

**TULPEHOCKEN TOWNSHIP JOINT PLANNING COMMISSION
AND BOARD OF SUPERVISORS MEETING**

April 3, 2023

Present: Planning Commission Members: Scott Hetrick, Laverne Frey, Robert Sattazahn, John Zimmerman. Also Board of Supervisors members Lester Feick and Harold Zimmerman. Township Solicitor- Michelle Mayfield, Township Engineer- Matt Mack and Planning Commission Secretary- Lisa Care, Gary Deck was absent.

The Planning Commission meeting began at 7:35 p.m. and continued with the pledge to the American Flag.

Robert Sattazahn made a motion to approve the minutes from the March 2, 2023 joint Planning Commission and Board of Supervisors meeting, seconded by Laverne Frey and approved unanimously 4-0.

Harold Zimmerman made a motion to approve the minutes from the March 2, 2023 joint Planning Commission and Board of Supervisors meeting, seconded by Lester Feick and approved unanimously 2-0.

Public Comments: None.

Active Plans: None

New Plans: Hetrick Farm Subdivision

Devon Henne and Lisa Henne were present to go over the plans for the Hetrick Farm Subdivision located at 49 Summer Mountain Road. Per Devon Henne, a letter was issued that Jefferson Township deferred their review to Tulpehocken Township. This is a subdivision in a preserved agricultural easement farm. Approval was received from the Ag Board and is limited to two acres. Because the septic system for the house is located across the street, there is a shared easement for areas of the driveway. This is to be called the "Agreement Area", as the Ag Preservation Board named it because they do not like to see easements on top of easements. Per Devon Henne, he has not submitted a Planning Module to DEP yet because he would like to have a cleaner plan. The Township Engineer questioned if the SEO ran 8 sets of percs on the site and Devon will verify and confirm that.

The Township Engineer stated that this plan will go to DEP for review for exception. He suggested to get the record plan from PennDot to show the original right of way along that road and measure the setbacks off of that. Setbacks for silos and any structures need to be 30 ft.

There is an in-law quarters above the milk house, so a connection from the milk house to the septic tank across the road will need to be shown. It also needs to be confirmed that the sewage lateral for the house runs to the milk house and is connected to this septic system. House needs to be on a good system that is functioning and the backup system is good.

Label the width of the driveways.

The Township Solicitor's office is requiring a prepared easement for the shared driveway and a separate prepared agreement for the sewage system.

It was suggested that an agreement should be made for the tear down of the milking parlor within a specific time frame after the plans are recorded and approved. The Township Solicitor's office will prepare this agreement.

John Zimmerman made a motion for a one year time frame from the time the plans are recorded and approved to demolish the milking parlor structure, seconded by Robert Sattazahn and approved unanimously 3-0. Scott Hetrick abstained.

Harold Zimmerman made a motion for a one year time frame from the time the plans are recorded and approved to demolish the milking parlor structure, seconded by Lester Feick and approved unanimously 2-0.

Walk-In Discussions:

A Resident was in attendance of this meeting for some understanding of a potential building possibly in an overlay district. The Township Engineer stated that an EAP District overlay covers sensitive areas. In this type of district it's an overlay district on top of an underlying zoning district. For EP, EAP flood plain overlay does not allow for buildings due to preventing any kind of flooding, etc. Any buildings would need to fall outside of this type of district and be permitted or permitted by exception in the underlying zoning district. The Township Engineer recommended a sketch plan be submitted for review and opinion to provide some guidance. Any questions related to zoning would need to be addressed directly to the Zoning Officer or the Zoning Hearing Board if necessary.

Other Business:

- a. **Solar Ordinance. Joint meeting with the Planning Commission members and Board of Supervisors to further discuss this topic and update ordinance.**

As discussed from last month's meeting, the Township Engineer provided updated mapping to show the overlay district and the Township Solicitor made updates to the proposed ordinance for discussion. Also from last month, the overlay district was named "Green Energy Overlay".

It was agreed that no accessory installation of solar panels shall be mounted in front yards at ground level in the RR – Rural Residential, no solar farms or accessory solar uses in the front yard of IC – Industrial-Commercial Districts and no accessory panels located in the front yard for EAP – Effective Agricultural Preservation. The Township Engineer read the definition of front yard as stated in our Zoning Ordinance, Definitions Section 396. Solars are an accessory structure, therefore solar panels should not be put between the house and/or principle structure and the right of way except by special exception.

Recommendation is to allow for accessory uses on steep slopes and wet lands, if DEP allows. Green overlay area only for solar farms by special exception. Community solar arrays would require a minimum of 5 acres dedicated to the array.

The Township Solicitor read out loud the highlighted updates for numbers 8, 9 and 10 for the design and install of the panels in regards to glare, perimeter fencing and driveway. The driveway should be in stone, paved to the gate to enable to get off of the road, dust free, and if any storm water issues arise with the unpaved portion of the driveway, it will then have to be paved. The type of material used for the support posts was also discussed.

Debating of a six foot minimum height at the front or start of the solar panels or a three foot minimum height in accordance with the percentage of slopes. Maximum height may be determined by the slope or ground and position of the sun. Discussed if this would be for accessory or both accessory and farms or if an application for a variance would be required. It was decided to re-visit this portion at next month's meeting of May 4, 2023.

b. Wireless Communications Facilities.

The updates of the zoning ordinance amendment that the Township Solicitor provided at last month's meeting regarding wireless communication facilities was mostly complete. There was discussion to verify, if any, State road right of way fees to the Township. This is planned for a final review and approval at next month's meeting of May 4, 2023.

c. Animal Units.

The Township Solicitor presented an update to the definition of an animal unit and applicable acreage for an approved nutrient management plan. This was discussed and planned for a final review and approval at next month's meeting of May 4, 2023.

John Zimmerman made a motion for the May 4, 2023 Planning Commission meeting to be held as a joint meeting with the Board of Supervisors, seconded by Scott Hetrick and approved unanimously 4-0.

Harold Zimmerman made a motion to advertise a combined meeting for May 4, 2023 with the Planning Commission and the Board of Supervisors, seconded by Lester Feick and approved unanimously 2-0.

Robert Sattazahn made a motion to adjourn the meeting at 9:30 p.m., seconded by Laverne Frey and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Lisa Care, Planning Commission Secretary