

## **Part 14**

### **Ground Water Protection District (GWP)**

#### **§27-1401. Purpose and Specific Intent**

To assure that the quality and quantity of the water resources in London Grove Township are maintained. The Ground Water Protection District shall be deemed to be an overlay on the applicable zoning districts.

#### **§27-1402. District Boundaries.**

1. The Groundwater Protection District consists of the area underlain by the Cockeysville Marble Formation, all areas containing the soils set forth in this Section and a 150-foot buffer which surrounds the Cockeysville Marble Formation and/or these soils. The area within the Ground Water Protection District shall be based upon the latest geology mapping as issued by the Pennsylvania Bureau of Topographic and Geologic Survey, Department of Conservation and Natural Resources as updated from time to time. The district boundaries shall include all land containing Hagerstown Silt Loam (Ha), Conestoga Silt Loam (Cm), Guthrie Silt Loam (Gu) and Hollinger Silt Loam (Ho) soils. The locations of these soils in London Grove Township are designated in the U.S. Soil Conservation Service, Soil Survey, Chester and Delaware Counties, Pennsylvania, May 1963, and which may be updated from time to time. Within the Ground Water Protection District, special use restrictions and stormwater management measures are to be taken to ensure recharge, to prevent sinkhole formation and to protect the groundwater and surface waters from contamination.

2. The Ground Water Protection District is being applied as an overlay district on the otherwise applicable zoning districts as delineated on the Zoning Map for London Grove Township. The Ground Water Protection District prohibits certain uses and imposes a set of requirements in addition to the underlying zoning district, requiring that land be used only if permitted within the Ground Water Protection District and the underlying zoning district and under conditions and requirements of both districts.

3. The Ground Water Protection District may also be referred to within this Chapter as the “Carbonate Area Overlay District,” “Carbonate Area,” or “Cockeysville Marble Area” which terms shall be used

interchangeably and represent the same area and district as the Ground Water Protection District.

**§27-1403. Boundary Challenges and Review.**

1. The Township shall review all applications for compliance with the provisions of this Section on the basis of carbonate area boundaries described in the Groundwater Protection District.

2. Where interpretation is needed as to the extent and exact location of the boundaries of the district, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, an initial determination shall be made by the Township Engineer.

3. Any party seeking a determination of the exact boundary may submit a geological study of the area in question or other pertinent documentation for consideration. If the Township Engineer determines that the project is in compliance or compliance with additional conditions, the Applicant is exempt from other provisions of this Part. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.

4. Any party may appeal the determination of the Township Engineer to the Zoning Hearing Board. The applicant shall have the burden of proof in any appeal.

**§27-1404. Nonconforming Uses.**

Nonconforming uses may continue within the Special Purpose Stormwater Management Areas in the form in which they exist at the time of the adoption of the Stormwater Management Plan and this Chapter. Any change of title or right to possession shall not affect such continuation of an existing use. Whenever a nonconforming use has been abandoned for a period of 2 years, such use shall not thereafter be re-established and any future use shall only be in compliance with the provisions of this Part and the Stormwater Management Plan.

**§27-1405. General Provisions.**

1. Should the Groundwater Protection District be declared inapplicable by reason of amendment by the Board of Supervisors, or change in mapping or interpretation of the Zoning Hearing Board, or Court of competent jurisdiction, the zoning applicable to such tract shall be deemed to be the district in which said tract is located without consideration of this Part.

2. The applicant shall deposit with the Treasurer of the Township such a sum of money as set forth in the fee schedule adopted by the Board to pay the cost of the hearing, provided that funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completing of the proceedings and in the event that the costs of the hearing exceed the funds deposited, the applicant shall pay to the Treasurer of the Township funds equal to such excess cost.

3. This Part shall not repeal, impair, or abrogate any existing easements, covenants or deed restrictions. However, in all cases the applicable regulations and or documents that impose the greater restrictions shall prevail.

4. In carbonate areas, development of land creates the potential for certain problems, including

(A) greater chance of contamination of bedrock aquifers, owing to the formation of solution channels and,

(B) potential for structural failure due to land subsidence. Therefore, this Part shall not create any liability on the part of the Township or any officer or employee thereof for any damages resulting from reliance on this Chapter or any administrative decisions lawfully made hereunder.

#### **§27-1406. Standards**

1. No structure, land or water shall be used or developed, and no structure shall be located, extended, converted or structurally altered in the Groundwater Protection District unless the applicant can minimize the adverse impacts of the proposed action.

2. Should the Township find that an applicant may create a significant risk to the public's health, safety or welfare, in spite of taking all reasonable measures to minimize such risks, or should the Township determine the applicant has not taken all reasonable actions to minimize said risks, the Township may deny the application in accordance with Ground Water Protection District Standards.

3. The below ground storage of heating oil, gasoline, chemical solutions or other substances, which if released, would cause pollution to ground or surface waters are expressly prohibited within the district.

4. Only earth filling materials that are non-polluting, as defined by Pennsylvania DEP may be used within the district.

5. Land grading or construction of buildings or other site improvements, which would directly or indirectly diminish the flow of natural springs is prohibited. If necessary, the Township may require the applicant to provide water table data from observation wells suitable for estimating conditions on the site.

6. Public health and safety is to be protected by assuring that there shall be no contamination of groundwater through runoff in the Cockeyville Marble Area (Carbonate Area).

7. Continued groundwater recharge is to be assured through diffuse infiltration through upper soil horizons, through wooded grounds, grassy areas and infiltration berms, impervious coverage of site in, or partially in the carbonate area shall not exceed 50 percent of the portion that is within the carbonate area. The total permissible impervious cover shall be prorated, depending on the percentage that lies within the carbonate area.

8. Induced concentrated infiltration through infiltration devices for stormwater runoff shall not have a head of more than 2 feet in the Cockeyville Marble Area.

9. Groundwater recharge and pollution control standards for the Carbonate Area Overlay District as described in elsewhere in this Ordinance and other relevant Sections of the Stormwater Management Ordinance [Chapter 20] shall apply. No pollutants that exceed Federal and State standards for potable water shall be allowed to enter the aquifer.

**§27-1407. Permitted Uses**

1. Only uses permitted “as of right” or “by right” in the underlying zoning district. Uses that are permitted by conditional use or special exception in the underlying zoning district are not permitted in the Ground Water Protection District.
2. Commercial Composting Processing Operations and Agricultural Composting Processing Operations.

**§27-1408. Prohibited Uses**

1. The following uses are expressly prohibited in the Ground Water Protection District under any circumstances:
  - A. Intensive Agricultural
  - B. Preparation, processing and storage of mushroom growing substrate, including the storage of raw materials.
  - C. Preparation, processing and storage of spent mushroom growing substrate and the application of spent mushroom growing substrate to fertilize fields as part of an extensive agriculture use is permitted as long as such application is done pursuant to the most recent “Best Management Practices for Environmental Protection in the Mushroom Farm Community” manual published by the State of Pennsylvania Department of Environmental Protection.
  - D. Residential uses that utilize on-lot disposal systems, unless the lot size exceeds 1-1/2 acres.
  - E. Mining and quarrying.
  - F. Landfills, storage, treatment and/or disposal facilities for which a DEP permit is required under the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

- G. Junkyards.
- H. Incinerators.
- I. Below ground storage of heating oil, gasoline, chemical solutions or other substances, which if released, would cause pollution to ground or surface water.
- J. Above-ground storage in excess of 500 gallons of heating oil, gasoline, chemical solutions or other substances, which released, would cause pollution to ground or surface waters. In addition, such storage shall only be permitted in storage facilities which conform to 25 Pa. Code §245.542, "Containment Requirements for Above Ground Storage Tanks Systems."
- K. Gasoline, diesel and other types of vehicle filling stations.
- L. The storage, handling, processing or disposal of hazardous materials or any other substance with the potential to contaminate ground or surface waters. Residential uses are permitted within residential dwellings and on residential lots.

**§27-1409. Procedures.**

- 1. Exempted from the procedures of this Part are the following uses:
  - A. The construction or alteration of a single-family detached dwelling, structure accessory thereto, with an approved individual on-site sewage system, serving a dwelling, and located on a minimum lot size of 1-1/2 acres.
  - B. The construction and alteration of a single-family attached dwelling, structures accessory thereto and connected to the public sewage system.
- 2. Prior to the issuance of a zoning permit for the construction of any nonexempt building within the Groundwater Protection District, the applicant shall ensure that the proposed construction, and any sewage effluent associated therewith, shall comply with the

performance standards set forth in this Part. Where the proposed development requires zoning, subdivision or land development approval prior to issuance of a zoning permit, the procedures to ensure compliance with the performance standards shall precede or accompany the zoning application or the preliminary plan application, whichever is submitted first. The following specific procedures shall be follows.

- A. The applicant shall notify the Township Subdivision and Zoning Officer of the intent to develop a property within the Groundwater Protection District and shall submit a map at a scale no smaller than 1 inch = 100 feet, which shall indicate the location of the property, all adjacent properties and roads, and the locations of private and public wells on adjoining properties. The map shall also indicate that portion of the tract within the Groundwater Protection District and all proposed improvements for the tract.
- B. The Township Subdivision and Zoning Officer shall notify the Township Engineer of the applicant's intent to develop, and forward to him a copy of the submitted plan.
- C. The Engineer, after reviewing any data available as may pertain to the site plan, shall inspect the property. The site inspection shall be arranged by the Township Subdivision and Zoning Officer so that the applicant may accompany the Engineer. The Engineer may request the presence of a member of the County Health Department and/or Soil Conservation Service. The applicant is encouraged, but not required, to engage a qualified engineer to be present at the site inspection.
- D. At the site inspection the Township engineer, with assistance as needed, shall determine the location of any karst surface features. These include but are not limited to:
  - (1) Closed depressions.
  - (2) Open sinkholes.
  - (3) Limestone fragments in the soil.
  - (4) Surface drainage into the ground.
  - (5) Fissures, lineaments, faults or air photo fracture traces.

- (6) “Ghost Lake” occurring after rainfall.
  - (7) Natural springs.
- E. Based on the site inspection, the Township Engineer shall determine what tests must be done by the applicant to comply with the performance standards of this Part. The Township Engineer shall notify the Township and the applicant of any required tests. The tests may include, but need not be limited to, soil permeability and depth to bedrock.
- F. The applicant shall submit test results to the Township Engineer.
- G. The Engineer shall review the test results and submit a report to the Board of Supervisors, with a copy to the applicant. The report shall judge the levels of compliance for every applicable standard in this Part as follows:
- (1) *Compliance*. The application complies with the standard.
  - (2) *Compliance with Additional Conditions*. The application would comply with the standard provided that certain additional conditions were met by the applicant.
  - (3) *Noncompliance*. The application does not comply with the standard.
  - (4) *Nondetermination*. A determination of compliance cannot be made on the basis of information provided by the applicant.

The report may also contain recommendations for site planning, including the use of lot averaging or cluster development techniques and/or a reduction in the maximum allowed density proposed. It may further contain suggestions for minimizing stormwater runoff from the site.

- H. Should the Township Engineer’s report contain findings of “Noncompliance” or “Nondetermination,” the applicant shall be permitted to submit an environmental assessment report to the Township in accordance with the procedures in the following Section. Further, should the applicant fail to notify the Township, in writing, within the prescribed time period



(including a written request for extension thereof, if necessary), of his intent to submit an environmental assessment report, all findings of “Nondetermination” shall be acted upon by the Board as findings of “Noncompliance.”

**§27-1410. Environmental Assessment Report (EAR).**

1. An EAR shall be prepared in accordance with the provisions of all applicable Sections of this Chapter. The burden of an EAR is to provide information that demonstrates how the applicant can comply with all standards of this Part, or that one or more of the standards would not be applicable, given the condition of the property and existing or intended uses thereon, or that the proposed actions pose no threat to the public health, safety or welfare.

2. The format and content of the EAR shall be as follows:

A. *Statement of Purpose.* This Section shall indicate those standards in the Groundwater Protection District are being addressed in the EAR and whether the applicant is attempting to demonstrate compliance or justify noncompliance with those standards.

B. *Description of Existing Conditions.* This Section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation and existing improvements and uses.

C. *Description of Proposed Action.* This Section shall describe the proposed action, including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the EAR.

D. *Proposed Measures to Control Potential Adverse Environmental Impacts.* This Section shall describe all measures proposed by the applicant to control impacts, which may occur as a result of the proposed actions. It shall address all impacts cited in the Township Engineer’s report on the initial application for the property.

E. *List and Qualifications of Preparers.* The names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the EAR shall be provided.

F. *Appendices.* Any additional information which the applicant wishes to provide may be included in one or more appendices to the EAR.

3. The EAR must be received by the Township no later than 30 days prior to the final date by which the Township must formally act upon the application. The EAR shall be submitted in six copies to the Township. The Township Engineer shall review the EAR and submit the review to the Board, with a copy to the applicant.

#### **§27-1411. Board of Supervisors Approval**

1. Following the report of the Township Engineer on any submission under the Groundwater Protection District requirements, the Board shall either approve the application, approve with conditions, or reject the application and shall do so within any applicable time period unless a request to extend the time period is mutually agreed upon by the applicant and Township.

2. Where compliance with this Section is required as part of an application for subdivision or land development approval, the Board's decision on whether compliance has been achieved shall be made a part of its decision on the subdivision or land development application.

3. Where the application is part of a request for a zoning permit, the Zoning Officer shall not issue a permit until the terms of this Section, and any conditions imposed upon the use of the property at the time of subdivision or land development approval, are satisfied.

#### **§27-1412. Water Management Areas**

Stormwater Management Areas consist of the following:

A. The Riparian Forest Buffer consists of a setback of 75 feet from bodies of water and intermittent streams and springs, to always consist of two zones:

(1) A 15-foot woodland zone of no disturbance (except for restoration); and,

(2) A 60-foot zone of managed or created forest. In addition,

(3) There is an optional zone of level spreading devices that will depend on the type of other runoff pollution control devices being used on a site. Design criteria for the Riparian Buffer can be found in the London Grove Stormwater Management Manual.

(a) Permitted uses in the Riparian Forest Buffer Area.

(1) The area may be used for net density calculations with uses permitted in this Chapter.