

Dover Township  
Planning Commission Minutes  
September 2, 2020

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Eric Harlacher, Justin Bigham, Michael Curley; alternates Brian Kimball, Mark Miller, and Stephen Stefanowicz. Absent with prior notice: Anthony Pinto. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and four citizens.

Chairman Hoffman noted that Mr. Kimball will be a voting member tonight.

I. **Minutes**

**Motion** by Curley, second by Bigham, to approve the minutes of the meeting of July 1, 2020. All members voted aye; motion carried.

II. **Zoning Case**

A. ZHB 20-2 – Beth Brech, 2818 Anita Drive; request for Special Exception for care facility in home (Domiciliary Child Care Center) in the R3 Zone.

Beth Brech was present on this application for in home child care facility. She will watch no more than six children, ages 6 weeks to 5 years. Getting certified through the state. Home meets zoning requirements.

Mr. Curley asked some questions relating to the procedures to grant a Special Exception and advertising for neighbors' information.

Mr. McLucas reviewed the requirements under Section 27-612D, Domiciliary Child Day Care. To wit: she will be certified by the state; she will have designated indoor and outdoor play areas that are in compliance (fenced yard); she has smoke alarms in mostly every room of the house, not just on every level; there will be no unsightly conditions created as a result of this business; she will not have a sign (for safety reasons); parking will be in compliance (and she will provide a parking diagram for the ZHB meeting); traffic should not be a problem, as children will be dropped off and picked up at staggered times.

Mr. Curley noted that smoke detectors should be hard-wired.

**Motion** by Harlacher, second by Curley, to recommend approval of the request for Special Exception by Beth Brech as presented. All members voted aye; motion carried.

Mr. McLucas noted that the fence should involve some screening to shield the play area from view of the neighbors. No problem.

III. **Plans**

A. PL 20-3, Dawson, 2-lot revised final subdivision plan; 5530 Harmony Grove Road and 2880 Schoolhouse Road; Ag district.

This plan is a revision of approved plan PL-19-1. Board of Supervisors approved this plan in August of 2019. There was a discrepancy in where a property pin should be located. Mr. McLucas indicated the new location of the pin. It should not affect anything else on the plan. However, FYI, when the deed was written for the previous

plan, the description was for two lots, with two signatures. Now, there's one owner of both properties. In Mr. McLucas's wording from an email dated August 28, 2020: Item 5 "... it is important to acknowledge that there was a deed error... I would assume a Fee Simple transfer may have been better than a Quit Claim and the area of Joan Dawson's land was described in the deed transfer. I believe [Jeff Dawson] indicated that [he] would fix this when the new deed is written up, but it would probably be best to somehow acknowledge that intent for full transparency."

**Motion** by Harlacher, second by Curley, to recommend approval of the Revised Final Subdivision Plan for Dawson, based on items 1-4 in the email referred to above being completed. All members voted aye; motion carried.

B. PL-20-4, Hoffman, 2-lot revised final subdivision plan; 4202 Davidsburg Road; R3 district.

David Hoffman was present on this plan, which involves a 9-acre parcel. The applicant wishes to add a separate deeded tract to create another tract on which to put a single-family dwelling. Will connect to the sewer main and public water system. This is in the R3 zone. The public works director gave advice to *not* connect the sewer at the manhole; the applicant will comply with his recommendation. The water connection will also be in accordance with the public works director's recommendation.

Should the applicant grant the Township an easement for the water connection maintenance/shut-off? Attorney Rausch would prefer if that were indeed shown on the plan. Will do. *[added comment 13 to C. S. Davidson letter referred to below.]*

C. S. Davidson's letter dated August 28, 2020, was reviewed. Outstanding comments: 1, GIS disk (Section 22-501.2.A); 2, surveyor's signature and seal (Section 22-501.2.F); 3, owner's signature (Section 22-501.2.H); 4, add table identifying bearing and distances for property lines C1, C2, and C3 (Section 22-501.2.K); 5, sewage planning module approval (Section 22-502.2); 6, obtain letters from Sewer Authority and the water department which state the availability of both sanitary sewer and water service (Section 22-502.3); 7, set property monuments at all corners of the property and identify same on the plans (Section 22-601.2.H); 9, public improvement security (Section 22-602.1); 11, recreation fee in lieu of land dedication (Section 22-718); 12, address all comments from the Township Public Works Director; *[added]* 13, add an easement for the water connection; and *[added]* 14, add a note to the plan that any activity in or near the Columbia Gas easement should be preceded by a phone call, and add the phone number to call.

**Motion** by Harlacher, second by Bigham, to recommend approval subject to the satisfactory resolution of the following outstanding items from the C. S. Davidson letter referred to above: 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14. All members voted aye; motion carried.

#### IV. Other Business

##### Draft Solar Ordinance discussion

Attorney David Jones, Stock and Leader, 221 West Philadelphia, was present on behalf of Dover Solar One, LLC purchased by Enel Green Power. Also present: Brittany Staszak, 13931 Cinnabar Place, Huntersville, North Carolina, of Enel Green Power.

Attorney Jones explained how this came to be before the Township in the first place. The current ordinance doesn't really address large-scale solar energy. Enel Green Power is interested in investing in a solar farm in the Township. The new ordinance that is proposed includes Township controls over solar developments. Attorney Jones noted that a project of this size is privately owned and funded. The idea is to develop an ordinance that would permit a solar farm in specific zoning districts to provide for orderly development of those areas. He noted that a responsible developer will comply with the protections provided for in the ordinance.

Relative to the proposed ordinance, why 25 acres? Easy for farmers to make this use of their land and still save farmland. This ordinance applies to businesses that will resell the electricity.

Chairman Hoffman noted that the PA Farm Bureau has discussed large-scale solar energy. Some of the information discussed there differs from what Attorney Jones is presenting. He also noted that the residential area of the Township has been residential forever. Why should the Township permit a large-scale solar farm to move onto a residential area? Attorney Jones noted that would give the property owners the choice of something else other than selling his or her land to a developer. When that happens, the prime soils are forever lost. With a solar farm, when the lease is completed, the use of the land can return to farming. All of this is included in the ordinance.

Discussion of zones – in July, the Planning Commission outlined in which zones the Township might permit a solar farm. That information was included in the July 1, 2020, meeting minutes. Of course, more homes can be built on less land, since the utilities are present. Attorney Jones feels that permitting the solar farm in a residential zone gives the landowner a choice of how to use his land.

Transmission lines were discussed. Ms. Staszak noted that a farm of this size would take up most of the current transmission line capacity. Unless that line is upgraded, the Township likely wouldn't see another project of this magnitude.

Is the power generated used by Township residents? The excess power is sold back to the power company, at this time. It will, in general, remain in the Township.

How would the Township make any money with a solar project? Mercantile privilege tax, plus any changes that would come with the removal of some lands from the Clean and Green program. Attorney Jones noted that with residential uses, costs to the Township are generally more than the income revenue gained from those residents.

It was noted that this is not a request for rezoning.

Relative to screening, Attorney Jones assured the Planning Commission that an applicant would need to comply with the ordinance requirements. Ms. Staszak noted that Enel's screening interests involve wildlife, including sheep and honeybees, using native plants, etc. She also noted that a solar farm is an investment in the community.

There were questions about battery storage and power generation and loss. Usually use underground cabling. How about ROWs? Depends on the design and how the lines need to be run. Can obtain easements.

Mr. McLucas noted that the applicants have the staff's comments to respond to. The Planning Commission still needs to discuss the rest of the ordinance requirements to submit a recommendation to the applicants. Question from Chairman Hoffman: if the Planning Commission says there's no way that the Township will permit this use in a residential zone, will the applicant still pursue this ordinance proposal? Attorney Jones

cannot answer that question before he talks with his client. Attorney Rausch said that whether this applicant is happy or not, the Township should look seriously at an ordinance anyway.

The staff met with the applicants' representatives in early August, and the Planning Commission members don't know what the staff comments were. Can the Planning Commission discuss this ordinance further tonight? The applicants would like further direction/comments to revise the ordinance proposal in accordance with the Township's wishes.

Mr. McLucas should give the Planning Commission the staff comments for review *before* and discussion *during* the October meeting. For a separate meeting, the applicant would pay for the advertisement to call a special meeting. Chairman Hoffman isn't in favor of scheduling a special meeting. Mr. Curley would like the Planning Commission members discuss the ordinance in a meeting without the applicants present.

Public comment -- nothing at this time.

Correspondence – received Awareness Letter from YCPC for Farmbrooke Meadows – preliminary subdivision plan for 68 single family detached dwellings – *Manchester Township*.

The next meeting will be held on October 7, 2020, 7 p.m.

From Mr. Bigham, how does the Washington Township's proposal to switch school districts affect the Planning Commission or the Township? Not the Planning Commission, certainly, and not really the Township either. It affects the school district more.

**Motion** by Curley, second by Harlacher, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:26 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary