

**WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES
MARCH 25, 2021 (Via Zoom)**

The Meeting was called to order with the following members in attendance:

John Butala, Kathy Rojik, Patrick Stark, Robert Bechtold, Alan Banks, Suzanne Garlena, and Mark Schmidt

Absent Members: None

Other Attendees: William Payne (Code Enforcement Officer)

Scott Shoup (Shoup Engineering)

Gavin Robb (Solicitor)

Dorothy Moyta (Zoning & Planning Administrator)

Outline and Order of Meeting

1. Approval of February Minutes
2. Zoning Ordinance Revisions/ Municipal Ordinances Updates – Zoning and Street Map Updates – Screening Table Updates
3. Workshop Meeting: Public Comments

Approval of Meeting Minutes

The February Minutes were unanimously approved.

Moretti Plan #3 Final Subdivision

Mr. Shoup went over his comments sheet dated 3.23.2021.

The following comments were made;

1. Mr. Payne stated that testing had been done on the site for septic and both the existing and back-up system perked.
2. Mr. Bechtold questioned whether there was a need for a cul-de-sac.
3. Mr. Payne said since available, they should show the test pits on the plan. Mr. Bechtold felt that was a requirement of the sewage planning module. Mr. Payne said that they showed this on Lot #8.
4. Mr. Shoup questioned whether access will be off Schuster Rd. Mr. Bechtold said that this appeared only part of the access.
5. Mr. Banks felt that the cul-de-sac would create value in the future.

Conditions for Approval:

1. Address and meet all requirements/ comments on Mr. Shoup's letter.
2. Add 50' radius at end of cul-de-sac on right of way.
3. Add septic test pit locations of new lots and back up and existing septic location for Lot #8.

A motion was made by Mr. Bechtold and seconded by Mr. Butala to approve the Moretti Plan Subdivision with the conditions stated. The motion was unanimously approved.

New Business:

Mr. Payne said that 2 upcoming projects were discussed by developers.:

1. Dollar General is looking at building on Starr Rd. at the old Italian Club location.
2. A 17 acre PRD is being planned off Cedar ridge Rd. near the Rebecca Residence.

Zoning Ordinance Revisions/ CROWD's Letter/ Suggestions regarding the Gas and Oil ordinances

Comments were made as follows:

1. Mr. Schmidt said that we've already had extensive discussions on items #1 and #2. Zones, Allowing Drilling, and waivers to setbacks, respectively.
2. Mr. Robb has looked into this and believes that there is already an ordinance in PA Act 13 that has the ability to waive setbacks or eliminate the provision for waiver.
3. Mr. Stark believes that the owner should be able to give permission for the waiver.
4. Mr. Robb thought this may open the door for more gas and oil development.
5. Mr. Schmidt felt that we should leave #1 and #2 as is.
6. As regards #3 Sound Exceedance, Mr. Robb felt that this was similar to what ordinances elsewhere had required and it seemed reasonable.
7. Mr. Schmidt thought #3 sounded too technical.
8. Mr. Rescinati said the concern was that one minute was too long.
9. Mr. Schmidt asked if there was a cap on exceedance and Mr. Robb felt that there should be. Mr. Schmidt likes that every exceedance counts for a minute and then there are only so many exceedances in an hour.
10. Nancy Barton suffers from PTSD and cannot have this noise in her neighborhood. She is wondering why this is being proposed near an area with poverty, ie shantytown.

11. As regards #4 Dehydration, Mr. Payne says that the dehydrators make the transportation of gas safer and needs to follow the lines that are typically near R2 and R3 neighborhoods.
12. Ms. Garlena said that the dehydrators are typically on the well pad.
13. Mr. Rescinati questioned the definition between well pad and well site.
14. Mr. Banks said it is true that that Olympus has used well pad and well site interchangeably depending on what they are referring to in the presentation.
15. Mr. Robb agreed that well pad and well site were used interchangeably and needed to be further defined.
16. Mr. Schmidt asked Mr. Robb whether he will be looking at the ordinance update and Mr. Robb said yes and there is an ongoing update.
17. Mr. Robb said that he is looking at balancing the entire zoning code and in any case the Board will need to look at this in a few months.
18. As regards #5 Termination/ reapplication provision, everyone agreed that should be added.
19. Laurie Maciettea has recently moved in from Washington County where she lived 4 miles from a well and wants people to know that the well can be heard from 4 miles away even after the operators have finished and left the well pad.
20. Mr. Butala asked whether this ordinance update was retroactive and Mr. Robb said no.
21. As regards #6 Water testing, Ms Rescinati said the point here was for the Drilling Company to test the water in the mine pools as this water eventually makes its way into the drinking water.
22. Mr. Robb said that PA Act 13 does not require testing but he does feel that its in the Company's best interest to test.
23. Mr. Schmidt said that Olympus said that water testing was a privacy issue but felt that we could challenge them on this.
24. Mr. Butala felt that they should test the water to get a baseline.
25. Mr. Bechtold said that some of the water from the pumping station in Bairdford is from the mine pools.
26. Ms. Rescinati said that they are no longer pumping the mine pools – they haven't pumped them since 2015. There is no longer a barrier between the upper and lower mine pools.
27. Mr. Butala thought that testing was a good idea but contamination would be difficult to detect. The testing also may strengthen the case for the drilling companies.

28. Mr. Robb stated that he did not have any knowledge about mine pools.
29. Mr. Bechtold likes Mark's comments. Let's let the oil and gas companies fight that. We need more technical information.
30. Mr. Payne said that there is a \$100,000.00 escrow involved. He talked with a cement engineer and the engineer said the water table is at 400' and the seal doesn't allow leakage. It's rare that they get leakage into the water table. Sometimes leaks do occur at the heel of drilling (where they turn horizontal), gas then leaks up the hole in between the earth and the drilling caisson. Pressure testing will identify the leak and there are known ways to seal that leak.
31. Mr. Shoup and Mr. Robb said that we need to do research and return to this topic next month.
32. Mark Schmidt said that he read about a third of the ordinance that Bill sent mainly for spelling and grammar and he will email this back to Bill.
33. Mr. Butala asked when do we want to get this revised Ordinance back to the back to the Board of Supervisors.
34. Mr. Payne said that we will have some Gas Well talk in April.
35. Mr. Schmidt asked whether the Board would want to see some sort of action from us.
36. Mr. Robb thought that this ordinance would receive comments from a standard consulting company such as EPD, Paschek, or HRG.

Zoning Ordinance Revisions/ Screening Tables:

Comments were made as follows:

1. Mr. Payne stated that he added a column for vacant or undeveloped land.
2. Mr. Banks said that category A is the most intensive screening.
3. Mr. Banks asked whether there was any provision for revising the screening table due to planting blights, etc.
4. Mr. Robb thought that this topic would be better placed under subdivisions. There may be other reasons that plantings die.
5. Mr. Robb felt that we could reference an outside specification such as the one from the DCNR.
6. Mr. Schmidt asked whether we could look at the DCNR to identify invasive species.
7. Mr. Robb asked if we could reference a list of alternate options.

8. Mr. Banks said that our current list has a lot of height options, but we don't have a lot of commercial properties.
9. Mr. Robb said that typically the planting bond is released at the time of occupancy.
10. Mr. Banks said that we most likely needed a performance bond.
11. Mr. Robb said that we could build in some sort of warrant to the ordinance.
12. Mr. Schmidt stated that Hampton Township does have a warranty bond included in their ordinance for planting.
13. Mr. Schmidt asked Mr. Robb whether he could update everyone on what parts of the Ordinance are moving to SALDO..

Workshop Meeting: Public Comments:

Public Comment was as follows:

Laurie Maglietta asked whether the Township has ordinances to protect and/ or repair riparian buffers. The answer was in the affirmative.

A motion was made by Mr. Schmidt to adjourn the meeting and seconded by Mr. Stark.

The April meeting will be on April 22nd, 2021. It will be conducted via Zoom. The meeting link will be posted on the web site.