

**ROCKLAND TOWNSHIP
PLANNING COMMISSION**

**MEETING MINUTES
February 27, 2018**

The monthly meeting of the Rockland Township Planning Commission was held on February 27, 2018 beginning at 7:30PM. The following members of the Planning Commission were present: Nathan Roush, Bill McFadden, Nancy Ogden, and Herb Meadway. Also in attendance were: Linda Cluck from LTL Consultants, Ltd., Township Supervisor Nathan Ohlinger, Township Supervisor Duane Bennetch, Township Supervisor David Wartzluft, Jaclyn Hollenbach from Ludgate Engineering and interested citizens.

The meeting was called to order at 7:30PM by Vice Chairman, Nathan Roush.

The minutes of the January 30, 2018 Planning Commission meeting were reviewed. On a motion by Bill McFadden, seconded by Nancy Ogden, the minutes of the January 30, 2018 Planning Commission meeting were approved as presented. There was no public comment. All were in favor. Motion carried.

OLD BUSINESS

Birdsboro Pipeline Project Land Development Plan – Rockland & Oley Townships – Rockland
Township received the following:

- Final plan review letter from Township Engineer dated 2/22/2018
- Proof of recording of easement agreement between Robert A. Levan & DTE Pipeline Company
- Final plan review comment response from Paul Wilson, Dawood Engineering received 2/13/2018
- Stormwater Management Report dated 2/12/2018
- Revised Land Development Plans (received 2/13/2018)

The Township Engineer noted that there were still a number of outstanding items as outlined in the Township Engineer's review letter dated February 22, 2018. Mr. Steve Rawlings, DTE Energy respectfully asked the Planning Commission to approve the land development plan with contingencies, per the draft motion provided by Mr. Rawlings in advance of tonight's meeting for the Planning Commission's consideration. Mr. Rawlings noted that the land development plan is now in its sixth review, and in his opinion, the remaining items are more minor and technical in nature and commented that all of their plans and permits are coming together (both at the federal and state levels).

Mr. Rawlings informed the Planning Commission that all public documents were provided with regard to the agreement with the property owner, Robert Levan, and mentioned DTE Energy would not be providing any proprietary legal documents between DTE Energy and Robert Levan.

Mr. Rawlings addressed the Township's suggestion to have a Knox box so that emergency personnel are able to enter the site in the event of an emergency situation. Mr. Rawlings informed the Planning Commission that they are not able to do this for safety reasons. They can provide access to first responders, but only when escorted or accompanied by qualified, experienced personnel for that particular facility (as with any other critical infrastructure).

Mr. Rawlings also informed the Planning Commission that DTE Energy's ESCGP-2 permit from PA DEP has been approved, and DTE Energy is waiting their certificate from FERC (Federal Energy Regulatory Commission).

The Township Engineer sought Planning Commission input on a few items from her letter. The first item brought up was lighting (page 2, item 1d and page 3, item 3). Mr. Rawlings confirmed that lights would only be used in emergency situations or in the unlikely event when they may need to conduct night-time, unplanned activity on the site. Most maintenance events will be pre-planned during daylight hours.

However, lighting is needed for safety reasons (including a light over the man doorway into the facility). Per Mr. Rawlings noted that all lighting on the site is required to meet zoning and any other Township regulations. The planned lighting for the site was briefly discussed.

Mr. Rawlings informed the Planning Commission that two fences are planned. The inner fence will be a chain-link fence, in order to meet the requirements for the pipeline company. The surrounding outer fence will be an 8' tall decorative fence (will not be able to see through it). The Oley Historical Board has accepted the responsibility to select the color and particular stone style of that decorative fence. The fence will be locked and access will be limited to pipeline company personnel and technicians.

Planning Commission members questioned security for the site. Mr. Rawlings advised that they have specific protocol to follow for emergencies, and the site will be monitored 24/7. County dispatchers, EMCs, and municipalities will be provided direct numbers to reach pipeline personnel and representatives to report non-emergency type concerns.

The Township Engineer and Mr. Steve Rawlings briefly discussed comment #3 under stormwater management ordinance conformance in the Township Engineer's February 22, 2018 review letter. Mr. Rawlings mentioned that DTE Energy would be happy to do whatever was deemed necessary to prove or ensure that Rockland Township residents' wells are not adversely affected, although Mr. Rawlings felt that there was little or no risk of groundwater contamination. The Township Engineer expressed concern about the existence of Karst geology near the site. Mr. Rawlings informed the Planning Commission that DTE Energy has acknowledged the existence of Karst geology in the area and has a plan of action submitted to PA DEP in the event Karst geology is experienced. The Township Engineer expressed concerns with planned infiltration near the Karst geology and the possibility of sinkholes in the future. Mr. Rawlings confirmed that DTE Energy would address and remedy any and all neighbor complaints.

The Township Engineer informed the Planning Commission that there are still some technical stormwater issues to be worked out. Mr. Rawlings advised that DTE Energy plans to address these stormwater issues to the satisfaction of the Township and Township Engineer, and DTE Energy plans to have their ESCGP-2 (Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, and/or Transmission Facilities) permit tomorrow and FERC approval soon. Mr. Rawlings again requested the Planning Commission consider granting conditional approval to the Birdsboro Pipeline Land Development Plan at tonight's meeting.

Vice Chairman Nathan Roush expressed concern about granting conditional approval at this time (mentioning that he would prefer to see the land development plan complete before forwarding this on the Board of Supervisors for final approval). Mr. Rawlings informed the Planning Commission that it is his expectation that they will have a complete plan ready for the March 13, 2018 Board of Supervisors meeting with no outstanding issues and copies of all required permits from all regulatory agencies. If DTE Energy does not have all that is required by March 13th, Mr. Rawlings informed Township officials that he would not seek approval but would wait for final Township approval the following month.

After a lengthy discussion and consideration of outstanding items and acknowledging that DTE Energy has substantially satisfied all applicable requirements and conditions set forth in the Rockland Township ordinances and having completed multiple and thorough reviews by the Rockland Township engineer, the Rockland Township Planning Commission, on a motion by Nancy Ogden, seconded by Herb Meadway, recommends the Rockland Township Board of Supervisors approve the DTE Midstream Appalachia, LLC's Birdsboro Pipeline Final Minor Land Development Plan provided it complies with the conditions set forth in the Rockland Township Zoning Hearing Board's Special Exception Application Decision and pending compliance with all outstanding items as outlined in the Township Engineer's review letter dated February 22, 2018, pending the Township's receipt of a copy of Army Corps of Engineers letter, FERC approval and copies of all required approvals from all necessary state and federal regulatory agencies, and subject to payment of all accrued engineering and attorney review costs being paid to the Township.

There was no public comment. The motion passed with Planning Commission members Nathan Roush, Nancy Ogden and Herb Meadway voting in favor, and Bill McFadden voting against.

Zoning Ordinance Review/Amendment Project – Jackie Hollenbach from Ludgate Engineering suggested Township officials briefly discuss two main topics covered in Article 8 of the Zoning Ordinance (accessory structures and animals). Jackie noted that the current zoning regulations for residential accessory structures include larger setbacks for larger lots, so property owners with more acreage would currently have to comply with larger setback requirements. Ludgate Engineering suggested Township officials consider the following:

Residential Accessory Structures

- A. Structures 800 sq. ft. or less (no more than 15' high) may be located 10' from side or rear property line.
- B. Structures less than 300 sq. ft. (no more than 12' high) may be located 5' from side or rear property line.
- C. All structures regardless of size must meet the required front yard setback of the underlying zoning district.
- D. Any structures over 800 sq. ft. (or over 15' high) must meet all setbacks in the underlying zoning district.

The above suggested regulations were briefly discussed, and Township officials were encouraged to think about the desired setbacks for residential accessory structures until next month's meeting.

Jackie Hollenbach led a brief discussion on regulations pertaining to the keeping of animals. Township officials felt that Act 38 would be a good reference for determining Township regulations.

Township officials agreed to review and discuss Article 8 (General Regulations) at the March 27, 2018 Planning Commission meeting.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment. There being no further business, the meeting was adjourned at 9:38PM on a motion by Bill McFadden, seconded by Nancy Ogden.

Respectfully submitted,

Karen Krall
Secretary