

Dover Township  
Planning Commission Minutes  
July 1, 2020

Vice Chairman Eric Harlacher called the regular Planning Commission meeting to order at 7:02 p.m. Members present: Anthony Pinto, Justin Bigham, Michael Curley; alternates Mark Miller and Stephen Stefanowicz. Absent with prior notice: Chairman Wayne Hoffman and alternate Brian Kimball. Solicitor John Baranski attended by telephone. Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and five citizens.

It was noted that Mr. Miller will be a voting member tonight.

I. **Minutes**

**Motion** by Bigham, second by Miller, to approve the minutes of the meeting of June 3, 2020. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

III. **Plans**

A. PL-20-2, Mount Zion Off-Road, Land Development Plan; 4785 Carlisle Road; Vehicle Repair/Sales expansion in the Commercial District

Clark Craumer and Mike Cashman were present on this plan, which proposes combining two existing parcels into one parcel, expanding the existing building, and improving the parking area. Impervious area will be reduced. On-site stormwater. Parking inside the garage.

Two waivers – Section 22-1103.12, screening (to block headlights shining onto the road); and Section 19-301.11, stormwater management within the building setback. Discussion was held concerning the waiver requests. For the screening, this is a vehicle display area that the applicants want to be visible, hence the request for a waiver of screening in this area. Only two parking spaces might be affected by this waiver. Mr. Myers noted that the nearby intersection is going to be improved, so any screening that this applicant does will have to be removed or relocated anyway.

**Motion** by Miller, second by Pinto, to recommend approval of the waiver request for Section 22-1103.12, screening. All members voted aye; motion carried.

**Motion** by Miller, second by Bigham, to recommend approval of the waiver request for Section 19-301.11, stormwater management facility within the setback. All members voted aye; motion carried.

The C. S. Davidson letter date June 23, 2020, was presented but not reviewed. Several comments are still outstanding, most of which are “clean-up” items, per Mr. Myers. The applicant just submitted a revised plan tonight, and the Engineers have not had time to review in light of the outstanding comments. It wouldn’t be fair to ask them to review the plan right now.

**Motion** by Pinto, second by Curley, to recommend approval of the land development plan for Mt. Zion Off-Road, 4785 Carlisle Road, subject to the satisfactory

resolution of all open items on the C. S. Davidson letter dated 6/23/20, prior to final plan approval. All members voted aye; motion carried.

#### IV. **Other Business**

Public comment:

Tip Reardon and Michael and Brittany Reardon were present on the Mad Radish proposal for 1991 George Street. The parcel is 42 acres in the Industrial zone. This is a potential rezoning request. Michael and Brittany are purchasing the property, closing at the end of July. They are asking what can and cannot be done agriculturally in the industrial district. They are co-owners of The Mad Radish CSA. The use on this property is currently in agricultural operations, which, according to the ordinance, would be permitted to continue with a new owner. Part of the CSA involves livestock – chickens and lambs, which are prohibited in this district. Might this use be permitted since this is a transfer of Ag operations?

Brittany explained their operation. In a CSA program, community members purchase a share in the farm, making a financial commitment at beginning of the season. Each week, each member family gets a box of vegetables all season long. They hope to hire some employees eventually; right now, she and Michael do the planting and tending and harvesting. Benefits: community members have access to fresh local food and interaction with the farmer. The applicants ultimately want to support other farmers/providers, foster soil health, seed diversity, etc.

How many acres do they intend to actually farm? Perhaps two to three. There will also be some cover crops. Will not continue the Christmas tree farm at this point. Eventual greenhouses, too.

The issue is the livestock in the Industrial Zone. This property borders the Ag zone, and the applicants were wondering if it would make more sense for this property to be zoned Agricultural. Mr. McLucas noted that the Comprehensive Plan is up for adoption on July 13. What utilities are in this area? No public water or sewer to this property. Will the proposed bypass get close? No.

First year, the applicants would like to raise chickens, up to 500 per year in batches of 100; then a small flock of 20-30 sheep. The 100 chickens would be housed in a moveable structure for several weeks, then they move on to “processing” and another 100 chickens are brought in.

Were there other attempts to rezone this parcel for any other uses? None remembered. At Comp Plan calculating, there was no shortage of Ag land in the Township. Tip Reardon noted that this proposal seems to be in accordance with the goals of the Comp Plan. It was also noted that it’s a good use of the land, and there are only a couple of other CSAs in the general area.

What are the Planning Commission’s thoughts? The rezoning request is for the property to be rezoned from Industrial to Agricultural. What borders the parcel? Some residences, some businesses, a church, another industrial use. If the ruling by the Zoning Officer permits livestock in the industrial zone as a continuation of the current use, then the applicants will not need to apply for rezoning. The issue for Mr. McLucas is the expansion of the Ag use. The applicants feel that it would make sense to zone it Agricultural.

Mr. Myers noted that *Ag use* doesn't differentiate between growing vegetables or growing chickens, so that seems to work in the applicants' favor as a continuing non-conformity. How about if the property changes hands? As long as the *Ag use* isn't abandoned, all's good.

Overall, is the Planning Commission receptive to rezoning? Not really... the members are in favor of the continuing uses but not interested in rezoning such a large parcel of industrial land to Agricultural in case there's a possibility of needing to revert it to an industrial use in the future. It might not be necessary to rezone after all. Brittany said their other reason for wanting to have it rezoned is so that they can put land in agricultural security, which is not permitted in the Industrial Zone. Clean and Green status is permitted; currently the land is in the Clean and Green program. Mr. McLucas was a bit surprised about the Planning Commission's reluctance to rezone to use for *Ag* purposes. The applicants will proceed with other discussions, such as stormwater preparations, etc.

Correspondence – Awareness letter received from YCPC regarding 1400 Church Road in *Manchester Township* for land development plan for medical office

Mr. Curley reported that Manchester Township's Planning Commission recommended approval of this proposal. Apparently, the parcel is slated for rezoning. PennDOT is not planning to do any improvements to the intersection. The letter was sent to make neighboring municipalities aware of the proposals. So noted.

Discussion: solar overlay ordinance – Dakota Power Partners have presented a plan to the Township, and this ordinance is necessary before any approval is granted. Mr. McLucas presented the ordinance, which would permit solar energy farms/plants to be installed by right or by Special Exception in various zoning districts within the Township. Whether permitted by right or by Special Exception, there are standards to meet. There's a decommissioning section included as well.

Current ordinance only briefly mentions a solar farm. There are provisions for wind farms/uses, but not solar energy. Currently, in two zones, conservation and *Ag*, the use is permitted by special exception with no further requirements. This is troublesome, as this use could well adversely affect neighboring properties. AND, in the Conservation zone, a use isn't permitted to clear more than  $\frac{3}{4}$  acre of trees.

Of course, this ordinance proposed by Dakota Power Partners permits the farms in many zones. The Planning Commission must discuss and recommend in what zones should this use be permitted. How about in a residential area? It's certainly quiet, but it could indeed be an eyesore. How does this differ from a residential house with solar panels on the roof? It depends on the principal use and where the bulk of the energy is used, whether on-site or off-site. A question: why is the word "thermal" included in the Section 1, Section 27-302? Perhaps change that.

The changes outlined below are also made in the Draft Ordinance in red.

Where do we want to permit this use?

NO in Conservation

YES in Agricultural, permitted use by special exception only, with an additional requirement considering the use of prime soils

Village -- NO

R-1 – NO

R-3 -- NO

R-4 -- NO

Commercial – YES, by Special Exception

Wouldn't want to take up Route 74 with solar panels. Mr. Myers noted that to make the project successful, the panels would need to be close to high-voltage transmission facilities.

Business Park -- NO

Industrial – YES, by Special Exception

How about if someone wants to lease all the flat roofed buildings in the Commercial district for solar panel use? Is that a solar farm? That is not the principal use of those properties. Probably not, if the power is used on-site. Discussion was held on various scenarios.

How about the soil quality in the Ag zone? It certainly wouldn't be good to use prime farming soils for a solar farm, would it?

Add to the *proposed* ordinance: 27-665a, Wind and Other Related Uses, calling it "thermal or solar energy systems."

Stormwater concerns can likely be managed with ease.

Screening – industrial screening requirements can be changed to Type 3 screening, calling this use industrial (3' berm with screening on top for overall height of 8', opaque).

Fencing was discussed. If the use is approved, why not let the applicant use all the available area? Perhaps the perimeter fencing should be 25' in and the structures can be placed next to that, not another distance away.

Section 10 was discussed regarding minimum lot size, is the screening adequate; lot coverage (applicable zoning rules will still apply); stormwater management must be compliant with the stormwater management ordinance.

[See other document for changes.]

Send the changes/draft to the applicants and invite them to the August meeting to aid in the discussion/questioning. Will do.

The next meeting will be held on August 5, 7 p.m.

**Motion** by Pinto, second by Curley, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:09 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary