

Dover Township  
Zoning Hearing Board  
March 15, 2023

Chairman Jane Ginter called the meeting to order at 7 p.m. Members present: Jonathan Reynolds, Richard Pope, and alternate Gina Myers. Absent: Steve Barkdoll and Robert Wright. Also present were Zoning Officer John McLucas, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and 25 or so citizens.

**I. Minutes**

The minutes of the meeting of February 15, 2023, were not addressed.

**II. Zoning Case**

- A. ZHB 23-1, Solar Renewable Energy, LLC; property at 5370 Harmony Grove Road; application for Special Exception for solar energy use

Attorney Craley stated that last month Mr. Wright was here but Mr. Pope was not. Tonight, Mr. Pope is present but Mr. Wright is absent. Mr. Pope has reviewed the minutes from the last meeting and feels that he is capable of hearing further testimony tonight.

Further questions from the audience:

Joe Heffelfinger, 5431 Harmony Grove Road, lives right next to the property in question. He and his wife have questions about any environmental issues or concerns that might affect their horses. Mr. Crimmel said that there are no environmental issues that would be a problem with livestock. Mr. and Mrs. Heffelfinger have no problem with the solar farm proposal. They'd rather see solar panels than homes. In answer to a question from Mr. Heffelfinger, Mr. Crimmel re-explained how the solar panels are set up and maintained. The power is fed to the grid, goes into the main Met-Ed line, then is disbursed throughout the power line.

Lonnie Seitz, 5210 Harmony Grove Road, borders part of the property. With the 8' high fence, what happens if an animal gets trapped behind the fence? Will someone come and release any animals that become trapped inside? Mr. Crimmel noted that a number will be posted on the property so that anyone could call if there was a problem. He also noted that if a deer can jump in, it can likely jump back out.

Jacob Rollins, 5541 North Salem Church Road, nearby, asked about the name of the native grass that is proposed to be planted. He's concerned that the grass will blow onto his hay field and affect his crop yield. He doesn't want the 'slow-growing grass' to invade his hay fields. Ben Kirk, SRE representative, said that this question will be answered and a discussion will be held during the land development phase. Question by Attorney Craley, could this grass conceivably get onto neighboring properties? Mr. Kirk said that he has not had that experience.

Susan Hamberger, 3305 School House Road, asked if the ordinance specifies that the acreage must be contiguous. Her contention is that the road goes through the property, so it's not contiguous. Attorney Shank said that for zoning parcels, contiguous can include road frontages.

How long will these panels be on the property? She's concerned with the disposal of the panels. Mr. Crimmel answered that the life of the panels is 30 years; probably in place for 40 years. The panels will be recycled as much as possible. How about if new models come available? Likely not going to happen, but it's possible of course. The old ones would be

removed and recycled. Any possibility of lead leaching into the water supply from these panels? Mr. Crimmel noted that the tiny bits of lead are tightly sealed and safe. How about if there's a fire? Ms. Hamberger is concerned that if there's a fire, all animals from the surrounding area must be removed, too. Who pays for the fire company training? No charge for any training. How about if people cut the fence and have a party? He's not had that experience. How about birds flying into the panels? The panels are glare-coated and they've not had issues with birds. Attorney Shenk noted that many of these questions were already asked and answered last month.

Dave Wolverton, 5561 Harmony Grove Road, a mile down the road, asked where the panels were tested and what were the results? Mr. Crimmel explained that the panels are tested in an enclosed environment for a wide range of temperatures and wind speeds. Mr. Wolverton urged the ZHB to make sure that the testing company is reputable.

Richard Harner, 220 Blackberry Road, nearby, asked if the company is purchasing or leasing the property. And will there be a devaluation of his property because of this use? Mr. Crimmel reported that studies have been submitted to show that there's no property devaluation and that the company is purchasing the property.

Mr. Wolverton spoke again and produced a document from the Providence Journal (10/2020) that indicates that homes are indeed devalued by a nearby solar farm. He understands Mr. Harner's concern. Attorney Shenk objected to the document from Mr. Wolverton. The paper was marked as Wolverton #1.

Mary Hamme, 1501 East Canal Road, said that at the last solar application hearing, studies were presented to show a reduction in home values.

Attorney Shenk noted that their studies to which Mr. Crimmel referred were submitted as part of the record in this case.

Joe Heffelfinger asked if there are any incentives offered to the neighbors who are nearby. Mr. Crimmel noted that there won't be any monetary incentives but they are willing to work with the neighbors on visibility, etc.

From the Board, Ms. Myers asked for clarification on some issues from the last hearing. How many inverters are needed for the 10,000 solar panels? Mr. Crimmel doesn't have the exact design of the project yet, but the inverters are scattered throughout the project and won't be audible. Perhaps 10 to 15 inverters? Also, Ms. Myers asked questions about the audible noise from these panels. Mr. Crimmel feels that the inverters are far away from the borders and won't be heard. Do transformers emit sound? Mr. Kirk answered that they are standard transformers as one sees on power poles. How about fire safety? Ms. Myers read from the fire safety section. Do these general recommendations make sense to Mr. Crimmel? He said that there's a master switch that is turned off first (but they've never had a fire). Ms. Myers also had questions about the information that was submitted at the last meeting. How many projects are installed on Agricultural use land? Mr. Crimmel was not able to answer that information. She asked about a solar farm in Vermont, but that was installed prior to Mr. Crimmel's time with SRE. Were there any complaints about that solar farm? No complaints about any installation. There have been only a couple of issues: panels being hit by lawn mowers; kids throwing rocks; or inverter failures. Who monitors the solar array systems? There's an in-house monitoring system and there's automation throughout. Any alarm or warning if a problem? An instant text message or alert. Also, has the company been able to contact all 14 neighboring property owners? Not at this time. They provided written information with the urging to call the company with questions, etc. If there are any questions or concerns, anyone is urged to call the company.

From Mr. McLucas, when this project goes through the land development phase, how is the disposal of the panels valued? Attorney Shenk noted that the company will comply with the decommissioning requirements as outlined in the ordinance. Mr. Crimmel added that there are two types of panels, one having more toxic components than the other.

From Chairman Ginter, if there's contamination into the ground after 25 years or so, if the panels are decommissioned and removed, does the company do testing of the ground after removal to assure safety? Mr. Crimmel said that they have no experience with contamination, but the company has insurance to cover any losses. The panels have little risk of ground contamination.

Mr. Heffelfinger suggested that the company might do soil testing prior to the installation of this project to have a baseline reading on the soil, etc. The ground might be contaminated now from agricultural use.

Lonny Seitz spoke again, asking if screening will be planted to hide the fencing. Mr. Kirk noted that the company will comply with the ordinance, but if neighbors request further buffering, the company will work with them.

Dave Wolverton spoke about the inverters, saying that they do emit a low-level hum, which can be very annoying to some people. He urged the Board to find out.

Barbara Leib, 5000 Harmony Grove Road, nearby, asked if the panels reflect any heat back to the atmosphere. Mr. Crimmel said that they do emit a little bit of heat but not a significant amount.

Lonny Seitz asked if the hum becomes so offensive to the neighbors, what recourse do they have. Mr. Crimmel said that he will talk to the engineers to get information on the noise.

Mr. Wolverton said that if someone else were to purchase Mr. Seitz's property and subdivide, would SRE come back to install barriers to protect those residents' sight line?

Mr. Rollins asked if the panels are damaged, and do they still generate power? Yes, but not as much. The company would replace the damaged panel asap, of course. There's the master shut-off switch for the first action. Also, per Mr. Rollins, the panels will cover lots of area and no nutrients will be put into the soil, so its use as agricultural ground might be reduced, thereby reducing its value for future use. Mr. Crimmel said that it's good to give the ground a rest and not put any fertilizers on it, etc. He agreed that a baseline soil test is a good idea.

Nothing further from the applicants. At 8:14 p.m., the Board recessed for a short break until 8:23.

At reconvening, Mr. McLucas presented information on the new "Savvy Citizen" application that is available to help residents be aware of things that are going on in the Township.

Members of the public were invited to offer testimony. Attorney Craley gave the parameters for whose testimony will be included, meaning those who live within about a half a mile of the site.

Joseph Heffelfinger, 5431 Harmony Grove Road, next door, offered that, provided there's no effect on his family or horses, he has no objections. He requested communication from the company in the future if there are issues or information to report. Susan Hamberger asked if sound affects his horses. Mr. Heffelfinger thinks not; his horses are used to all sorts of noises. His animals are pretty easygoing.

Dave Wolverton, 5561 Harmony Grove, 500' away, (Attorney Shenk objected) urged the board to carefully look at the low-level hum and the testing of the panels. He also suggested that the screening go all the way around the property, just in case other property owners sell land and

subdivide; those residents might want further screening. The applicant can't control what happens on other properties. The applicant must screen the use from all adjoining properties. There was a little misunderstanding about what screening actually is.

Lonny Seitz, adjoining property owner, noted that SRE might not actually be putting screening all along his property line. Mr. McLucas said that is incorrect.

Barbara Leib, 5000 Harmony Grove Road, a quarter mile from the site, (Attorney Seitz objected), asked if the screening will screen the panels as the land goes uphill. The applicant will comply with the ordinance, but with a hill/mountain, yes, the panels will likely be visible from the road.

Susan Hamberger, 3005 School House Road, ¾ mile away (Attorney Shenk objected), asked about the species of trees that will be planted. Mr. McLucas explained/read from the ordinance, noting that the trees must be grown and fully opaque within 5 years of planting. Who will maintain the trees? The applicant has the responsibility. If a tree dies, the Zoning Officer will enforce to be sure that the tree is replaced. Ms. Myers asked Ms. Hamberger to repeat the issue about the parcel being contiguous. Attorney Craley noted that the MPC and the dictionary very often differ. Attorney Shenk read from the Dover Township Zoning Ordinance to indicate that the road going through the property doesn't mean that the property is not contiguous.

Jacob Rollins, 5541 North Salem Church Road, 1000 yards from the site (Attorney Shenk objected), provided information on an EPA study from the internet (Attorney Shenk objected, hearsay) giving the effects of noise on wildlife and insects.

Nothing further from the applicant. Attorney Shenk gave a brief statement, noting that this is a permitted use in this district provided the applicant meets the requirements of the ordinance. Attorney Craley brought up the issue of the grass that is to be planted – would the applicant object to this being a condition of any approval? None.

Testimony concluded. Mr. Wright will be given a copy of the transcript from tonight's meeting to catch him up. Tonight's hearing will be continued until the meeting on April 19, most likely at this same location. At that hearing, the Zoning Hearing Board will render its decision.

The Planning Commission unanimously recommended approval of this application.  
**Hearing closed.**

### **III. Other Business**

None at this time.

The meeting *recessed* at 8:57 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary