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Closing arguments near for mine proposal

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The 16-month standoff over a controversial mine proposal in Anderson Township is inching closer to a conclusion.

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After hours of expert testimony, thousands of pages of transcripts and an ever-increasing opposition force, the Anderson Township Board of Zoning Appeals will hear closing arguments for the Martin Marietta case on Monday, Jan. 25.

Martin Marietta Materials Inc. applied for a conditional-use permit for an underground limestone mine and variances for storage of explosive materials on 480 acres near the intersection of Broadwell and Round Bottom roads.

The township Board of Zoning Appeals has been hearing testimony about the mine operation and its impact on the surrounding area since August 2008, and a number of neighboring jurisdictions have joined forces to fight the proposal.

Community opposition groups claim the proposed mine will have detrimental effects on the Little Miami River valley environment, citizens' health and the quality of life with the primary concerns being noise, dust, vibration, blasting, traffic and property devaluation.

Lawyers for the opposition have also argued that Anderson Township does not have sufficient staff to enforce the zoning code, which would allow Martin Marietta's operation to run rampant with violations.

"Martin Marietta is now in an almost impossible situation of its own making," Scott Phillips, attorney for Indian Hill, wrote in an executive summary of the case, on behalf of all the opposing attorneys.

"It is evident from the record that Martin Marietta has not met and cannot meet its burden of proof."

Martin Marietta's attorney Dick Brahm stated in his executive summary that the mine would not have a negative impact on the surrounding areas.

Brahm wrote that though there was large community opposition, Martin Marietta has met all conditions for a permit.

"Martin Marietta urges the Board to look behind the rhetoric to the actual facts that were produced at the hearings," he wrote.

"The Board should not allow speculation and unsupported concerns to determine the outcome of the property."