

Dover Township
Zoning Hearing Board
January 19, 2022

Chairman Jane Ginter reconvened the recessed meeting at 7:02 p.m. Members present: Steve Barkdoll, Phillip Brown, Robert Wright, Richard Pope, and alternate Jonathan Reynolds. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Solicitor Samantha Craley, Stenographer Tammy Rinehart, Recording Secretary, and about 75 citizens.

I. Reorganization

This item was *TABLED TO THE FEBRUARY MEETING*.

II. Minutes

The minutes from the December 15, 2021, were *not* addressed. No action taken.

III. Zoning Case

- A. ZHB 21-3, Dover Energy 1, LLC, request for Special Exception for principal solar energy system on various parcels in the Ag, Industrial, and R1 Zoning Districts. Parcels include lands of D&D Bismark Partnership, Lamparter, Fissel, and Glen-Gery Corporation

Questions were permitted from the audience members. Marsha Klinedinst, 1691 Butter Road, asked how many jobs will be created. Brittany Staszak of Enel Green Power answered that the company likes to use local help whenever possible. Many technical jobs will be created, however, long term--only a couple of jobs. The project, once completed, will be pretty self-sufficient. Ms. Klinedinst feels it's not a good idea to tie up this amount of land for just a couple of jobs. She mentioned that there are lots of regulations for anything else that residents want to do in the Township.

Cody Lefever, 4583 Nursery Road, suggests "holding the line" on this project. Is the energy created referring to monthly? yearly? Terawatt capacity is larger; megawatts is around 75. He would like to have the numbers available for comparison. Referred to a pamphlet from Enel Energy that he received in the mail. He also asked who's doing the construction? Undecided at this time. He also asked which Dover company will be felling the trees and where will the wood go? The applicants are open to suggestions. Clarified that the employees will receive a per diem to spend locally. The headquarters of this company are in Rome, Italy. He fears that the beautiful community that is Dover will be lost.

Angie Ziegler, 19 North Main Street, Dover, feels that the project is too close to residents. Feels that the materials are harmful to local residents, noting several ailments that supposedly result. She cited several chemicals that are included and harmful. She fears that people will be ill from the project. She also feels that it's too difficult for a regular resident to obtain a permit for anything, yet it seems that this applicant can get anything it wants.

Attorney Craley noted that there was no real question there. At this point in the proceedings, testimony is not permitted since no one was sworn in to give testimony.

Attorney Jones noted that there is an expert present to testify to the chemicals being used.

Melanie Mantegna, Davidsburg Road, asked if there are base stations and will there be electromagnetics and radio waves? A base station will indeed be onsite; it's basically an operation station. Ms. Mantegna feels that there's evidence that coronavirus has come from 5G networks. She referred to "government documents" in her possession that she feels don't lie. She asserted that Bill Gates is behind some nasty stuff, proven by the documents referred to above. Attorney Jones presented Dr. Amy Williams to testify to the electromagnetic component. This project will produce electricity, which produces electromagnetic waves. The 5G component is far different from what will be produced by this project.

Matthew Forry, 2000 Temple School Road, pleaded for respect from the visitors to Dover. Attorney Jones requested that the respect travel both ways.

Mary Hamm, 1501 East Canal Road, asked if there's water use associated with this project. Curtis Hudson of Enel said no water is used for washing the panels or for their operation. The rain washes them. There will, therefore, be no tapping into the aquifer.

Ms. Hamm asked about the possibility of the panels catching fire. Ms. Staszak noted that they have protocols in place and will train the local fire department personnel. Ms. Hamm related a story about a California fire caused by solar panels/birds. And how about the glare? Is there a possibility that the glare will be bad enough to cause traffic accidents? Justin Bailey spoke, noting that the company did an *aircraft* glare study, not a *traffic* glare study. Usually the problem is for the aircraft. There was no traffic glare study done.

Also from Ms. Hamm, question about property values – will there be any property value insurance provided by the company in case the residents' property values decrease? Attorney Jones replied no. Discussion was held. Richard Kirkland spoke to the property value issue, having studied many areas where solar farms were installed. Values nearby were the same across the board. He reminded folks that the lovely view that they enjoy could disappear tomorrow if a housing development were constructed.

From Ms. Hamm, is there such a thing as electromagnetic hypersensitivity? Amy Williams said, yes, but people suffer from non-specific symptoms. Studies reveal that there is no correlation. Ms. Hamm quoted a study from the internet that says otherwise. Dr. Williams noted that the electromagnetic fields associated with the project will not add anything beyond what's already there.

Also from Ms. Hamm, how about wildlife? Justin Bailey can't state that there won't be any bird deaths, but far more birds are killed from flying into buildings/windows and cars.

How about the footprint of each panel? Ms. Staszak said that has not been calculated yet.

Matthew Forry asked about the notice given to the residents. Attorney Craley explained. Mr. Forry also asked about the sound generated by the solar panels. Mr. Bailey explained that the sound is calculated in decibels. The inverters are the components that make noise – right next to an inverter sounds like a truck at 40 mph. From 200' away, it sounds like a quiet office space. Could this inverter be located close to a residence? Attorney Jones explained the distance requirements, saying it will be at least 100' from a residence to an inverter. But, Mr. Forry

thought the noise would be continuous. Attorney Jones noted that it's not continuous, not at night, as the system is not producing any electricity when it's dark. Mr. Forry feels that "these people are it" referring to a movie where a big corporation comes in and wrecks the area.

Cody Lefever asked if there's a noise ordinance in Dover. From Mr. McLucas, yes. Attorney Jones assured the audience that the applicant will be required to meet all the sound ordinance requirements. Lefever asked about the measurements of the panels. Mr. Hudson answered. Is the applicant exempt from stormwater runoff requirements? Kyle Spayd said no, the panels' imperviousness is offset by the meadow underneath. Are homeowners required to pay a fee for runoff? Yes, and Attorney Jones said that this applicant must pay fees for their impervious surfaces. Is the energy produced sold to other companies? From Ms. Staszak, the energy is sold to other companies. Is there any requirement that the energy be sold to local companies? Not yet passed in Pennsylvania.

Holly Kefauver, 1170 East Canal Road, feels that the applicants' fencing will force the local wildlife to move into the local neighborhoods. Mr. Bailey noted that the fence will not be solid all the way around, and the already well-used pathways will be preserved. Also, if sheep are used to maintain the grass, where will they go in the winter? Ms. Staszak explained that certain farmers re-house the sheep in their barns for the winter. Ms. Kefauver fears for the sheep with foxes and coyotes about; she can imagine that the sheep's bleating will be bothersome at night. Ms. Staszak noted that there are shepherders who handle the flock; she can check with them to answer any questions.

Ms. Kefauver said that people want to maintain their lovely views. She cited a study that revealed that property values went down close to a solar farm. Richard Kirkland responded, saying that he is familiar with that study, and the information she cited applied to urban, high-density dwellings, not a rural setting such as this project's proposed location. The information about the *rural dwelling area* in the study to which Ms. Kefauver referred revealed that there was no impact on property values. He reminded folks that when buying property next to a farm, you buy into *all that the farm can become* as permitted under the ordinance.

Ms. Kefauver asked about the sound possibility of 80 decibels. She cited requirements for camping generators – they can be only up to 50 dB and only run for one hour at a time. Attorney Jones reiterated that the noise level is 85 dB when you stand 15' from the generator. Farther away, closer to the property lines, it decreases significantly.

Kayle Peters, 5210 Davidsburg Road, asked how many solar farms does Enel have? Several, but none is operational yet. What is some feedback received during and after construction? Mr. Hudson answered that during and after construction, the company has received very positive feedback. There has been some very specific negative feedback but nothing major. There's an onsite manager there during construction. Also from Ms. Peters, how does the applicant mitigate any negative feedback? Ms. Staszak answered that there is long-term sustainability engagement in each community. The applicant will be involved in school programs in a number of ways as well.

John Morgan, 3170 School House Road, referred to the July 2021 Planning Commission meeting minutes, where it was stated that the power lines used are maximum capacity. Is that dangerous? Mr. Hudson addressed this, saying that other companies tell the applicant what the maximum capacity is. That's the number by which the grid limits the applicant. Also referring to minutes from a Planning Commission meeting, Mr. Morgan read that Attorney Jones stated that most of the power will go to the Township. Attorney Jones offered that if he said that, he was wrong, and that was back when he likely didn't have as good a grasp on the concept as he does now. Discussion was held on Attorney Jones' firm's representation of the tax office and whether it is a conflict of interest. Also, is there a battery backup for the inverters? Yes, there's a system planned. Will that be a safety hazard to the Township residents? From Ms. Staszak, again, the applicant will train the local fire companies to be aware of the equipment and its operation. Who determines the parameters of these projects? The Township? County? Answer by Attorney Jones: Any ordinance would have been reviewed by the Township Planning Commission and the York County Planning Commission. Also, how are any bad panels disposed of? There's a recycling program in place. Mr. Morgan doesn't want the bad materials to end up in the local landfill. Understood.

Melanie Mantegna asked if smart meters will be used. Mr. Hudson assured Ms. Mantegna that smart meters have nothing to do with their company. How is the data transmitted? All his data from the project is transmitted via fiberoptics. Ms. Mantegna feels it's through the 5G network, with which she has a real problem.

Amanda Hamm, 1501 East Canal Road, asked how much of the energy will be lost in the conversion to useable energy? From Mr. Hudson, about 2%. How much is lost after that? Again from Mr. Hudson, unknown. She doesn't support this project because it won't benefit the local community much.

Donna Moyer, 4851 Nursery Road, asked if this approval will open the door for other solar farm uses. From Attorney Craley, the Supervisors specified in the ordinance where the solar farms would be permitted. Ms. Moyer asked if all conditions and burdens are met, could the Zoning Hearing Board deny an application? Attorney Craley said that the same rules apply to any applicant. Yes, another energy company could *apply* to do this where permitted. Also from Ms. Moyer, in the applicant's powerpoint presentation, the picture of the solar panels with a cow in front of them wasn't helpful or truthful. Ms. Staszak thanked Ms. Moyer for the input. Ms. Staszak will take a look at that slide again as she doesn't recall any pictures of cows. Might have been sheep...

Judy Forry, 981 East Canal Road, asked Mr. Kirkland if he's familiar with Independence, Missouri, a city that installed a solar farm on 94 acres. Apparently, there was lots of controversy, all televised; did he look at that state? Ms. Staszak is familiar with the information and said that area was not rural America but was highly populated. Ms. Forry asked Dr. Williams about the risk of cancer being caused by electromagnetic fields. Amy Williams cited a study that shows no risk. Regarding soil samples, were there soil samples collected from another solar farm project to verify that nothing is leaching into the soil? Mr. Hudson answered that there is no reason for the study, as there is never any indication of any risk or problems. William Goodfellow, environmental toxicologist, 4007 Sheridan Drive, York New Salem, spoke. He

evaluates impacts of chemicals in the environment on aquatic and terrestrial life including humans. Solar panels are pretty tough and will crack and not shatter. There are no liquids and no leakage. Damaged or properly recycled solar panels pass EPA's tests and are considered non-hazardous. He has solar panels on his own home. Ms. Forry has read information on the internet that says that chemicals leach out and there's a problem. Mr. Goodfellow questioned the sources, suggesting that these are likely not reputable studies, just personal opinions that are posted. From Ms. Forry, how about radiation? Dr. Williams said that the panels don't radiate anything. They just generate electricity. What are the panels made of and what about the dying birds that result from collisions with mirrors and other such instances? Mr. Hudson assured the audience that there are no mirrors involved. The panels absorb light and a mirror would reflect it, thereby defeating the purpose. They have no problems with birds dying that he's aware of. Ms. Forry touched on property values... she doesn't want to leave Dover and the residents don't want a bad deal.

Cody Lefever asked how many arrays will be on the property. Before answering that question, Ms. Staszak clarified information for Mr. Lefever that he requested earlier in the meeting, citing 130 gw hours, per year. The company has no idea just yet how many arrays will be on the site. Mr. Lefever asked about the substation noise, and do the panels move? Yes, they will track the sun. Mr. Lefever requested that the noise ordinance to be displayed onscreen, which Mr. McLucas provided. Attorney Jones noted that the applicant will meet all requirements of this ordinance including any noise limitations/requirements.

Janet Mummert, 1180 East Canal Road, is concerned about the noise and doesn't know how the use can even be permitted in the Residential Zone. Attorney Craley reiterated that the Board of Supervisors approved the ordinance and specified where this use is permitted. Ms. Mummert feels that the taxes will increase and so will the cost of living. She asked for assurance that there will be no damage or effect on the wells in the area. Attorney Jones confirmed that there will be no water use and runoff will filter back into the ground. Discussion was held on the noise again. Attorney Jones noted that the substation will be built in the Industrial Zone. He also noted that there will be no increase in real estate taxes or cost of living associated with this project. And the project will require little to no services from the Township.

At 9:04, the Board recessed for a break. At 9:18, the meeting reconvened.

Marsha Klinedinst, 1691 Butter Road, asked why the applicants chose Dover Township. Ms. Staszak answered that the decision involved the proximity to existing transmission sites, plus landowners who were willing to lease their land. What's to stop the applicant from expanding? Not interested in expanding. This footprint is it. Will there be a huge "Dover Solar" sign? No sign is permitted.

Justin Forry, 981 East Canal Road, asked isn't there usually a 10-year study to determine if something's okay to do? Also, he's been drinking out of plastic cups or bottles all his life, now we hear the news that those are bad for us. How long before it's revealed that solar panels are bad for us? Why can't the company do a soil test? Dr. Williams reiterated that studies and agencies all indicate that solar panels have no adverse effects on health.

Melanie Mantegna asked is radon taken into consideration? No radon is produced, so it is not associated with the project. Attorney Jones said that naturally occurring radon will dissipate into the air just the same as happens when a field is tilled. Any naturally occurring radon in this area is not contained in a building, so there's no risk of it building up and being harmful. Ms. Mantegna asked will this affect jobs for those in the electricity field? No. Also, Ms. Mantegna said that she saw a review online stating the company people aren't easy to get in touch with. Ms. Staszak noted that her contact information is readily available in a number of places. Question from Ms. Mantegna, what if it's not sunny? Ms. Staszak noted that the company is pleased with the projected numbers based on the estimates of how much sunlight is usually present in this area; otherwise, the area would not have been as attractive to them. Ms. Mantegna asked how about geo-engineering? No one was familiar with the term. Ms. Mantegna said that it has to do with "blocking the sun" and she has evidence that it's being done. This applicant certainly isn't interested in blocking the sun, so it's doubtful that they would be involved in such practices.

Jeff Shoener, 285 Skytop Trail, asked about the revitalization of the soil/ground that is assured to be accomplished. Kyle Spayd explained that the natural meadow cycle of growth, seeding, dying, and decomposing will revitalize the soil over time. Mr. Shaner disputed this, citing that the minerals in the ground will remain essentially the same as they were originally. He feels that this is misleading by the company when they say that they will help the soil, and they actually won't. He also said he was quoted in the minutes of the December 15, 2021, meeting of accusing the applicant of "not being open and transparent with the public." How about the environmental procedures for stream crossings, etc.? Mr. Spayd noted that it's in the company's best interests to avoid as many streams, trees, etc. Mr. Spayd also noted the plans give the maximum area of where the panels could go. The actual extent of the footprint will likely be smaller. Mr. Shoener said that he doesn't like the term "solar farm." He feels that a better descriptor would be an industrial setting on mostly Ag ground. He referred to the ordinance, quoting that the maximum height of the panels is 25'. Mr. Spayd assured the audience that their panels will be nowhere near that height. Mr. Schoener referred to the section on Screening, asking who maintains the screening if it fails? Attorney Jones answered that it's the property owner's responsibility, which in this case will be the party leasing the land. This is part of the lease agreement, so Enel will be responsible for maintaining the screening. Mr. Schoener felt that this information should have been included in the ordinance. Attorney Jones explained why it's not in the ordinance. Mr. Schoener asked about the viewpoints that are referred to in the ordinance. Whose viewpoints and from where? Those are the viewpoints of the people from whom the project will be screened. What happens if the screening fails or isn't what it's supposed to be within the five years projected? Mr. McLucas answered that he, as the Zoning Officer, would issue a Notice of Violation to the applicant, which would include a timeline within which the applicant would need to comply, and fines would be levied if compliance was not forthcoming. What type of screening is proposed? Hasn't been determined yet.

Deborah Herman, 4581 Nursery Road, asked what percentage of the fields is cropland and what crops? Unknown just yet. Hayfields? Some. Ms. Herman urged everyone to look at the big picture – most farms are sold and developed, which puts a significant drain on the community's resources. Also, the herbicides used in agricultural areas aren't good for the land, creating other problems.

Mary Hamm, 1501 East Canal Road, asked about the clean and green tax money. Attorney Jones explained that when Enel takes a property out of the Clean and Green Program, they will pay the back taxes. Ms. Hamm clarified that there will be no benefit to the Township from the Glen Gery land, since that's not in the Clean and Green Program. Attorney Jones noted that there's only an easement proposed on the Glen Gery land, no panel construction at all. In answer to Ms. Hamm's question, it was confirmed that the substation will be located near the police station, toward Bull Road. Have the applicants contacted the Texas Eastern pipeline? Ms. Staszak confirmed that the contact is in the initial stages right now.

George Hamm, 1501 East Canal Road, is concerned with the runoff onto his property. Fears flooding and erosion. Mr. Spayd assured him that the applicant will comply with the procedures required during construction to prevent and/or address any runoff concerns.

Steve Myers, 1036 Rohler's Church Road, asked the Zoning Hearing Board if there's any type of regulation governing what percentage of the land can be covered with solar panels? Mr. McLucas said yes and gave the percentages of lot coverage permitted in each zone. Attorney Jones said there's no limit to the *number* of solar panels permitted, if that's what Mr. Myers is asking. Mr. Myers suggested that if there's no restriction on the number of panels, and this use starts popping up all over, the area will start looking awful, so he hopes there will be some restriction. Attorney Craley encouraged Mr. Myers (and everyone else in the audience) to attend a Board of Supervisors meeting and bring any concerns to that Board.

Chris Barkdoll, 4920 Harmony Grove Road, asked what will happen to the topsoil during excavation. Mr. Spayd answered, saying that, in the areas that are graded, they will remove the topsoil, keep it, then restore it back in place. Any topsoil that they disturb will be spread on the area, not discarded. How about the fencing? Confirmed 8' chainlink. Will it be lit at night? No. How will they keep people out? The area will be fully fenced and gated and secured. Can they ever put the panels underneath existing power lines? No, those companies have ROWs under those lines. Where are the panels made? Haven't decided yet. Most of their panels are made in Thailand, Malaysia, Vietnam. Are any members of the Board of Supervisors present? They should be invited to attend.

Michael Chapman, 950 Butter Road, asked how much money will the Township get associated with this project? Economist noted that the bulk of the money will come from the reassessment of the land. Over 30 years, \$5.7 million, with most of the funds going to the school district. Any tax rebate? Attorney Craley stated that is not a question the Zoning Hearing Board could answer and would be a question for the Board of Supervisors. Attorney Jones asked how many other applicants were asked how much money they will bring to the Township.

Chris Moul, 3205 West Canal Road, thinks that the zoning should have been changed to Industrial. Feels that the Zoning Hearing Board's decision will "change the face of Dover forever." Don't blame the Supervisors. Question: how's it a special exception? Attorney Craley explained that one must look at the ordinance to see that certain sections supersede the basic ordinance. Is there an industrial power plant overlay? No. This is a large project – is there a limitation to what's acceptable in the ag district? Has the board considered what's an acceptable rate of farmland in the Township? Would it be possible to put this in a referendum, since it affects many of the residents? Attorney Craley responded that Pennsylvania law doesn't provide for referendums at the ballot box. There are lots of steps to this process: first the ZHB must act in the parameters of the law. The Board members can't just say yes we like, or no we don't like. The Zoning Hearing Board cannot rule because they think the Board of Supervisors made a mistake. Attorney Craley also clarified that the land wasn't rezoned.

Mr. Mallow asked about advertising and notification. Mr. Craley had explained all of that last month. Attorney Jones explained that the previous zoning ordinance had very little reference to solar farms. Mr. McLucas agreed. As to the notice -- the applicant talked to the Planning Commission for over a year and those meetings were properly advertised. Mr. Mallow said he knew nothing of those meetings or this project.

Gena Myers, 1036 Rohler's Church Road, asked what happens when the solar panels are covered with snow. Mr. Hudson explained that immediately after a snowfall, indeed there's no energy production. Then the panels heat up and melt the snow and ice. They usually are out of production for a day or two. There are other solar farms in all areas of the country, in cold areas, too, and there are no problems. She also asked about the production of electricity.

Melanie Mantegna asked the Board to please wait to see what happens in the other Townships before approving this application.

Jeff Shoener, Sky Top Trail, asked if this meeting was posted on the website. No, per McLucas. Why? Mr. Shoener thinks the Sunshine Law requires that. Question for Mr. Goodfellow, if the panel shatters, it's in a solid form, but how about in a fire? Do those toxins inside become liquid and get in the ground? Could be. Studies show no impact. At what point does the crystalline form become a liquid? Unknown.

At 10:46 p.m., the Board recessed. The next hearing will be held on February 16, at 7 p.m., here in the school. The audience questions have been concluded. Board members and attorneys now have the opportunity to ask questions of the applicants. Audience members may be sworn in and offer testimony or evidence. Board members and attorneys will have the opportunity to cross-examine and question any audience member who offers testimony. Attorney Jones asked if there is a possibility of doing back-to-back meetings in February, since many of the experts or applicants' representatives travel from a distance? Something to ponder.

IV. Other Business

Nothing at this time.

The meeting *recessed* at 10:49 p.m.
Respectfully submitted,
Julie B. Maher, Recording Secretary