

**Tulpehocken Township Planning Commission Meeting  
June 1, 2017**

**Present:** Robert Sattazahn, Scott Hetrick, John Zimmerman, Laverne Frey, Gary Deck, Chris Hartman and Matt Mack.

**Members absent from the meeting:** Ray Daub.

The Planning Commission meeting began at 7:31 p.m. and continued with the pledge to the American Flag.

The minutes from the April 6, 2017 meeting were reviewed and approved as written. No meeting was held for the month of May 2017 due to lack of business.

**Public Comments:** None.

**Active Plans:**

**Mountain Meadows Phase 2:** Time expires September 6, 2017. No discussion.

**Camp Calvary:** Time expires September 5, 2017. No discussion.

**Met-Ed Substation:** Time expires August 30, 2017. No discussion.

**New Plans:** None.

**Walk-In Discussions:** David Martin was present to discuss his property at 18 Kurr Road. He would like to remove a 4,900 square foot old building and build a 17,000 square foot building plus a silo and feed room. The Township SALDO states that Land Development is needed for this building. The applicant must meet the intent of the SALDO due to the amount of impervious surface area. Mr. Martin may not need to prepare a drainage plan for stormwater, however he must have a plan to manage the stormwater.

The heifer barn is to be removed and another building will be put in its place with a manure pit underneath. There is one silo on the property and the new 20 foot silo will be built next to the existing silo. The feed room will connect from the barn to the new silo. This barn will be housing steers only, no heifers. Rose Tree Consultants is working to prepare an E & S plan to submit to the Conservation District due to the disturbance being over 5,000 square foot. A manure management plan is also being prepared.

Approximately 250 acres is farmed, driveway is paved, and there is a pond on the property. The Township Engineer asked if the Fire Companies could use the pond for fire access. Mr. Martin stated that Lester Feick did discuss this with him and he (Mr. Martin) would not be opposed. There is fencing there currently for sheep, however a gate and fill could be added so that the fire trucks can pull it right at the pond.

As for stormwater, Mr. Martin would need to provide how the rate and volume will be controlled. The current stormwater goes into an existing sentiment pond. It was recommended

that he widen the parking area at the barn and put in a stone trench. He also currently uses and plans to continue to have the barn roof water runoff into the manure pit. The new pit will be four times bigger than the existing and water is needed to mix in with the liquid manure.

Planning Commission does not feel that landscaping is necessary for this project.

*Scott Hetrick made a motion to the Board of Supervisors to grant a waiver of land development with the following conditions for the zoning permit. John Zimmerman seconded the motion. All in favor, motion carried:*

- *Stormwater management. Simple plan now or request an exemption from stormwater. Will need to show the difference in the increase.*
- *Stone trench across the street on Kurr Road for trucks turning into farm. This would need to be approximately a 2-3 foot wide and one foot deep stone trench. Mr. Martin will work with the Township Roadmaster.*
- *Agreement for the pond for fire access with a gate and stone pad.*
- *E & S approval from the Conservation District.*
- *Copy of the manure management plan to verify zoning.*

#### **Other Business:**

The Planning Commission reviewed the draft regulations for medical marijuana growing/processing and dispensaries, amend and add regulations for wireless communications facilities and amend sign regulations.

The Township Solicitor stated that the County Planning Commission reviewed the draft and had a couple comments.

The County would like to see clarification under the sign regulations. Section 1041.02. Temporary signs apply to Subdivisions and Land Development and are not permitted in the Environmental Protection and is cross referenced in the Rural Residential Districts.

For Tower-Based Wireless Communications Facilities (WCF). Section 1080.1.A (4). Sole use on a lot. Stating that a tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district. A land development plan shall be required prior to construction of any tower-based WCF and communications equipment building.

Section 1080.1.D (2). Any height extensions to an existing tower-based WCF shall require approval as a special exception by the Zoning Hearing Board. This gives clarification of procedure.

Section 1080.1.L. Historic Buildings or Districts. No tower-based WCF may be located on a lot which contains a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or which is located in a Historic District.

Section 1080.1.S. Aviation Safety. Tower-based WCF's shall submit FAA Form 74060, or any successor form, to the FAA and shall comply with all applicable Federal and State laws and regulations concerning aviation safety, and any applicable airport zoning regulations, if any.

Section 1080.2.A (9). Timing of Approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. Except for applications for collocations that do not substantially change the height of the underlying support structure where the Township shall make its final decision on whether to approve the application within sixty (60) days of receipt of a complete application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's applicable ninety (90) or sixty (60) day review period.

Section 1085. Co-Location of Wireless Communications Facilities. To the extent the regulations provided for in Section 1080 are applicable to co-location of wireless communications facilities and the regulations are inconsistent with the Wireless Broadband Collocation Act, 53 P.S. §11702.1 et seq., or the Federal Communications Commission's October 2017 Report and Order the regulations set forth in the statute an Order shall control.

Section 1091.1 and 1095.1. Medical Marijuana Dispensary. Provide a copy of the permit (to the Township) for medical marijuana growing/processing issued by the Pennsylvania Department of Health.

The Township Solicitor stated that as of today, the Township has the authority to enact the regulations regarding WCF in the public right of way in the draft ordinance and should proceed to put the regulations in place. WCF are currently not exempt from Township Zoning when the equipment is put in public rights of way. It is possible that the battle between Municipal Authority and these Communication Companies might move to legislature. There is already a bill that is pending in Harrisburg stating that they are public utilities and that they are not subject to Municipal Zoning. Hopefully the legislature will not change the outcome determined by the PUC.

*Laverne Frey made a motion to recommend to the Board of Supervisors to approve the new zoning regulations for medical marijuana growing/processing and dispensaries, wireless communications facilities and sign regulations. Scott Hetrick seconded the motion. All in favor, motion carried.*

If the Board of Supervisors adopt the Planning Commission's recommendation, a public hearing will need to be scheduled. So the earliest the regulations could be enacted would be at the July 12, 2017 Board of Supervisors meeting.

The Planning Commission discussed the Larry Dean Martin Poultry Plan for the fourth barn. The ninety (90) day time period expired from when the plans were conditionally approved. The plans need to be reaffirmed by the Planning Commission and Board of Supervisors. *Gary Deck made a motion to recommend to the Board of Supervisors to reaffirm the Larry Dean Martin Poultry Plan for the fourth barn. John Zimmerman seconded the motion. All in favor, motion carried.*

John Zimmerman asked about the excavation for the Elmer King Poultry Operation. Mr. Moyer will now let the Township take the bank back 7 feet from the bridge all the way around to the pole. There is currently nothing in writing.

The recreation area in Rehrersburg may get soil from the bridge construction on Rehrersburg Road. E & S controls will need to be established.

*Scott Hetrick made a motion to adjourn the meeting at 8:42 p.m., seconded by Laverne Frey. All voted in favor. The meeting was adjourned.*

Respectfully submitted,

*Heather Claman*

Planning Commission Secretary