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PLANNING COMMISSION REGULAR MEETING DECEMBER 11, 2013

PRESENT: DENNY STRAUB, KEN GIFFHORN, EARL BOCK, TOM SMITH, DAN WYRICK (*late-6:05pm*) - **MEMBERS;** Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Denise Gembusia, Secretary/Treasurer.

VISITORS: Bob Line, John Madden, Laura Portillo.

CALL TO ORDER

Chairman Straub called the meeting to order at 6:00 pm and led the audience in the pledge of allegiance.

CHAIRMAN'S COMMENTS

Chairman Straub reminded everyone to make sure their microphones were turned on before proceeding.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF MINUTES

1. October 9, 2013 Planning Commission Regular Meeting Minutes

Zoning Officer Barrick noted that at the October 9, 2013 Planning Commission meeting, the group was referencing and working off of an older copy of the Goodman-Birtcher text amendment. The updated document has some numbering changes; most notably Chapter 5 is now Chapter 4. The information contained within the chapter is the same. However, the October 9, 2013 Planning Commission minutes reflect that the Planning Commission was referring to Chapter 5, since that is the document they had in hand at that time. Zoning Officer Barrick said that he wanted to clarify that the Planning Commission was not working with the most recent copy, but that the minutes were accurate. After a discussion clarifying this matter, Ken Giffhorn motioned to approve the October 9, 2013 Planning Commission minutes as written. The motion was seconded by Dan Wyrick and passed unanimously.

REVIEW OF PLANS

1. Sewage Planning Module for Charles Hersh – creation of building lot.

In January 2012, the Board of Supervisors approved a final minor subdivision plan for Charles and Martha Hersh. Two lots were subdivided off a parent track as non-buildable lots with the residual lot retaining the original homestead. The current executor of the estate has submitted a sewage planning module for review and approval to allow lot #1 to be used as a buildable lot. This lot is 11.87 acres and located on Walnut Bottom Road at the intersection of Burnt House Road. Probes for on-lot testing were completed by the Township SEO, Gil Picarelli. Percolation tests were performed and the planning module was approved through the SEO's signature. The applicant secured a preliminary hydrogeological evaluation of the lot to determine the required lot size to handle any additional nitrate loading. This evaluation determined that a 4-bedroom home would need to have a minimum lot size of 3.02 acres.

Dan Wyrick questioned if this request was circumventing the proper subdivision steps and short-changing the process. Zoning Officer Barrick explained that this was requested by the executor of the estate on behalf of

the potential buyer and not the people who had originally subdivided under the non-building declaration. He added that the driveway access could be off Burnt House Road or Walnut Bottom Road, assuming the proper sight-distance requirement is met.

Denny Straub suggested reviewing the Subdivision and Land Development Ordinance (SALDO) in order to determine what steps should be taken to avoid having a non-buildable lot becoming a buildable lot in the future. He felt that if this were to happen again, there should be a clearly defined list of steps that would need to be followed in order to grant approval. There was a long discussion over the concept of non-building waivers.

Zoning Officer Barrick noted that the original plan was granted with three waivers; a non-building declaration, existing contours and preliminary plan.

Tom Smith noted that the word contours was misspelled on the note #2 of the plan. Additionally, the legend of the plan contained items that were not on the plan. The items were as follows:

- Existing storm sewer
- Floodplain line
- Proposed sanitary sewer
- Proposed 18' silt fence

Lastly, Mr. Smith stated that the last item of the legend should read "iron pin to be set" and not "iron pin top be set".

Zoning Officer Barrick reminded the Planning Commission that they were reviewing the planning module for recommendation; not the plan itself.

Ken Giffhorn motioned to recommend approval of the Charles and Martha Hersh Sewage Planning Module to the Board of Supervisors and recommend it be forwarded to the Department of Environmental Protection. Earl Bock seconded the motion and it passed 4 – 1. Dan Wyrick cast the dissenting vote.

BUSINESS

No business items were on the agenda. However, there was a lengthy discussion about creating a minimum time requirement on non-building waivers before they can be reconsidered for a buildable lot. Denny Straub suggested creating a process on how to make a lot non-buildable, including a process on how to reverse it and including those instructions in the SALDO. Zoning Officer Barrick remarked that reversing the process and creating a buildable lot is more expensive to the owner than just following the proper channels for subdivisions.

SOLICITOR'S REPORT, ENGINEER'S REPORT, ZONING OFFICER'S REPORT, PARK & RECREATION LIAISON REPORT, SUPERVISOR LIAISON REPORT

- No reports were provided.

ADJOURNMENT

Ken Giffhorn motioned to adjourn at 6:56pm. The motion was seconded by Dan Wyrick and passed unanimously.

Respectfully submitted,

Denise Gembusia,
Secretary/Treasurer