

SOLEBURY TOWNSHIP PLANNING COMMISSION

June 13, 2022

Minutes

Attendance: Dan Fest, Lesley Marino, TJ Francisco, Gretchen Rice, Keith Deussing, Peter Brussock, Amishi Castelli, John DeAndrea (Associate Member), Adrian Max (Associate Member), Kevin Morrissey (Supervisor Liaison), Maureen Carlton, (Township Solicitor), Jean Weiss (Planning Commission Administrator)

Absent: Eric Cohen (Associate Member)

I. **Call to Order**

At 7:00 p.m., the Solebury Township Planning Commission meeting was called to order.

II. **Approval of Minutes – March 15, 2022 & April 11, 2022**

Upon a Motion made by Gretchen Rice, seconded by Dan Fest the Solebury Township Planning Commission approved the March 15, 2022 meeting minutes.

Upon a Motion made by Gretchen Rice, seconded by Dan Fest the Solebury Township Planning Commission approved the April 11, 2022 meeting minutes.

III. **Well Ordinance**

Maureen Carlton stated Ashish Daw & Jonathan Wells representatives from Uhl & Associates, Inc were present on behalf of the revised Well Ordinance who were involved in the drafting of the ordinance along with the Solicitor's office.

Dan Fest commented that Solebury Township already has a Well Ordinance in place, what prompted the revision of this ordinance.

Kevin Morrissey stated the Board of Supervisors had been notified by the Township Solicitor that several changes had been made by the state and county regulations and the Township needed to adapt to those regulations.

Curt Genner explained that administratively there are a few discrepancies in references to different sections of the zoning ordinance referenced in the separate well ordinance that needed to be addressed. The intent was to combine both ordinances and try to come up with a way to make geothermal a part of the ordinance which it had not been in the past.

TJ Francisco asked for comment as to why Uhl & Associates agreed that an open loop system would not be an acceptable system for Solebury Township, that only closed loop systems can be used. Especially considering an open loop system seems to be more cost effective.

Peter Brussock commented he has submitted 130 comments/questions that he would like to get a response in writing. To go through each one would take a significant amount of time.

Ashish Daw stated most of the language/wording was taken from the existing ordinance. As for open and closed loop systems, we recommend closed loop systems to keep everything contained. I have not work with installation of geothermal systems so I can not speak on plus verse the minuses or the cost on the open loop vs. the closed loop. These are just recommendations and are open for interpretation.

TJ Francisco agreed that because of contamination, a closed loop system is right for Solebury Township.

Peter Brussock commented from a contamination standpoint with an open loop system you are just using water no additives are being added, but with a closed loop system you have a chemical upon release that is a contaminate. I do not see the closed loop system being more protective for neighbors.

Keith Deussing asked Curt Genner with an existing homeowner that has a failing well and needs to go through the process of permitting and drilling, what is the timeline of the current ordinance vs. going through the process of the proposed ordinance, what would be the timing is getting the well up and running. How much of a change do you see.

Curt Genner commented the current ordinance relies mainly on the Bucks County Health Departments process in the permitting of a well, the addition is they have to provide a core quality test showing they meet the standards of the well ordinance. From what I can see the difference is additional testing in the new ordinance and more consultant oversight, than the current traditional ordinance.

Keith Deussing asked from a timeline standpoint how much added time would this process add to getting a new well up and running.

Curt Genner commented it is hard to tell right now with the backlog most consultants are seeing, I am going to go out on a limb and say it could be an additional few weeks.

Gretchen Rice expressed a real concern with the expense and timeline for the average homeowner. I am not aware of an influx of a couple hundred homes that there would be a concern to impose such regulations.

Maureen Carlton stated that in the defense of the consultants, they did what they were asked to do by the Board of Supervisors.

After additional dialogue, the Solebury Township Planning Commission agreed to table further discussion until Uhl & Associates and the Township Solicitor have had an opportunity to address the 130 comments/questions from Peter Brussock.

IV. Alternative Energy Ordinance

Maureen Carlton stated she had provided a red-lined version of the Alternative Energy Ordinance to the Planning Commission last month, hopefully all comments were incorporated.

Curt Genner commented he had a concern with item 4.C.3 pertaining to the Open Looped Geothermal Systems, the current ordinance prohibits open loop systems, but this ordinance allows for the system if approved by the Township Engineer, if that is the case I will need direction from the Township.

TJ Francisco agreed that this is an ongoing topic of conversation.

Lesley Marano expressed concern with item 4. A. pertaining to Wind Energy Systems, the lowest part of the rotor (blade) is at least 30 feet higher than any wind obstacles within a 500-foot radius, with obstacles including birds. How are we going to be 30 feet above the birds. It appears that this was stuck in their carelessly. This may be more for the section on Emerging Energy Systems under item E.

Lesley Marano also expressed concern with item 6 A, this item will be changed to reflect current zoning regulations.

Andrian Max asked if the Planning Commission has looked into solar farms for the Township.

TJ Francisco commented the EAC is working on an Energy Transition Plan, which will be shared with the Planning Commission in July.

TJ Francisco commented in August 2020 the Planning Commission approached the Board of Supervisors with a request for a line item budget for a consultant to help further the sustainability initiative, I would like to revise/update that executive summary to be presented to the Board of Supervisors in July.

After additional dialogue, the Solebury Township Planning Commission agreed to table further discussion until the next meeting.

V. Burning Ordinance

Maureen Carlton gave a brief overview of the proposed Burning Ordinance. Maureen explained that the DEP is encouraging the Township to adopt a Burning Ordinance.

Dan Fest asked what would happen if the Township decided not to adopt a Burning Ordinance.

Curt Genner explained it could affect DEP project funding.

John Deandrea commented that what can and can not be burned needs to be more clearly identified.

Amishi Castelli asked is this ordinance the same as the DEP restrictions or is it more restrictive.

Maureen Carlton stated it is a little more restrictive.

Amishi Castelli asked what the differences are when comparing the ordinances.

Maureen Carlton stated the only real difference is the DEP allows for yard waste and household waste, where the Township does not allow for yard waste.

Lesley Marano asked what the rationale was for effectively outlawing burning yard waste.

Dan Fest commented that #5 for agricultural commodities really should be beefed up, because we have nursery stock so wood is all we burn very little but to rent a chipper is close to \$3,000.00 a day. What an agricultural commodity is needs to be clarified (i.e. nurseries, vineyards, Christmas tree farms etc.).

Keith Deussing asked what the current state regulation is for burning yard waste, is it prohibited.

Curt Genner commented that it depends on whether it is an open burn or controlled in an enclosure such as a firepit. The open burn would be prohibited.

Maureen Carlton stated she will do a comparison with the draft ordinance and state regulations.

After additional dialogue, the Solebury Township Planning Commission agreed to table further discussion until the next meeting.

VI. Adjournment

Upon a Motion by Amishi Castelli, seconded by Lesley Marino, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Jean Weiss
Planning Commission Administrator, Solebury Township