

Dover Township
Zoning Hearing Board
February 15, 2023

Chairman Jane Ginter called the meeting to order at 7 p.m. Members present: Robert Wright, Jonathan Reynolds, and alternate Gina Myers. Absent: Richard Pope and Steve Barkdoll. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Attorney Samatha Craley, Stenographer Tammy Rinehart, Recording Secretary, and about 50 citizens.

I. Reorganization

Motion by Wright, second by Reynolds, to nominate Jane Ginter as Chair of the Zoning Hearing Board for 2023. All members voted aye; motion carried.

Motion by Ginter, second by Reynolds, to nominate Robert Wright as Vice Chair of the Zoning Hearing Board for 2023. All members voted aye; motion carried.

Motion by Ginter, no second, to nominate Jonathan Reynolds as Chair Pro Tem of the Zoning Hearing Board for 2023. All members voted aye; motion carried.

II. Minutes

Motion by Wright, no second, to approve the minutes of the meeting of December 21, 2022. All members voted aye; motion carried.

III. Zoning Case

A. ZHB 23-1, Solar Renewable Energy, LLC; property at 5370 Harmony Grove Road, located in the AG district; application for Special Exception for solar energy use
Attorney Craley confirmed that the previously applied for Variances have been withdrawn. (Those Variance requests were for fencing and decommissioning.) He also gave the procedures that will be followed tonight, noting that audience questions will be taken first, then testimony. He also noted that this meeting will not go past 10 p.m. tonight. Sworn in: Attorney Claudia Shank for the applicant and 16 or so audience members.

Attorney Shank, Steve Crimmel, and Ben Kirk were present on behalf of the applicant. Mr. Kirk distributed a packet of exhibits. Mr. Crimmel gave the background of the company with photos of solar arrays previously installed.

The application tonight involves the generation of about 5.5 megawatts. The array would be monitored remotely, so there won't be many visits to the site except for mowing and a once-a-year maintenance. Mr. Crimmel described the site, using Exhibit A3. The site is at 5370 Harmony Grove Road; zoned Ag, 27 acres of mostly fields; includes a house, barn, and other outbuildings; Ag use in surrounding area. Solar Renewable Energy has a sales agreement to purchase the property, Exhibit 4. Exhibit 5 was the original submitted plan; Exhibit A6 is the revised plan. Revisions were: removal of the requested Variances. It's a 5.7 megawatt array; 8' chain link fence; 2 6'x12' power pads; screening along the roads; 50' road setbacks. Access from two drives. Applicant will be entering into an agreement to issue electricity back to the public. Ex. A7 is a description of the panels. About 8 panels per post. Two to three months for construction. Remote monitoring and once a year maintenance. Grass beneath the panels: low-growing, mowed about twice per year. Site is unmanned (because of remote access). Traffic to and from the site: 2-3 mowings plus maintenance. The applicant contacted the 14 surrounding

property owners. (disputed by audience members.) If no answer at the door, Mr. Crimmel left information. Received a few responses. Applicant's Exhibit A8 was presented, a door knob card with all appropriate information.

The Variances have been withdrawn (fencing and decommissioning). The ordinance permits two principal uses on this property. The lot containing the existing dwelling might be subdivided off or the dwelling rented out. Will there be visible warning signs of potential voltage danger? Of course. How about the emergency management plan? Will be done according to the ordinance. Is there a shut-off? Yes. Phone number of company representative will be provided. How about if the use is discontinued in the future? Would it be decommissioned? Security posted? Yes.

From the Zoning Hearing Board members: no employment opportunities at this site? Correct; it's unmanned. Fencing: 8' chain link, as required by ordinance. Possible subdivision of the dwelling – how about the additional buildings on the site? They're outbuildings; unknown at this time what might be done with those. How about solar qualifications in Exhibit A2 – can they applicant provide specifics on the installers, so that the Township can be assured of qualified workers? The workers are contractors. Who supervises the workers? SRE employees, who have experience.

Ben Kirk spoke next. He's the engineer to design this project. Mr. Kirk compared Exhibit 5 (original) with Exhibit A6 (revised). Current site is three tracts; they propose consolidating these to form one 27+acre parcel. Revisions include a wetlands delineation in three areas. Screening now shown. Buffering also shown. The revision sheet will be marked as Exhibit 9. Mr. Kirk gave some details on the positioning of the solar array posts, noting that there will be little disturbance of the ground. The transformer pad will be off the north side of Harmony Grove Road, and one on the south side as well.

The ordinance requires a minimum of 25 acres; applicant will have 27. Fencing details were covered: 8' chain link fencing at least 25' from all roads, ROW lines, etc. The fencing will be installed all the way around the site. All other setbacks will be met. Proposed height of the panels is 10'; maximum is 25'. Impervious coverage proposed: .281 acres. Other visual barriers: 'type 3' screening where appropriate. Types of trees/screening is to be determined. Screening will be put in place before panel installation. Access: new driveway on south side of Harmony Grove Road, extension of the access on the north side. Require 10' between panels; applicant will comply. Stormwater management? To be dealt with at the land development stage; whatever is required, the applicant will do. Project will obtain all permits required. Project is not located within any prohibited area, according to the standards set forth in the ordinance. Lighting? Emergency lights will be available, type, etc., TBD. Applicant feels that this use is compatible with an agricultural zone/use. Applicant will review all details with the fire chief/department for safety measures. After construction, little to no traffic in and out of site.

Questions from the Board members: panels will be manufactured in Vietnam. How about decommissioning? Decommissioning is usually reserved for a lease situation. SRE will be the owner of this site, so financial security will be required. How about if SRE wants to sell the property and the array? Any buyer would be required to have a new bond/letter of credit. No public water or sewer to the site? Correct. Where is the nearest fire hydrant or creek to get water for a fire onsite? This will be addressed at the LDP stage. In the Solar Panel Specification packet, the panels are to last 25-30 years; the inverters are warranted for 5 years. Will the inverters need to be replaced sooner? Mr. Crimmel said that the company will purchase

extended warranties for the inverters to take them to 20 years. Wetland delineations – is an environmental impact study needed? That’s, again, for the LDP stage. The applicant is not intending to disturb any of the wetlands locations. Question on the agreement of sales, owner/purchaser will be SRE or another entity. Attorney Shank and Mr. Crimmel explained. No substation for this project.

Re: 25’ minimum width for the access drive – Mr. Kirk had indicated that PennDOT might permit a narrower access. They will comply with the Township’s ordinance, (25’) even if PennDOT permit a narrower access. Barbed wire on top of the fence? Not planned at this time. No glint and glare study required, no archaeological study required, yes wetlands delineation (no bog turtles). The electricity generated will be sold back to the utility. Any electromagnetic fields created by this array? No. FEMA flood map – is this related to anything on this site? No flood zone within this site.

At 8:18 p.m., the meeting recessed for a short break. At 8:35 p.m., the meeting reconvened.

Mrs. Ginter determined that there was no legal counsel representing anyone in the audience.

From the audience: questions only – Chris Leathery, 2210 Blackberry Road, asked about the benefit to the citizens of Dover. Will the electricity be distributed locally? Mr. Crimmel answered that there’s no direct line to the citizens, but overall the input of this electricity will help to offset the cost of electricity to everyone. Will the property be rezoned? No. How about stormwater management? How will this project affect the runoff that heads to the tributary creek? From Attorney Craley – stormwater management is one of the main items in the LDP stage. Why this piece of property? Why not on a warehouse? Or on the roofs of a subdivision? Attorney Craley noted that the ordinance specifies where (what zones) the PSES can be located. One would need a willing and interested owner to either sell their property or permit the solar arrays on their roofs.

Perry Watson, 5400 Harmony Grove Road, property right beside the site. He fears it will be a complete eyesore. How about if a hunter damages something on the property? Also had questions on the mowing (will the applicant weed whack at the fence?). Also what happens to the wild animals in the area? From Mr. Crimmel, there’s insurance on the panels for damage.

Eric Naylor, 2951 School House Road, referred to the zoning ordinance, noting that the ordinance requires a PSES be sited on land unsuitable for agricultural use. Attorney Shank noted that the testimony was given previously to indicate that this project is not located on any land that is unsuitable for this use. Attorney Craley gave some information that overrides the section in the ordinance that Mr. Naylor referenced.

Dave Wolverton, 5561 Harmony Grove Road, lives near the site. What outdoor weather criteria was used to develop and build the panels? Concerned that the panels were manufactured in Vietnam. How about the glare? Will that be considered? He’s also concerned about chemicals leaching into the ground from changes in weather affecting the panels. From Mr. Crimmel, the panels are glare-treated. Were there ever issues requiring adjustments to the panels for glare? Never. What if there is indeed a problem? Can the neighbors take action? The applicants are indicating that they will comply with the ordinance, which includes glare issues. The neighbors can certainly contact Mr. McLucas if there’s a problem. Will the electrical lines in the area need to be upgraded to handle the increased electricity? Perhaps. Met-Ed will determine that. If an upgrade is required, Mr. Wolverton wants to see the Met-Ed proposal. He’s concerned that lines might be run across people’s lands and who compensates those folks?

Mr. McLucas explained. Is SRE interested in the farm on Blackberry Road that is for sale? No. Also, several neighbors, including Mr. Wolverton, have keys to the house. Is there a low-level hum? No, because there's no substation. Will there be a no-fly zone in this area? How about the EMPs? Mr. Crimmel reiterated that there should be no hum or EMPs associated with these panels. How about erosion? Mr. Fink testified that this will be addressed at the LDP phase.

Michael Chapman, 950 Butter Road, is concerned that there will be too many solar farms in the area.

Jeff Shaner, 2995 Skytop Trail. Will there be inverters? Yes. Do they emit a low hum? Mr. Crimmel doesn't think so. Each inverter is 75' from any residence, scattered throughout the array. Any studies on the decibel level? Mr. Fink noted that the information is in the packet. Mr. Shaner asked for a continuance.

Susan Hall, 3150 Skytop Trail, asked why the applicant doesn't use industrial uses or lands. Mr. Crimmel referred to the photos showing the panels on water and on warehouse roofs. She doesn't want to lose the view from her house. She is disappointed that this use is permitted in the Ag zone. She'd rather see houses. How many will the Township allow in this Township? Attorney Craley reiterated that the Board of Supervisors made this ordinance in March of 2021.

Mr. Wolverton spoke again, referring to the new governor's desire to see solar panels on rooftops of warehouses, etc. He suggested moving slowly on this application so that we can see where the Commonwealth goes on this issue. Attorney Craley responded that the ZHB has a time constraint to deal with, so moving slowly might not be an option.

Dakota Reinert, 5330 Harmony Grove Road, asked when Mr. Crimmel tried to contact him. Thursday, February 9. Will the vegetation screening totally cover and block his view? Mr. Crimmel said the company has worked with neighbors in the past and can do so again. How about dealing with the runoff? It can't have a detrimental effect on the surrounding properties. Is this site ideal for this use? Pretty much.

Jacob Rowlings, 5541 South Salem Church Road, asked about the effect that any grass might have on his farmland? Yes, the seeds may indeed blow onto Mr. Rowlings' property. But the wind blows both ways. How about if a deer gets trapped inside?

Mr. Leathery referred to an industrial site near here – why not go there?

John Morgan, 3170 School House Road, asked how the applicant will maintain the site? How about trash that blows about? He's concerned that the applicant is putting the cart before the horse in some instances. He feels that there are too many open items and unanswered questions to have the ZHB approve anything just yet. Why are the panels not considered impervious surface? If he puts a shed on his property, he's required to do lots of stormwater runoff. He's concerned about the runoff from this property. Also, the location on the posted sign still indicated that the hearing was to be held at the Township building. Mr. Fink reiterated that tonight's hearing is on the special exception. If there's trash blowing around, the Township will have a number to call to get action.

Mr. McLucas explained the difference between putting up a shed and putting up the solar panels. Attorney Craley spoke to Mr. Naylor's comment about prime soil use.

Mr. Wolverton asked if the Township fire company is trained to put out a large industrial electrical fire. Mr. McLucas noted that the fire department is still in training for solar panel safety.

The hearing will be recessed to continue on March 15, likely in this location. Testimony will be heard at that time.

IV. Other Business

None at this time.

The meeting recessed at 9:45 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary