

Hamiltonban Township Special Meeting
Board of Supervisors and Planning Commission
23 Carrolls Tract Road, Fairfield, PA 17320
September 8, 2005

Board of Supervisors: Chairman Stephen Jacobs, Vice-Chairman William Eckert, Sr., Road Master Jay Edward Deardorff, Supervisor James Benner, Supervisor Barbara Nicks, Secretary/Treasurer LuAnn Dille

Planning Commission Members Present: Planning Commission Chairman Curtis Musselman, Vice-chairman of Planning Commission and Board of Supervisors Chairman Stephen Jacobs, William Shriner, Sr., Secretary and Planning Commission member Pamela Wiehagen. Jason Watson was unable to attend due to his work schedule.

Others: Hamiltonban Township's Engineer Tim Cormany from Martin and Martin, Inc., Solicitor Henry O. Heiser, III, Zoning Officer Milton Nicks

Public Attendees: Dale Premo, Dave Prophet, Jeff Hardman, Fred Partsch, III, and several public attendees that did not choose to make any public comments

At 8:00 PM Chairman Jacobs called the meeting to order.

Land Conservation District Overlay

Engineer Cormany began the meeting by giving a brief general explanation of land conservation district overlays. An overlay was presented at the August 23, 2005 Planning Commission by Morris & Richie Associates, Inc. (MRA) for the Fitz/Strausbaugh property. The overlay presented showed approximately 300 acres of dwellings and leaving the remaining 300 acres as open area. There could be the same density of dwellings but with smaller lots allowing for more open space. There are some general goals/objectives of land conservation district overlays. They are implemented to preserve farm land, open areas, woodlands, streams, and could include other natural or historic sites. There are several municipalities preparing to use land conservation districts overlays as a way to preserve open areas and with the possibility to connect these open areas. Hamiltonban Township needs to decide what the Township wants to preserve. At the present time there are no requirements mandating open space. MRA has presented a quick fix of three to four pages of land conservation district overlay text amendments. A land conservation district overlay could be as extensive as in a 20 page section in a comprehensive plan, 15 pages in a zoning ordinance document, and 15 pages in subdivision and land development ordinances (SALDO).

Mrs. Wiehagen stated as MRA presented the overlay it would apply to any and all Agriculture District or Low Density Residential Districts in the Township over 100 acres, without consideration of the location. This could apply to woodland property in South Mountain, farm land or areas next to the Borough of Fairfield. Engineering Cormany stated the Township needs to decide where to create these open spaces. This may involve moving some of the zoning districts around to create these open spaces. The Planning

Commission and Board of Supervisors may need to walk the properties to decide what needs to be preserved. The Township may want to preserve and connect streams, certain woodlands or just open areas. This overlay could apply to just single dwellings with any acreage the Township decides from five acres to 100 acres or more, with or without public water or sewer. The Department of Environmental Protection (DEP) is not opposed of this kind of overlay with or without public sewer. The overlay lends itself to public water and sewer systems. Planning Commission Chairman Musselman stated the overlay is not a district just different requirements or a permitted way. There are many overlays that would be used like historical overlays. Farm preservation overlay could be useful to the Township and to include this in the updated comprehensive plan. Engineer Cormany showed a map which had many overlays: flood plains, wetlands, habitat area for certain species of plants and animals, woodland areas, limestone areas/sink hole areas, parks, trails, water way protection areas, historical areas, old school houses, cemeteries, and structures of interest, Agriculture Security Areas, preserve farm lands, and primary farm lands. When such areas are created, a plan to maintain these areas must be included. It could be the responsibility of the private property owners, homeowners associations, other organizations or the municipalities. The farm land could be leased to a farmer. This can be a good idea but needs to be explored as to what the Township wants and what are the needs at the present time and in the future. Staffing is also needed to implement these kind of overlays.

Road Master Deardorff stated some of the overlay ideas may be good for the Township, the current residents and the environment. Public sewer may be better than several failing private sewer systems, and public water may be safer. Planning Commission Chairman Musselman stated a zoning overlay may not be needed to develop differently. A developer could design a more rural plan. Board Chairman Jacobs and Road Master Deardorff stated the Supervisors need to do what is best for the Township as a whole, now and in the future. Roadway maintenance needs to be considered, as well as maintaining a sewer plant. Zoning Officer Nicks stated there are some problems in the BB Section with well and septic placements effecting building sites, which public water and sewer would prevent. Once a farm is sold it is no longer agriculture land. The Township needs to decide what it wants in place of agriculture land, a lot of dwellings scattered on two acre lots or clustered with open space. Not everyone wants to mow two acres of yard or pay taxes on two acres lots. You can not prevent someone from developing their land to current ordinances. Board Vice-chairman Eckert stated there could be improved stormwater management with more open area verses individual retention. Road Master Deardorff stated with closer dwellings there is less vandalism, faster emergency services response, and visible police protection. Zoning Officer Nicks stated in most cluster developments there are usually planned common grounds with playgrounds and walking trails which they maintain.

Solicitor Heiser stated this land conservation district overlay concept needs to be thoroughly explored with the help of a professional land use planner. This planner would look at the entire Township obtaining assistance from Adams County Planning and Development. This is expensive but this needs to be explored with professional assistance. This will take time and will not happen without public notification. When zoning ordinance changes are proposed there needs to be a public hearing like earlier this year. The public will know about these pending changes.

Engineer Cormany stated there is a land conservation group near Philadelphia called the Natural Land Trust that likes the clustering of dwelling to preserve open space. They may be willing to conduct an audit of the Township's SALDO, zoning ordinances, and comprehensive plan. This may be a free service to the Township or there may be grants available to help with the cost. National Land Trust Plan was provided to the Township by Mark Cummins of Cornerstone Development. In the past the Township did not want clustering of dwellings, Planned Residential Districts (PRD's) in the Agriculture and Low Residential Districts. The Board of Supervisors could authorize the Planning Commission to explore the ideas involved in land conservation district overlays and creating open spaces within the Township.

Mr. Prophet stated where the present Fitz/Strausbaugh development is proposed is in pristine wilderness. The development will cause many infrastructure problems. He believes this is not the place for a housing development. He wants it to remain the rural community it is presently. Mr. Premo stated the land may not allow a dwelling per two acres. There could be a plan where the current land owner, the developer would make lots of money and still maintain a community with few dwellings. Mr. Pinto stated the current infrastructure does not support the increase construction traffic. Mr. Hardman does not believe Cold Springs Road can support the increase in traffic. Mr. Partsch, III stated in Maryland developers left open space which they are now trying to develop. Engineer Cormany stated there must be a permanent legal easement to preserve the open space on the deeds and the subdivision plan in a land conservation district. This would prevent any future development. Mr. Partsch, III of Mount Hope Road stated that the Western Pennsylvania Conservation Program out of Pittsburgh, Pennsylvania may have assistance available.

There was a general agreement that the Board of Supervisors would like the Planning Commission to explore some type of a land conservation program.

Impact Fees

Martin and Martin, Inc. recently assisted in developing a Washington Township Traffic Study to imposed traffic impact fees for a specific relief highway around Waynesboro. In the State of Pennsylvania traffic impact fees are imposed for a specific purpose but can be completed for an entire municipality. These costly extensive engineering studies must be funded before any development is proposed. The engineering studies expenses needed to impose impact fees may take years to recover the cost plus there are administrative expenses. If the funds are not completely used for the project the funds must be returned. Engineer Cormany stated historically it has been more successful to negotiate with developers then the cost of imposing impact fees. Presently Hamiltonban Township has an ordinances enacted that developers are required to complete traffic studies before final approval of any subdivision plans. All municipal roads are under-funded. Residential housing taxes do not fund all their infrastructures needs. The infrastructures include improve roadways, increase personnel for the highway crews, police departments, and administrative time.

Well Ordinance

Supervisor Nicks stated that Zoning Officer Nicks was directed to draft a well ordinance for Hamiltonban Township. Solicitor Heiser presented Cumberland Township's Well Ordinance at the September 6, 2005 Board meeting. Supervisor Nicks stated that the Cumberland Township's Well Ordinance is missing the water impact study, and all the information that was suggested from Alexander's Well Drilling. Zoning Officer Nicks stated he used many ordinances to create a complete document. Solicitor Heiser stated that the well impact study is not needed because it is in the Hamiltonban Township Subdivision Ordinance Section 807: Groundwater Availability Studies. The well ordinance that Zoning Officer Nicks drafted is very specific and has multiple clauses. The Department of Environmental Protection also has regulations for wells. Solicitor Heiser stated he does not believe the Township wants to tie the hands of an expert. Zoning Officer Nicks stated that the Cumberland Township's well ordinance is a bare bone ordinance. Engineer Cormany stated he believes the availability study belongs in the SALDO, and the other issues depends on how in depth the Township wants to be, remembering enforcement is important to any ordinances that are adopted. The Township may need to hire a well enforcement officer.

Road Master Deardorff stated he believes the well ordinance needs to be as simple as possible but still protect the Township and not cost the citizens unnecessary expense. Road Master Deardorff said he hates to see a house completely built and then a well drilled. The Township and the citizens need to be protected.

There was a discussion between Solicitor Heiser and Zoning Officer Nicks concerning the requirements of the proposed Hamiltonban Township's Well Ordinances.

Reviewing the Meeting

Board Chairman Jacobs reviewed the results of the meeting. There was a general agreement to have the Planning Commission explore land conservation district overlays. The Board of Supervisors will probably make a formal motion at the October 4, 2005 Board meeting directing the Planning Commission to proceed with exploring the land conservation district overlay concept for incorporation into the zoning ordinances, SALDO, and the updated comprehensive plan. Traffic Impact fees appears not to be suited for the Township at this time. Cooperation between developers and municipalities appears to be more beneficial for all residents. The Board will need to think about the proposed well ordinance as to how defined the ordinance should be.

Adjournment

At 9:28 PM Supervisor Benner made a motion to adjourn the meeting, seconded by Road Master Deardorff. The Board unanimously approved this motion.

LuAnn M. Dille
Secretary/Treasurer

Stephen W. Jacobs
Chairman