

Hamiltonban Township Planning and Zoning Commission
23 Carrolls Tract Road, Fairfield PA 17320
Regular Monthly Meeting Minutes
Platform Startmeeting.com
May 25, 2021

Chair Betty Izer called the meeting to order at 7:01 PM. She announced that the meeting is being recorded for the sole purpose as a review aid in compiling the written minutes per Resolution 2018-08.

Public comments will be held two times during the meeting at the beginning and at the end of the meeting. The public was asked to announce their name and address and to limited their comments to five minutes.

Commission Members Present:

Because of Covid 19, Commission members and public are able to use Platform Startmeeting.com. Members using Startmeeting.com: None; Members present were: Chair Betty Izer, Calvin Bream, LuAnn Dille, Sherry Roger-Frost and Stephen Jacobs

Supervisors and Staff/Consultants Present: Using Startmeeting.com: Nina Garretson Hamiltonban Township Secretary/Treasurer; Members present: Supervisor Robert Gordon and Supervisor Coleen Reamer, Rob Thealer of the Adams County Office of Planning and Development, and Fred Heerbrandt, Township Engineer of Wm. F. Hill & Associates,

Public Present: Using Startmeeting.com: Brett Riegelmen representing Petrus Holdings, recording the meeting, Laurel Muller of Soil Service Company consultants for Petrus Holdings, someone in York, PA., Charles Christi, Amanda Whitcomb, Duane and Linda Williams, Fairfield Station Road, Jason Wolf of C.S. Davidson for Petrus Holdings, Pat Naugle of 650 Red Patch Avenue Gettysburg, PA 17325; present was Clifford Frost, 301 Mount Hope Road, Fairfield recording the meeting, Charles Alexander for Alexander Plumbing, 4246 Fairfield Road, Fairfield, Robert Sharrah of Sharrah Design Group for Sites-Bittinger, LP.

Agenda Review: The Planning Commission approved the May 25, 2021 agenda by general agreement.

Approval of the Minutes: Chair Betty Izer made a motion to approve the April 27, 2021 Platform Startmeeting minutes, seconded by Stephen Jacobs. The motion unanimously was approved.

Public Comment:

Charles Alexander for Alexander's Plumbing, the business would like to expand on the west side of the property to construct a 47 feet by 30 feet building to store their equipment and trucks. Zoning Officer Wilbur Slothour has confirmed the business is an existing non-confirming use for this district. Depending on how it is calculated more than 50 percent of the land will be covered. In 1986 the area where the new building would be building was stone rolled and has been use as a parking area for their equipment and trucks. Therefore no new ground would be used therefore this maybe included in the non-confirming present use. Sherry Roger-Frost asked if the business would plant trees on the east side. Because it it a non-residential property they must submit a land development plan and maybe a stormwater plan. Zoning

Officer Slothour will need to determine the zoning issue. Mr. Alexander left the meeting at 7:13PM.

Clifford Frost of Mount Hope Road and Pat Naugle presenting the Adams County Water Shed Commission read statements opposing the proposed Sewage Facilities Planning Module for 335 Swamp Creek Lane, Fairfield. Duane Williams stated that Planning Commission needs to support the community's desire for safe water. Clifford Frost's and Pat Naugle's statements will be include as Attachment 1 and 2 respectfully.

Swamp Creek Mount Hope Road The five area lot

Calvin Bream made a motion that Planning Commission recommends that the Hamiltonban Township (HBT) Board of Supervisors accepts the withdraw of this land development plan as requested by Petrus Holdings, seconded by Betty Izer. This motion was approved by Betty Izer, Calvin Bream and Stephen Jacobs. Sherry Roger-Frost and LuAnn Dille did not vote.

335 Swamp Creek Lane

Fred Heerbrandt explained that Sewage Facilities Planning Module Component 4A is a supporting document which only states that the plan is consistent with Hamiltonban Township's Zoning Ordinances, Subdivision and Land Development Ordinances and Comprehensive plan. The plan is consistent with HBT ordinances. The Planning Commission needs to authorize Chair Betty Izer to sign the document. Signing the document does not approve the plan. Sewer Enforcement Officer Gil Picarelli has already signed the plan as it is consistent with Department of Environmental site requirements. Chair Betty Izer made a motion to allow her to sign Component 4A. The motion failed for a lack of a second. Calvin Bream stated he has too many questions to vote. Fred Heerbrandt and Clifford Frost discussed how the calculations were made. Fred Heerbrandt had the official regulations which support the submitted and approved plans calculations. This plan will be forwarded to the the HBT Board for their signature.

1765 Mount Hope Road Michael and Shirley Sites

No action was taken on this plan. The professional staff recommendations are needed to include Zoning Office Slothour and Adams County Conservation District comments. This property has steep slopes.

Zoning Amendment for Iron Spring Road

The submitted text amendment would add a use called "Residential Housing Community" as a use permitted by Conditional Use within the Commercial (C) District. The draft amendment includes a variety of performance standards that would be applicable to the proposed "Residential Housing Community" use.

The Iron Spring Road Project plan is to keep the front 17 acres as a commercial development per current ordinances. The remaining 64.17 acres are to be proposed for residential housing. There was along discussion on removing acres from commercial district from the already limited commercial acreage in HBT. Fred Heerbrandt and Rob Thaeler reviewed their correspondences. Both reviews cautioned on adding residential housing in a Commercial District. LuAnn Dille made a motion that Robert Sharrah, Fred Heerbrandt and Rob Thaeler consult and draft an amended amendment, seconded by Calvin Bream. This motion was unanimously approved.

New/Old Business

LuAnn Dille made a motion that the HBT Board of Supervisors request that Rob Thaeler create a chart of uses in each zoning districts to aid in the discussion of any needed changes. Especially exception uses and permitted uses to be reviewed, seconded by Calvin Bream. This motion was unanimously approved.

LuAnn Dille made a motion to recommend that two members of Planning Commission, Rob Thaeler and Fred Heerbrandt, and two members from the HBT Board of Supervisors create a small group to start the discussions on changes to SALDO and Zoning Ordinances, seconded by Betty Izer. This motion was unanimously approved. LuAnn Dille and Betty Izer volunteered to present Planning Commission for the small group discussion along with Rob Thaeler and Fred Heerbrandt. Supervisor Robert Gordon stated that Supervisor Coleen Reamer would like to be one of the the HBT Supervisors in the small group. It was suggested that this group meet for discussing changes then present the changes at a join workshop meeting. Sherry Roger-Frost wants more public input. The public will be invited to voice their opinions before the formal public hearing.

Rob Thaeler stated the second meeting for the Conservation By Design planning meeting for the Gettysburg Golf Course was held earlier this evening. The process is continuing as schedule by the ordinances. Housing sites were reviewed. A formal land development plan will be submitted when the Conservation By Design process is completed.

Public Comment

Laurel Muller presenting Petrus Holding stated that Component 4A is part of DEP process form. The local governing body is not approving the plan but just that the plan is consistent the governing body ordinances. She explained how the flows were calculated in answering some of the comments made by Clifford Frost and Pat Naugle in their submitted statements. HBT Secretary Nina Garretson will forward their statements to Laurel Mueller. She will directly respond to their statements. She stated there are no wet lands involved. There will be no spray field, no discharge in the ground. Supervisor Robert Gordon statement the plan will proceed to the HBT Board of Supervisor at their June 1, 2021 regular Board meeting.

At 8:56 PM LuAnn Dille made a motion to adjourn the meeting seconded by Sherry Roger-Frost. This motion was unanimously approved.

Respectfully submitted,

LuAnn M. Dille
Planning Commission Secretary

Comments on 335 Swamp Creek Lane by Watershed Alliance of Adams County

The Watershed Alliance of Adams County (WAAC) is a private non-profit organization with a mission to protect and improve the water resources of Adams County. WAAC has become aware of a project at 335 Swamp Creek Lane, proposed by Petrus Holdings. WAAC has some concerns about the proposed project, as outlined below.

Pennsylvania Constitution. Article I, Section 27 says: "The people have a **right to clean** air, **pure water**, and to the preservation of the natural, scenic, historic and esthetic values of the environment. **Pennsylvania's** public natural resources are the common property of all the people, including generations yet to come. Pennsylvania Title 25, Chapter 93 further codifies protection of our water. It sets up four different levels of protection, with exceptional value, or EV being the highest level of protection. Adams County has three streams in the EV category, Carbaugh Run, a section of Middle Creek, and Swamp Creek that runs into Middle Creek. Chapter 93.4a(d) states that "The water quality of Exceptional Value Waters shall be maintained and protected". There are **no exceptions** for Exceptional Value Waters as is allowed for High Quality Waters through a Social Environmental Justification.

Our concern is that the proposed Micro Mound Onlot sewage system is not adequate to assure that substances detrimental to the health and water quality in Swamp Creek do not migrate to the stream eventually. The aquatic life in Swamp Creek is very delicate and even small amounts of pollution and toxins could cause a degradation of the water quality and harm the aquatic life in the stream. Chapter 93.8a states that "The waters of the Commonwealth may not contain toxic substances to point or nonpoint source waste discharges in concentrations or amounts that are inimical to the water uses to be protected". 25 Pa. Code 71.62(b)(1) requires an analysis of "Anticipated raw waste characteristics of the sewage" for onlot systems to determine what hazardous wastes are present in the sewage. Has this analysis been completed, and has the Micro Mound Onlot system been proven to eliminate the hazards?

Another nonpoint source of contamination that raises concerns is the runoff from impervious sources. Of particular concern is road salt, which has been proven to be detrimental to aquatic life. Other pollutants and toxins include, but not limited to, herbicides, insecticides, cleaning chemicals, spilt fuel, etc. What is the plan for assuring these contaminants do not end up in Swamp Creek?

Chapter 93.4c(c)(3) outlines public participation requirements for sewage facility plans in Exceptional Waters. WAAC desires to participate in these proceedings

We appreciate your attention to our concerns and questions. You may respond to me at psnaugle99@embarqmail.com with your response, and if you need any clarification. Thank you.

Pat Naugle
President, WAAC

Comments on 335 Swamp Creek Lane Project

May 25, 2021

- 1) I fully support what the Hermits of OLMC say they want to accomplish. I have concerns that their project seems to threaten harm a very sensitive and rare Exceptional Value watershed.

I have heard representatives for the Hermits say on multiple occasions that they also care about the environment and want to protect it. Unfortunately this planning module and the rush to submit it contradicts those words.

If the Hermits truly believed the system they are proposing would pose no risk to the EV watershed they would not be rushing to submit a flawed proposal before June 1st. Instead they would welcome the ability of DEP to evaluate their system based on the specific site characteristics found at 335 Swamp Creek Lane.

Relevant site characteristics are steep slopes, marginal soils, and the EV stream a mere 150 yards downhill. All of these characteristics should be taken into account in evaluating any septic system proposal for the site. As of June 1, they will have to be.

The hermits' representatives told the public last month that they are specifically trying to avoid having to comply with these requirements, which result from Act 34 of June 2020.

- 2) The plan as submitted by Petrus Holdings is fatally flawed, perhaps because it was rushed. The entire plan rests on a faulty calculation of the amount of sewage that the system will need to process.

The plan says there will be a barn that will house 20 people, and the amount of sewage to treat will be 2,000 gpd (gallons per day). The calculation of 2,000 gpd is never addressed in narrative form. However, the calculation is contained on pages 45-49 of the large PDF submission. It is based on assuming 5 3-bedroom Single Family Residences (SFRs), each at 400 gpd.

This is contrary to the instructions given in PA Chapter 73, 73.17, which gives a table of various scenarios. A single building with 20 permanent inhabitants is akin to a Rooming House, not 5 separate SFRs. Chapter 73.17 has a specific entry in the table for a "Rooming house."

The relevant calculation for sizing the septic system for a 20 person Rooming House is:

$$20 * 200 \text{ gpd} * .60$$

Which yields 2,400 gpd. So the system proposed has only about 83% of the required capacity under the clear and obvious meaning of 73.17.

In actual fact, both the Rooming House and SFR calculations produce underestimates of the actual proposed use. This is because most people in SFRs or Rooming houses go to work or school on most days. This means that much of the sewage each person produces will be disposed of away from their home, and will not stress the septic system. The calculations given in 73.17 take this behavior into account.

In contrast, the people inhabiting the barn at 335 Swamp Creek Lane are going to be there approximately 24 hours per day, according to their own description of their life style. So essentially all of their waste will have to be handled by their septic system. This means the proposed system is likely much less than 80% of what should be required.

- 3) Further specific comments, page numbers refer to the page numbers in the single large PDF file provided to the Twp.
 - a. Pg 2: Detailed Hydrology is not checked – by the strict letter of the law maybe this is not necessary, but if the hermits are truly interested in the environment why wouldn't they do detailed hydrogeologic studies?
 - b. Pg 4: I recommend that the Twp check box (ii) rather than box (i), and that Petrus Holdings agree to additional studies to comply with Act 34 requirements that go into affect on June 1st, 2021.
 - c. Pg 8: WETLAND PROTECTION. The box checked says there are no wetlands in the project area. Is this true? There certainly appear to be wetlands within the Buffered Project Boundary, as well as flood plains.
 - d. Pg 8: H.1. should be marked as "Cannot be evaluated for general site suitability because of insufficient soils testing."