

**Liberty Township, Adams County
39 Topper Road, Fairfield, PA 17320
Planning Commission Monthly Meeting**

January 21, 2020

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Jan. 21, 2020, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting.

Present: Judie Hogan, Chair; Vince Gee, Vice Chair; Barb Ruppert, Secretary; Geoff Grant, Rich Luquette; Nancy Wenschhof, Alternate; Darrin Catts, Liberty Township Zoning Officer

Not Present: Dominic Picarelli, Township Engineer

Chair Judie Hogan called the meeting to order at 7:33 p.m.

Swearing in for Appointments: Nancy Wenschhof swore in Tom Keilholtz as Zoning Hearing Board Member and John George as Vacancy Board Chair.

Reorganization:

Geoff Grant moved to nominate Judie Hogan as Chair. Rich Luquette seconded the motion. All were in favor and the motion passed.

Judie Hogan moved to nominate Vince Gee as Vice Chair. Geoff Grant seconded the motion. All were in favor and the motion passed.

Rich Luquette moved to nominate Barb Ruppert as Secretary. Vince Gee seconded the motion. All were in favor and the motion passed.

Minutes: There were a few minor corrections to the minutes. Judie Hogan motioned to approve the minutes as corrected, and Geoff Grant seconded the motion. The Nov. 19 meeting minutes were unanimously approved as corrected.

Public Comment:

Rich Luquette noted there will be a public meeting on Monday, Jan. 27, at 5:30 pm at Gettysburg Rec Center on the bike/pedestrian path from Emmitsburg to Gettysburg. They will be discussing the feasibility study.

Chair Comments

Judie Hogan noted that she, Geoff Grant and Rich Luquette are going to the Adams County Municipal Involvement in Farmland Preservation Workshop on Jan. 30.

Old Business:

None

New Business:

Solar Farms

Darrin Catts reported that there's been a contentious issue in Mount Joy about a proposed large solar farm, plus one in Straban garnering attention. Solar farm requests are coming up more frequently very recently. He reported a month or so ago on a cryptic inquiry in Liberty Township asking about regulations. Currently, the township does not have an ordinance on this, which means it's permitted anywhere at any scale for any

use. The township should get an ordinance on the books as quickly as possible so we at least have some parameters. He noted some residential use queries are also coming up.

The PC would like to see something to regulate really large solar farms, even if it's boilerplate from another township. Rich Luquette and Judie Hogan are meeting Friday with Rob Thaeler of Adams County Planning on this. Darrin says the farms are at least treated as conditional use in other townships. The PC thinks we need something sooner rather than later.

Vince Gee noted solar farms generate a lot of runoff because panels concentrate the rain, so we at least need a stormwater management requirement. Darrin doesn't think the state has regulations on this and so it's up to the township. He says the main issues an ordinance would need to address are: stormwater and erosion and sediment control. Perhaps consider fencing if we don't want the public to have access to the farm. Electrical issues will be covered by the electrical code. Another chief issue is decommissioning; generally the farms have a 35-year lifespan and we currently have no regulation requiring the owner to remove the panels when they're dead. Most other townships' ordinances say the panels must be removed and the property returned to its original state; others go as far as holding a bond to pay for this.

The PC discussed having solar farms permitted as a conditional use, requiring a stormwater management plan, allowing them in the Agricultural/Rural District, and stating that mature trees may not be cleared for this purpose. The plan the PC looked at in November required screening and had setbacks from property lines, too. The PC discussed requiring a bond to cover restoring the property at the end of the panels' life. Darrin provided a link to Straban's ordinance as one possibility to use: <https://ecode360.com/11627574> Adams County also just did one for Berwick that he could email to us. Township Solicitor John Lisko had sent Shippensburg Township's solar farm ordinance to the PC as an example as well. The PC is in favor of using another township's ordinance because the county has already approved it and we wouldn't have to spend money having an attorney write a new one. The next Board of Supervisors meeting is Feb. 4, so let's have a recommendation ready for that.

Barb Ruppert motioned that the Planning Commission recommend to the Board of Supervisors that solar farms be a conditional use in the Ag/Rural zoning district through an ordinance modeled on the Shippensburg Township ordinance provided by Mr. Lisko in an email of 10/17/19, with the Planning Commission's notations that are included on the attached copy. Vince Gee seconded the motion. All were in favor, and the motion passed.

The main concerns of the PC that the notations cover are:

- Permit solar farms as a conditional use
- Require a stormwater management plan
- Allow solar farms only in Agricultural/Rural District
- Mature trees may not be cleared for this purpose
- Require screening and setbacks from property lines
- Require a bond to cover restoring the property at the end of the panels' life
- Correct any Shippensburg Township SALDO references to match Liberty Township's SALDO

Barb will send a formal recommendation to Township Secretary Wendy Peck for the supervisors, along with an annotated copy of Shippensburg Township's ordinance that is referenced.

Nuisance Ordinance

Judie Hogan noted that the Board of Supervisors would like the PC to make a recommendation on a nuisance ordinance. Darrin Catts reported that he hears complaints on burning, and on storage of outdoor rubbish. He can't enforce a burn ordinance unless we have one. Rich Luquette asked if we could just say in our ordinance that the township can enforce all county and DEP burn ordinances, since county has an ordinance already.

The PC received a draft today of the Adams County Nuisance Ordinance (not completed/adopted yet) as a sample. The PC felt that the provided sample is too restrictive and too much like an HOA. The big issues in

the sample ordinance are already covered: we have a rubbish ordinance, a junkyard ordinance preventing vehicles piling up, an outdoor storage ordinance. The only thing we need is a burn ordinance.

Darrin said in his experience, the majority of townships don't adopt a nuisance ordinance like this and the majority of boroughs do.

Barb Ruppert made a motion to recommend that the Board of Supervisors not adopt a nuisance ordinance, as the major concerns are already covered in the township's rubbish ordinance, junkyard ordinance and outdoor storage ordinance. Vince Gee seconded the motion. All were in favor, and the motion passed.

Burn Ordinance

The PC discussed that municipal ordinances cannot be less stringent than the state's. We could adopt the state ordinance on burning and authorize the Township Zoning Officer to enforce this.

The PC will probably recommend that the township adopt a burn ordinance based on the state's. Rich Luquette will email the state one to all to review and consider for the next regular meeting.

At 9:05 p.m., Vince Gee moved to adjourn the meeting. Geoff Grant seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for Feb. 18, 2020, at 7:30 p.m.

Respectfully submitted,



Barb Ruppert
Planning Commission Secretary