

Planning Commission Minutes for November 2, 2009

Call to Order: The meeting started at 7:00 with the pledge of allegiance.

Roll Call: present were Brian Temple, John Bedillion, Cathy Obenour, and Larry Chome

Approval of minutes: C.O. motioned to accept the minutes of the October meeting which were previously distributed. 2nd by J. B., Passed by hand vote.

Old Business: None

New Business

Subdivision of Nancy Stewart of land east of route 50 into 3 lots. Two of the lots will be given to children for future building lots. HMT commented by way of their letter dated October 21. C.O. motioned to approve the subdivision conditioned up corrections being made to the subdivision per HMT's letter of Oct 21. 2nd by J.B. and passed by hand vote. It was later noted that lots 1, 3, and 4 did not have any notes concerning approved sewage fields but there apparently is an existing sewage system on lot 2 because a house and out buildings are noted on the drawing. It is suggested that all sewage fields be shown on the drawing before final approval by the Supervisors.

Subdivision of L. David & Sarah H. Herriott – One 15+ acre building lot on Herriott Lane. HMT commented by way of their letter dated October 28. C.O. motioned to approve the subdivision conditioned up corrections being made to the subdivision per HMT's letter of Oct 28. 2nd by J.B. and passed by hand vote.

Application to Approve Conditional Use – presented by Laurel Mountain Midstream Operating LLC to operate a “Dew Point Control Facility” on land owned by Nancy Stewart, Caldwell Road, Hickory. The document was read aloud and a lengthy discussion took place. The meeting was well attended; see the sign-in sheet attached for those the names of those in attendance.

It was asked from where the dimension given in paragraph (b) (ii) came? Why is the fence in (d) only 4 feet high? The answer is that they were provided by the petitioner. Residents expressed an opinion that some or most of the dimensions seemed to be inadequate.

What hazardous wastes are produced? The PC could not answer and there was no one from the petitioner present to answer.

B. T. motioned to advise that the supervisors reject the application because 1. There is no conditional use in the present Zoning Ordinance that allows for a “Dew Point Control Facility” and 2. There is no list of individual property owners within 300' of the property. It was pointed out that the list should be of all property owners on the perimeter of the entire Nancy Stewart farm which is some 200 or so acres. 2nd by J.B. and passed by hand vote.

Brian then motioned that the Supervisors advise the applicant to apply for a Use Variance since the present Zoning Ordinance does not allows for a “Dew Point Control Facility”. He felt that this would be a more appropriate approach. 2nd by J.B and passed by hand vote.

Petition Requesting Amendment to Zoning Ordinance presented by Laurel Mountain Midstream Operating LLC to operate a “Dew Point Control Facility” on land owned by Nancy Stewart, Caldwell Road, Hickory. Again a rather lengthy discussion took place. Some of the same points

were brought up by those in attendance. It was explained that this petition and the previous application go hand in hand and deal with the same subject. There were concerns that we were “letting” the operator try to make changes to our ordinance. It was explained that this is how the process works and that anyone having an interest in the township can make petition to change the ordinance and that a \$500 fee must be paid for each petition submitted. A discussion of paragraph B. (f) concerning the “construction ... commenced prior to October 1, 2009 took place. It was thought that this might be considered as legitimizing an illegal construction favoring only one company and could cause a problem in the future.

During the discussion two documents were presented by Stephanie Hallowich which she wanted to be put on the record. One was a letter from the town of Dish, Texas dealing with an environmental study done there and the other was on October 23, 2009 letter from Markwest announcing the November 3, 2009 operational changes to compressor stations that would result in the “blow out of pipelines”. See the attached.

There were questions from those present as to why Atlas/Williams have not been issued citations for violations. L.C. explained that there were meetings with Atlas and Williams concerning the facility and there are ongoing attempts to resolve the situation.

B.T. motioned that the Zoning Ordinance should be changed to add the definition of “Dew Point Control Facility” as suggested by the petitioner and to allow such facility in the M-1 zoned area as a Conditional Use to be researched and drafted by the Township Solicitor. 2nd by C.O. and passed by a hand vote.

Proposed Amendment to Zoning Ordinance presented by Larry Chome, Zoning Officer, to add a new classification of Heavy Manufacturing and allowing Heavy Manufacturing as a Conditional Use in the M-1 Light Industrial area.

A further discussion was conducted concerning the possibility that the present Zoning Ordinance appears to not allow legal types of manufacturing that produce noise, vibration, noxious emission, etc. in the township.

L.C. motioned that we ask the Supervisors to consider adopting a change to the current ordinance stating that any manufacturing that does not meet the definition of “Light Manufacturing” be a Conditional Use in the M-1 zoned area, and that any use not otherwise defined in the ordinance shall also be a Conditional Use in the M-1 area. Proper wording should be drafted by the township solicitor. 2nd by B.T. and passed by hand vote.

Comments: L.C. clarified that the act of subdividing a property in and of itself did not violate the Clean & Green Program. The key is the conveyance of the subdivided property to another party. If each of the subdivided parcels are retained by the original landowner, there is no violation of the Clean and Green Program.

Adjourn: B.T. adjourned the meeting at 9:30 PM

Respectfully submitted by Larry Chome