

## WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township

November 14, 2012 - 7:30PM

### **Call to Order**

Chairman Lees led those present in the Pledge of Allegiance to the Flag and called the meeting to order. He explained that this meeting replaced the November 7<sup>th</sup> meeting which was canceled due to weather conditions.

### **Present**

Commissioners – Hatton, Whitig, Adler, Lees, Walter, and Pomerantz. Also present were two guests and those mentioned below.

### **Adoption of Agenda**

The Agenda was adopted as presented (RH/BW).

### **Approval of Minutes**

The minutes of the Planning Commission meeting of October 17, 2012, were approved as submitted. (RP/RH)

### **Reports**

Jim Lees reported on the Board of Supervisors meeting of November 5th. At the Workshop the Board discussed an agreement with the Little League regarding use of the playing fields. At the regular meeting the primary discussion was the Act 537 Plan. According to DEP the plan did not include an alternate. The plan was re-advertised and a letter of explanation was submitted to DEP. The Board approved the Declaration of Disaster Emergency for Hurricane Sandy October 29-30, 2012, and also approved a Declaration ending the Disaster Emergency. The Supervisors adopted Resolution 2012-12 commending the Emergency Management Committee members who staffed the local center during the emergency.

A new three year contract for trash collection was awarded to A. J. Blosenski, low bidder. The Board approved free use of Oakbourne Mansion by scouts under specific conditions. The Board was not ready to approve the Westtown School Science Building Plan as the lighting and NPDES permit issues had not been resolved. The School agreed to a two week extension of the review period.

### **Announcements**

Elaine Adler announced that the Township Holiday Reception would be held on Thursday, December 13<sup>th</sup>, 6 to 8 pm, at Oakbourne.

### **Non-agenda Public Comment**

Dick Pomerantz asked about the procedure for replacing Eric Rohrbach as a Planning Commission member. Elaine Adler said that the vacancy had been posted on the Township website and was announced in the newsletter which will be distributed shortly. Since Rohrbach's term ends this year, the Board will probably appoint a new Commissioner in January.

Mr. Pomerantz also asked if the Township had an On Site Management Program ready to put in place if DEP approved the Act 537 as submitted. The Township does have access to model ordinances but will not adopt one until the Act 537 Plan is approved since DEP may include specific requirements for the On Site Management program.

Dick Pomerantz said he had heard that Supervisor DeWolf had reservations about the Alternative Energy Amendment. The Commission would welcome clarification of her concerns.

John Snook commended the Planning Commission for regularly sending a representative to the Board of

Supervisors meetings. He also invited the Commission members to attend the Brandywine Conservancy program on December 6<sup>th</sup>.

### **Zoning Ordinance Amendment – Alternative Energy.**

PC received John Snook memo dated November 3, 2012. Mr. Snook was present to continue the discussion of the proposed amendment. He expressed appreciation for resident John Webster's contributions at the previous meeting. He emphasized that the Ordinance was dealing with the potential impacts, environmental hazards, and safety issues, not the technical and operational aspects of renewable energy systems.

There was a lengthy discussion of "glare" in relation to solar installations. The draft Ordinance requires that the applicant provide proof that glare will not impact other properties and makes the applicant responsible for correcting the situation if there is a problem. A complaint about a problem resulting from a solar installation would be directed to the Township Zoning Officer who would obtain the services of expert consultants if necessary. Also discussed were a definition or description of "glare" and criteria for a "glare study". Mr. Snook stated that the current draft specified either a glare study or other documentation acceptable to the Township. It appears that references to glare in 170-1515 the Lighting section of the Zoning Ordinance do not apply to possible glare from solar installations.

The draft amendment does not ban installation of roof mounted solar panels on street facing roofs. Ground mounted installations are subject to impervious cover limitations and storm water management considerations. Conditional Use approval may be required under certain circumstances.

Mr. Webster reported that the solar industry did not have standards for glare studies and asked if there was a requirement for limitation of glare from a skylight. He suggested that it would be discriminatory to require a glare study for solar panels and not for other possible sources of glare. He reiterated his objection to the limitations included in the draft amendment. The Commission thanked Mr. Webster for his input.

At the prior discussion of this amendment, the PC directed Mr. Snook to revise the limitations on the energy production which had been included as a means of assuring that the installations would remain accessory to the primary residential use of a property. While individual PM members favor use of alternative energy sources, the Commission members expressed their opinion that it was the Commission's responsibility to insure that installations did not create a nuisance for other residents.

There was a brief discussion lot size requirements and location for manure digesters. The draft proposes limiting their use to the Township District and lots of 10 acres or more in the MU and A/C Districts. It is not anticipated that there will be a significant use of these devices in the Township.

Height and noise limitations and safety considerations for wind energy devices were also discussed. The draft proposed a height limitation of 35 feet, a height of 70 feet with Conditional Use approval. This would require revision of 170-1504 of the Zoning Ordinance which deals with Exceptions to Height Limitations. Wind energy installations must meet all setback requirements for the District in which they are located and be located a distance at least equal to their height from the property lines.

Mr. Snook will prepare a new draft of the amendment reflecting the Commission's comments and removing some inconsistencies which have been identified.

### **Zoning Amendment – Special Use Overlay(SUO)**

A draft amendment submitted by a potential developer of a portion of the Crebilly Tract had been distributed to the PC members for review. The developer proposes an apartment complex which is not currently permitted in the SUO. The 250 apartments would be built on 15 acres fronting on Route 202, south of a proposed access road. A concept plan displayed some weeks ago at a staff meeting showed five three story buildings surrounding a four story central building which would include common areas in addition to apartment units. The developer would construct the access road from Route 202 (approximately across from Piedmont Road) and a segment of the Township's proposed connector road

extending from the new access road south to Route 926.

PC members commented on the visibility of the proposed multi-story buildings from Route 202. It was suggested that a site visit would be useful. The amendment proposes 1.5 parking spaces per unit which PC members consider inadequate. The Commission would like a clearer understanding of the proposed density, and information on the number of one, two and three bedroom units. Although a detailed plan was not available, it appeared that the density is considerably higher than that permitted in the R-3 District. The prospective developer will make a presentation at the next PC meeting on December 5<sup>th</sup>.

**Public Comment** None at this time.

**Adjournment (EA/BW)** 9:57pm.

Elaine L. Adler  
Planning Commission Secretary