

**MOUNT JOY TOWNSHIP SUPERVISORS
WORKSHOP MEETING**

**Thursday, November 4, 2021
7:00 P.M.**

Present: John Gormont, Chairman; David Updyke, Vice Chairman; Terry Scholle, Bernie Mazer, Judy Morley

Also Present: Susan J. Smith, Solicitor; Melissa Zirkle, Administrative Assistant; Shane Wise, Road Crew; Shannon Hare, Zoning Officer and Code Enforcement Officer and Secretary

Meeting was held live; remote participation was available through StartMeeting platform.

Roll Call

Public Comment

Elsie Morey 2235 Baltimore Pike-History of Baltimore Pike and request to consider historical character in land use policy and regulations

Rick Klein-220 Savannah Dr. Unit 203-Replace the Solicitor

Sandy Yerger-175 Bulk Plant Rd-Welcome new supervisors; keep Township the way it is; reply to emails

Steve Yerger-175 Bulk Plant Rd-Concern for Township future; welcome new supervisors; intent to attend meetings

Written Public Comment

James & Margaret Brewer-Brookview Solar I

Business

- An ordinance amending the code of The Township of Mount Joy, Adams County, Pennsylvania, Chapter 110, Zoning, to comply with Pennsylvania's small wireless facilities deployment act, Act 50 of 2021, by adding the small wireless facility use as a permitted use in a right-of-way in all zoning districts, related definitions, application procedures, and standards and requirements. No 2021-01.
- An ordinance amending the code of The Township of Mount Joy, Adams County, Pennsylvania, Chapter 86, Subdivision and Land Development, to amend sections 86-11.A(1) and 86-12(A)(1) to delete a 15 day provision and to add reference to a policy establishing plan submission deadlines. No 2021-02.
- Supervisor Updyke moved, seconded by Supervisor Scholle to adopt the ordinance to comply with Act 50 of 2021 and the ordinance to amend Chapter 86, Subdivision and Land Development. Motion carried, unanimously.

- American Rescue Plan Act Update. Solicitor Smith said that there were no updates issued by the US Treasury Department.
- Solar Energy System Zoning Ordinance Amendment. Supervisor Mazer led a discussion on possible amendments to the utility scale solar energy use provisions. Supervisor Mazer reviewed the current table of uses which permits the solar energy use in the AG and BPC-O districts and a conditional use in the BPC district. It is not a permitted use in the OC district. Supervisor Mazer proposed it as a conditional use in the AC and BPC-O districts. It is proposed as not permitted in the BPC and the OC districts. The current setbacks are no closer than 50' from the lot line. Supervisor Mazer proposed setbacks of 200' and 50' from non-residential property lines. The current minimum lot size is the lot size of the zoning district or 2 acres, whichever is larger. Supervisor Mazer proposed a minimum lot size is 100 acres and/or constrained area. Supervisor Mazer proposed a formula for constrained areas: development area equals solar development area minus acreage of constrained area from the lot area. Constrained area includes property on or eligible for listing on the National Register of Historic places as designed by State Historical Preservation Office of the National Park Service, floodplains, natural and man-made drainage corridor extending 25' from centerline of drainage feature, wetlands, wetland buffer extending 50' from wetland, slopes greater than 15%, Class I and II agricultural soils, wooded areas, road right-of-way, setback, and any unique ecological feature as defined by a neutral third party. Supervisor Mazer proposed these additions to the site plan: location of array, all property lines within 1000' of proposed site, setback distance, access roads and turnout locations, substations and ancillary equipment, buildings, and structures, electrical cabling from SES to substation and associated transmission lines, and constrained areas. Supervisor Mazer proposed deleting the section that solar will comply with stormwater management as Chapter 81 is a stand-alone stormwater management ordinance. Supervisor Mazer proposed that stormwater plans must be submitted as the time of the application for conditional use. Solicitor Smith recalled the Township Engineer's testimony during the public hearings on Brookview's conditional use that the information required for a stormwater management plan, engineering details, is not yet known at the time of a conditional use application. Supervisor Mazer proposed that that the proposed glare does not project onto nearby structures or roadways and that the exterior surfaces shall have a non-reflective finish. The applicant has the burden of proving that any glare does not have significant adverse impact on neighboring of adjacent uses either through siting or mitigation. The current ordinance contains such glare standard. Supervisor Mazer proposed solar shall conform to applicable industry standards, rating and certification, and comply with PA Uniform Construction Codes. The current ordinance contains this requirement. The certified installer list by DEP should be deleted as no such list exists. The current fence requirement is a minimum of 8' high. Supervisor Mazer proposed that the proposed solar shall be enclosed to ensure panels are not damaged and no one is injured. There should be clearly visible warning signs at the base of all pad-mounted transformer and substations and on the fence to inform people of voltage hazards. Supervisor Mazer proposed that access drives be provided prior to development. They should be a minimum of 25' wide from state or township roadway to solar that is paved and maintained in dust free condition. The cartway between the panels is proposed to be a minimum of 20' for maintenance and emergency vehicles. These access drives should comply with the SALDO. The applicant is also responsible for restoring all

public roads that may be damaged during construction. Solicitor Smith observed that under Pennsylvania law zoning does not regulate construction; she noted that such controls may be accomplished through a road encroachment ordinance or bonding under the Vehicle Code provisions. Supervisor Mazer proposed that the buffer include: non-obtrusive color that blends with the surroundings, not be artificially lighted unless approved by BOS, no advertising or decorations, minimum of 25' on sides with neighboring homes, continuous barrier, no interference with tv, internet, telephone, microwave, satellite, navigational or radio reception in neighboring areas, and visibility determined by photograph taken at 6' high with a digital camera with an APS-C Sensor and a 35 mm focal length lens-no more than 5% of solar shall be visible. The required plantings shall be native species and should be planted prior to the installation of any solar panels. Solicitor Smith noted that buffer standards are provided both as supplemental use and in the landscape section of the Zoning Ordinance, the more recent and more detailed are controlling in the event of a conflict. She explained that buffers must be installed before operations of the use may begin, that maintenance is required throughout the life of the use and that maintenance is the responsibility of the use owner/operator. Solicitor Smith explained that testimony during the Brookview public hearing relating one-year related to typical provisions in the private contracts for the purchase of plants or the installation of plants, but that the Zoning Ordinance requires that plants be maintained through the life of the use by the then use owner/operator. Supervisor Mazer proposed that the transmission lines shall be underground where feasible and, to the maximum extent possible, all on-site utility, connection lines, and plumbing shall be placed underground. If they must be aboveground, they should be on structures above fields. All buried cables shall have a minimum depth of 48 inches. Further discussion addressed a depth of 36", the current ordinance standard. Supervisor Mazer proposed that no solar panels containing perfluoroalkyl (PFAS) should be allowed. The panels must be kept in good working order and repair. If there is a catastrophic event, broken panels must be removed within 48 hours to avoid any chemicals leaching into the ground water. A soil analysis of surrounding area must be done, and any contaminated soils be removed immediately. Supervisor Mazer proposed that the facility be inspected annually and after severe weather events. Discussions on other matters was tabled to a future meeting.

Adjournment. With no further business to be discussed by the Board, Supervisor Mazer moved, seconded by Supervisor Scholle to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:59 p.m.

Respectfully submitted by,

Shannon M. Hare
Secretary

