the sidewalks would be installed.

Mr. Patterson stated he would be willing to sign a waiver to install the sidewalks.

Mr. Dombrosky added that the note would go on the recorded plat.

Mr. Patterson repeated that installing sidewalks currently would be useless and that they would be in the way. Mr. Patterson then discussed the requirement for five (5) trees to be planted across the lot and he asked if those could be installed at a later date after construction of the home was completed and the landscaping was done.

Mr. Ayers and Mr. Dombrosky discussed the requirements for delaying the trees that could be done by posting a bond for that tree installation and an exception filed to delay installation prior to recording with approximately three (3) years to complete.

Mr. Dombrosky then discussed the request to not install sidewalks. He stated he had looked at the Wall Street Heights Subdivision nearby and that there had not been any agreement there for installation of sidewalks.

Mr. Ayers stated that due to the location of the property, installing sidewalks would not be practical. He stated he was not sure why the Town of Avon had not required sidewalks for the subdivision across the street.

Mr. Dombrosky stated he had called the town and that an exception had been filed not to construct external sidewalks and he thought it might be because internal sidewalks had been along the frontage road to make the connection.

Mrs. Haan stated that in this situation, the sidewalk waiver made sense to her.

Mr. Dombrosky asked Mr. Gaston if he was concerned about the location of the Lingerman drain.

Mr. Gaston replied that he wanted to make the approval subject to finalizing the drain location on the plat.

July 11, 2018

Mrs. Baker asked if Mr. Patterson needed to come back and file an exception to delay planting of the trees and post a performance bond.

Mr. Dombrosky stated yes.

There being no further discussion, Mr. Dombrosky called for a motion.

Mr. Ayers made a motion to grant approval for **MIP 1095/18: Charles W. & Victoria L. Patterson** subject to the following:

1. Conditions & recommendations in staff's letter dated July 11, 2018; and
2. Petitioner required to file an exception to delay planting of trees prior to Recording.

Mrs. Johnston seconded the motion and the vote was unanimous.

FOR – 5 –                      AGAINST – 0 –                      ABSTAINED – 0 –

Mr. Ayers then made a motion to grant approval for **WA 298/18: MIP 1095 Charles W. & Victoria L. Patterson**, a Waiver of the Subdivision Control Ordinance for the sidewalk requirement, subject to the following:

1. Conditions & recommendations in staff's letter dated July 11, 2018.

Mrs. Johnston seconded the motion and the vote was unanimous.

FOR – 5 –                      AGAINST – 0 –                      ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

**DRAINAGE CONDITIONS:**

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

**STAFF RECOMMENDATIONS:**

1. It appears they will need a permit (Town of Avon) for the force main crossing 800 East.
2. Provide permit for the water tap. Not needed until the building permit phase (will confirm).

**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 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 or development plan must be obtained from the Drainage Board prior to Approval by the Plan Commission. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit.

3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

Mr. Dombrosky stated that concluded the public hearing portion of the agenda and they would now move onto the business session items.

**MAP 653/18 (SECONDARY): WOODCREEK CROSSING, SEC. 11;** a 25-lot major residential subdivision, 10.27 acres, Washington Township, S26-T16N-R1E, located on the south side of Northfield Drive and west of County Road 800 East, at the south terminus of Meadow Creek. (Abercrombie & Associates, Inc.)

Mr. Dombrosky stated that the applicant was not present and that three previous continuances had been granted for this project. He stated that the rules of procedure allowed for not more than three outside of extenuating circumstances.

Mr. Ayers asked why another continuance was needed.

Mr. Dombrosky stated that they had been trying to contact the applicant and had finally reached him this morning. He stated that Mr. Farruggia had asked what he needed to do and that he wanted to request a continuance and reschedule for the August meeting and that he will have paid for the sewer EDU's.

Mr. Ayers responded that he would not grant any more continuances.

Mr. Dombrosky stated that a motion was needed to dismiss the application and that it would then have to be refiled at a later date. He added that a dismissal would allow the applicant to file a new application and not wait to do so for six months.

Mr. Ayers then made a motion to dismiss **MAP 653/18: Woodcreek Crossing, Section 11 (Secondary)**.

Mrs. Johnston seconded the motion and the vote was unanimous.

FOR – 5 –                      AGAINST – 0 -                      ABSTAINED – 0 –

**EX 260/18: MIP 1092 GARY HOUSER;** an Exception to the Subdivision Control Ordinance, Sec. 3.15 (2.a.) Completion of Improvements – Delay – Street Trees (Gary Houser)

Mr. Dale Kruse of Kruse Consulting, Inc. and Mr. Gary Houser appeared to request an exception to delay planting of the twenty-nine (29) street trees until October 2018. He explained that Mr. Houser wanted to be able to record his plat and sell the lots.

Mr. Houser stated that he had completed all of the other improvements and the subdivision inspector had approved them.

Mr. Dombrosky stated that the ordinance did allow exceptions due to weather and that a six-month delay was recommended.

Mr. Gaston then made a motion to grant approval for **EX 260/18: MIP 1092 Gary Houser** for delay of planting of street trees for a six-month period.

July 11, 2018

Mr. Ayers seconded the motion and the vote was unanimous.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

Mr. Kruse then asked if in the future when he wanted to talk about trees again, did he need to make that part of their application or could it be done anytime or in this case, it was obviously after the fact.

Mr. Dombrosky responded by saying the exception request did not require a notice and that it could be done at any time. He added that Mr. Kruse could apply for it when he knew it was going to be an issue.

Mr. Kruse asked if it required a vote from the board on that exception.

Mr. Dombrosky stated that it would require a vote as it was not, unfortunately, an administrative matter.

Mr. Dombrosky stated that those exceptions did not require a notice, so they could be done at any time. He stated that a vote was needed from the Administrative Committee.

Mr. Dombrosky stated that concluded the business session portion of the agenda and he brought up a matter for discussion with the members.

He stated that direction was needed for the setbacks for well and septic fields. He stated he was concerned from a property rights standpoint that a well could be placed on a property line and a fifty-foot setback imposed.

Mrs. Haan stated that when she did reviews of building permits, she usually went out and checked where the wells were located and to see if there was a well log. She stated that they had been doing GPS points for several years and they took a look at that also.

Mr. Ayers asked if Mr. Dombrosky thought we should have setbacks that could not be so many feet closer to the property line with wells and septic fields.

Mrs. Haan stated that there was a setback for septic systems and that depended on whether or not there was a perimeter drain. She stated that with a perimeter drain, it was usually around twelve (12) feet and the perimeter drain could be located exactly on the property line and the fingers could be located five (5) feet from the property line.

Mr. Ayers then asked how that imposed a setback on the adjacent property.

Mr. Dombrosky responded that there had to be a ten (10) foot setback from the fingers for any structures.

Mrs. Haan stated that if there was a perimeter drain, that perimeter drain could be right on the property line and the fingers would probably end up being about eleven (11) or twelve (12) feet from the property line. She stated, however, if there was not a perimeter drain as in the situation with the Larkin minor plat, the ends of those fingers could be five (5) feet from the property line.

Mr. Dombrosky stated if a perimeter drain was not needed due to the soils, the fingers could be five (5) feet from a property line.

Mrs. Haan stated that was correct.

Mr. Dombrosky stated that the well might be a bigger issue.



July 11, 2018

Mrs. Haan stated that a well could not be placed within fifty (50) feet of a septic system. She stated, however, you would need to figure out, particularly with older houses, where a well was located.

Mr. Dombrosky stated it could affect a neighbor's ability to install a septic system.

Mrs. Haan agreed. She stated these facts had been that way for years.

Mr. Ayers asked if maybe it needed to be changed. He stated we would have to change our setback requirements.

There was further discussion among the members on changing requirements.

There being no further business, the meeting was adjourned at 9:54 a.m.

---

Tim Dombrosky, Chairman