

Upper Makefield *Township*

Planning Commission Board Wednesday, September 28, 2016 Meeting Minutes

The September 28, 2016 public meeting of the Upper Makefield Township Planning Commission was called to order by Vice Chair Ms. Kathleen Pisauro, at 7:02 p.m. In attendance were the following members of the Planning Commission: Vice Chair Ms. Kathleen Pisauro, Member Mr. Walt Wydro, Member Mr. Phil Feig, Member Mr. Bud Baldwin, Member Richard Latella, and Member Mr. Ken Rubin. Also in attendance were Township Solicitor Ms. Mary Eberle, and Planning and Zoning Director Mr. Dave Kuhns.

Public Comment: There was no Public Comment.

Approval of Minutes:

A motion was made by Kathleen Pisauro to approve the August 24, 2016 Minutes and was seconded by Ken Rubin.

Approved 6-0.

Land Development:

Wolfinger Subdivision Sketch Plan, 1410 Wrightstown Rd

This was removed at Wolfinger's request at the last minute. Bud Baldwin said that in the Engineer's Report one item mentioned was that the flag lot has to be 5 acres and suggested that they reconfigure. Dave Kuhns said that they are aware of the concerns.

Zoning Matters:

Solar Panels, Continued from the PC Meeting, May 25, 2016

Mary Eberle gave a brief history of the Solar Panels Ordinance. At the April 27, 2016 meeting, the Planning Commission composed a list of questions for the Board of Supervisors' input to help revise the Ordinance. The Board of Supervisors suggested to amend the ordinance to have the Fire Marshall review each solar panel application to determine safe access for the firefighters.

Question #1 Are you interested in increasing the minimum lot size for ground arrays from the current minimum of 4 acres – Board of Supervisors had mixed answers on this question.

Question #2 The setback for ground arrays is currently 60 feet. Should it be increased 100 feet and should there be a requirement that a ground array must be closer to the house on the host property that it is to any neighboring property – the Board of Supervisors suggested that we have variable setbacks depending on the location of the neighbor's house and topography.

Question #3 Where a solar array includes more than one set of panels, should everything inside the fence line be included in the calculation of maximum footprint – Yes.

Question #4 Should neighbors be notified when a permit for solar panels has been issued – Yes.

Question #5 Would you like to see the maximum height changed from the current 10 feet- The Board of Supervisors did not directly address this issue.

Question #6 The Planning Commission recommends that the ordinance be amended to restate and make clear that no ground array may be designated to generate more energy than can be consumed on the property – The system as a whole cannot generate more electricity than the house has needs.

Question #7 The Planning Commission recommends that the buffering requirements be strengthened, at minimum, the ordinance should require mature vegetation – Yes, mature vegetation should be required,

Item # 8 Elimination of ground arrays but did not reach a conclusion, however, suggested that if the Planning Commission would like to explore, they would be interested in the feedback. The Planning Commission addressed each item from the list. It was agreed to make the following changes:

#1- increasing minimum lot size for ground array from 4 acres to 5 acres.

#2 - inserting a requirement that the ground array while we have a 60 foot setback but in no event shall the ground array be closer to the house on an adjacent property than it is to the house on the property on which it is located.

#3- including the whole area of the ground array system as the footprint of the ground array,

#4- notice to neighbors the applicant when applying must provide the name and addresses of all properties owners within 500 feet of the property lines along with a certified mail receipt for each property owner.

#5- it was agreed to keep the maximum height at 10 feet.

#6- The amount of energy stay consistent with the needs of the property but the applicant should require certification that the system has been designed to produce no more energy than required for the property.

#7- Buffering requirements - a year round vegetative screen with materials sufficient to provide a vegetative screen immediately upon installation, 15% maintenance security.

Ms. Eberle will make changes and come back to the Planning Commission with a draft.

Oil and Gas Ordinance, JMZO

Ms. Eberle gave an overview of the Oil and Gas Ordinance. This is a Jointure Ordinance including Upper Makefield Township, Newtown Township and Wrightstown Township. Under the Jointure, the allowable drilling would only be in Wrightstown Township. Mr. Baldwin noted on page 3 that hazardous material shall be contained. Ms. Eberle explained that part of the noise section on page 5 and part of the fence section on page 7 has been removed. She also stated that the Supreme Court regulates where fracking can occur and not how it is done. Mr. Rubin made a motion to approve and Mr. Baldwin seconded the motion.

Approved 6-0.

Current and New Business:

It was reported that the Township Manager resigned without notice.

Liaison Report:

There was no Liaison Report this month.

Adjournment

A motion was made to adjourn the meeting by Mr. Rubin and was seconded by Mr. Latella. The meeting was adjourned at 8:03 P.M.

All were in favor.

Submitted by: Debra McFadden

Approved: January 25, 2017