

Dover Township  
Zoning Hearing Board  
February 16, 2022

Chairman Jane Ginter called the meeting to order at 7:09 p.m. Members present: Steve Barkdoll, Phillip Brown, Robert Wright, Richard Pope, and alternate Jonathan Reynolds. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and 75 to 100 citizens.

**I. Reorganization**

[This item was *tabled* again.]

**II. Minutes**

No action taken.

**III. Zoning Case**

- A. ZHB 21-3, Special Exception request to permit a principal solar energy system (PSES) on various parcels in the Ag, Industrial, and R1 Zoning Districts; parcels include lands of D&D Bismark Partnership; Lamparter; Fissel; and Glen-Gery Corporation

This meeting was reconvened from the January 19, 2022, meeting. The proceedings are still in the question phase.

Attorney David Jones noted that several Dover Township members are now represented by counsel. He requested a list of those names and addresses. He confirmed that the applicant's case was concluded with the December Zoning Hearing Board meeting. Therefore, the 100 days that the opposition has to act/present starts with the date of the January Zoning Hearing Board meeting (January 19, 2022).

The citizens' group "Keep Dover Beautiful" is represented by CGA. Attorney John Wilson was here tonight to enter his appearance and reported that he has a list of names and addresses of his actual clients in this matter. Specifically, CGA represents Mary Hamm, Holly Kefauver, and Gina Myers; as adjacent property owners, they have standing in this matter. Attorney Wilson agreed with Attorney Craley and Attorney Jones that the 100 days started at the January meeting. The 100 days gives the opponent time to present its case, etc. Richard Kirkland was cross examined. Attorney Wilson referred to Mr. Kirkland's CV, which Mr. Kirkland asserted is mostly correct and up to date, with some missing continuing education, the details of which he will provide. He is certified in Pennsylvania, within the last six months. His credentials and studies in other states were examined and found to be appropriate. On questioning by Attorney Wilson, Mr. Kirkland affirmed that he took no courses through the Appraisal Institute, which offers more general courses. Yes, he has education in residential appraisals. How many properties in Pennsylvania has he appraised in the last ten years? None in Pennsylvania, as he does impact analyses only, and only within the last several months. There was a discussion of the diminution of property values next to solar farms—could solar farm panel placement negatively impact the adjoining residential use? Yes, and Mr. Kirkland has had some experience with that, with the panels being too close to the houses, in his opinion. He's

refused to testify for some cases in which he felt the panels were placed too close to residential homes. Attorney Wilson referred to the impact report, confirming that the information is publicly available. The study referencing the University of Texas, Austin, refers to the experience of the appraiser. The point was that experienced appraisers found -5 impact on the property values nearby. The less experienced appraisers found higher negative impacts, meaning that the less experienced appraisers thought that negative impact was far less likely than maybe it actually was, as compared to the more experienced appraisers' estimation.

Exhibit E, the Rhode Island study, was addressed. Mr. Kirkland interpreted the study as having a negative impact on properties in more densely populated areas, no impact in rural settings. For purposes of that study, rural is defined as fewer than 2000 people per square mile. Mr. Kirkland feels that based on this particular study, there would be no negative impact from the proposed solar farm in Dover Township, as the proposed area is rural. What is statistical significance? Mr. Kirkland will provide the study's information on this.

Exhibit D – UsPac standards not included in this report because this falls under consulting. How about 'external obsolescence'? Do you think these studies might be biased because of who gave the information?

Attorney Wilson wants to strike from the record any information that was given orally by brokers to Mr. Kirkland as that information might be open to interpretation.

Page 23, survey questions, were they biased or reviewed by a third party? Not reviewed by a third party. These surveys were conducted via email; there was no written report or compilation of those email responses.

Page 26, Summary of Solar Projects in Pennsylvania, of the seven referenced, how many are in PA? Only five, two are in NJ. These projects were referenced because they might be similar to the Dover project. The data is examined for housing values, etc., surrounding solar farms. Similarities of the sites in terms of adjoining uses makes it reasonable to compare to others. Demographics or sales data were not included as no sales of land were made. There were no solar projects of the Dover size in this report.

Page 33, referring to Pennsylvania and Nearby States data, the report provides only data from adjoining states; none available from Pennsylvania.

Page 53, yes, there were some findings of negative impacts, but twice as many show positive impacts.

Page 54, matched pair was defined. No matched pairs for PA were found. The data was the best that Mr. Kirkland had. The classification of "rural" for this analysis was based on visually looking at the area. He did not use the greater than 2000 people per mile as did the Rhode Island study. He measured the distance proposed between the closest home the closest panel. In the Dover proposal, the closest home is 105' to the nearest panel. Discussion was held on the possibility of the effect of a solar farm to the nearby homes' appraisal value. There are negatives, positives, and "static" range of real estate valuations. Many valuations fall into the "static" range, which is very common in real estate and essentially means nothing.

Attorney Jones asked if Mr. Kirkland's certification in Pennsylvania qualifies him to do appraisals in Pennsylvania (yes), and noted that UsPac information is across the board, not specific to any area. Mr. Kirkland has been looking at solar farms for 13 years, nearly 900 solar farms, checking the data of distance, sale price, appraisals, etc. Lack of Pennsylvania information is due to the relative newness of solar farms in Pennsylvania. He also noted that rural homes tend to sell less frequently than homes in suburbia. For some of his information, he needed to look at nearby states because Pennsylvania data was just not available. On the impacts,

averaged together is basically zero. It's common practice to look at data from other areas. From stats and demographics, Dover is similar to other solar farms in other similar areas.

Attorney Wilson requested that CGA have the opportunity to represent in March (yes). His firm was only just retained; will cross examination be permitted in March? From Attorney Jones, he understands that CGA's representation is only recent, but frankly, the citizens had the right and opportunity to retain counsel months ago, and indeed, Attorney Jones himself told the audience members that they had that right. It might be short notice for CGA but not for the residents. He objected.

Attorney Craley suggested that the two attorneys work this out. Allow some professional courtesy. Perhaps people can be available remotely, if CGA's experts need to use that avenue to testify, etc.

Attorney Wilson asked was there a determination where the energy produced will go? This was addressed before. It's sold back to the grid; where it's sold from there is anyone's guess. Have any contracts been signed at this time? No. There might be negotiations in the works. Attorney Wilson feels that the citizens have a right to know details about the parties involved and the path of the energy that is generated here.

Attorney Jones asked for some clarification as to who is a part of the Keep Dover Beautiful group.

Attorney Craley reviewed the exhibits: Keep Dover Beautiful Exhibit A - letter to ZHB; Exhibit B - email followup with Solicitor Craley; Exhibit C - portion of transcript; Exhibit D - Applicant's Exh. G. appraisal; Exhibit E - Rhode Island study.

Any questions from the Board members? Phillip Brown asked several questions, starting with who will build this project? Brittany Staszak, Enel Green Energy, answered that Dover Solar 1, LLC will build. It's how old? Dover Solar 1 LLC is the first of its kind. Enel is the parent company and has much more experience. No, there were no solar facilities of this size constructed in Pennsylvania. Enel has built 10 farms. Is Enel Italian? Yes, it's headed in Rome, many offices in United States. There are no solar farms by Enel in Pennsylvania yet, but several are under development. If Dover Solar 1, LLC, has no experience in building solar farms, then Dover is the first and a learning experience. Ms. Staszak confirmed that Enel has the experience. How many employees does Dover Solar 1, LLC have? Attorney Jones noted that it's the same as a local construction company having employees doing the work. Mr. Brown gave an example of a failed construction project that took way longer and cost more money.

Sworn in was Nick Coil, 8500 Reservoir Road, Fulton, Maryland, head of development for Enel. The Enel group is largest owner operator of renewable energy worldwide. Dover Solar 1 is the name that Enel has called this particular project. Mr. Brown, confirmed that the indicator is to see what's been done, and there are none in Pennsylvania. That's correct, per Mr. Coil, but there are similar projects in other areas that can be checked. How about the project in Conewago Township? It's in the advanced development stage. Attorney Jones confirmed that the project has received conditional land development approval and the NPDES permit was obtained. Mr. Brown asked the expected life of panels; Curtis Hudson responded "35 years." The efficiency of the panels degrades over time, yes. These panels are proposed to be tilting panels, single-axis tracker. How many panels? Unknown at this time. Where will they be? That would be determined in more detail in the land development process. How could the FAA information be obtained with this lack of information, if there were no actual panels placed? Mr. Hudson noted that the FAA report was based on conceptual information. Not specific "solar panel 7" etc., but a different meaning than specific solar panels. Ms. Staszak explained that it doesn't refer to a

specific location, but is a reference to where a panel might be located. Mr. Brown asked, what's the current property appraisal? Unknown now, have to wait till clean and green tax information is presented.

Fletcher Mangum Reported that the tax assessor's office was unable to provide information. The applicants provided three different scenarios for assessment and income from real estate taxes, etc. Mr. Kirkland gave some clarification on how properties are assessed after the solar farm is installed. Attorney Jones noted that the properties are reassessed during a county-wide reassessment or a couple of other instances, but it's not based on sales. Mr. Brown asked after this project is constructed, will Enel keep it? Ms. Staszak said, yes, that's the plan. Mr. Brown asked if there are pictures of already completed projects. The applicant will gladly provide.

Mr. Barkdoll asked what's the charge for electricity produced by solar energy? What will this electricity cost, once is on the grid, as compared to other generation sources?

Nick Coil – if a local utility takes it, it's a regulated entity and it can't overcharge, but solar and wind energy is highly sought because it's consistent.

At 8:51 p.m., the meeting recessed briefly.

At 9:11, the meeting reconvened.

Anyone in favor of the project was encouraged to be sworn in and offer testimony. No one came forward.

Anyone who is opposed to the project: Monica Love 1540A Butter Road spoke. She testified that she is neither in favor nor opposed to this project. She noted that the sole access to the Fissel property from Butter Road uses single lane farm bridge which is actually her driveway. She asked for confirmation from the applicant that no construction vehicles will use that bridge at any time. Curtis Hudson said no construction vehicles will go in or out of that area. Attorney Craley asked that if this application is granted, would Ms. Love like to have her concern be a part of any conditions imposed? Sure. And the applicant has no problem with that.

Matthew Lamparter, 4090 Bull Road, gave some history of his family's viewpoint of this proposal. His family took this very seriously and was part of the planning of the ordinance preparation. He attended all the Planning Commission and Supervisors meetings and thinks the Township balanced the benefits for all. There are protections in place for the protection of all. This provides more options in the future. He feels that modern farming practices are destroying his farmland. He has been told that his land would need to rest for four years before a viable crop might be raised. The Dover infrastructure (roads) is "crumbling" and a solar farm would be a silent partner adding no more people or traffic to the township. He also referred to landowner rights – one should be able to do what he pleases with his land as long as it conforms to restrictions. Restricting this is a dangerous road to start on.

Sandra Dehoff, 4411 Davidsburg Road, recounted farmland around her home being sold to erect housing developments which has created many problems for her and her family. She'd rather have solar panels than houses. Some of her neighbors agree about the problems with increased traffic; solar panels create no traffic. Also, plenty of people have solar panels on their roofs or in their yards, so it's not like this might be a totally new sight. She would rather see nature, not housing projects. The soil will regenerate itself for future generations to farm if desired. She feels the benefits of granting this use will outweigh any distractions.

Carmen Larosa, 1131 Cherry Orchard Road, spoke as a resident for 25 years. He asserted that housing developments destroy the land permanently and cause more pollution all around. Everyone uses and needs electricity. Solar power will help reduce the need for coal as a fuel.

Look carefully to where our electricity should be generated. Any solar panel emissions are far less than coal emissions. Look to the future.

Chris Moul, 3205 West Canal Road, hears that there's no comparable project to this proposal. Agricultural uses are abundant in this Township. From the Comp Plan, community preservation is paramount... goal is to enhance the agricultural heritage of the Township. Under the requirements for a Special Exception, he read about "orderly development" and feels that this is not orderly. Feels that saying yes once opens the door for other projects and thinks that the transmission line requirement might change in the future. He referred to other sections of the ordinance and the municipal code, noting that preservation of ag activity is recommended. Feels that permitting this project involves too much ag land taken out of the community. Talked about ag commerce, giving figures that farms generate millions of dollars of ag revenue and employ many people. Feels that losing this farm revenue will be detrimental to the Township.

Questions from Attorney Jones: Mr. Moul does realize that the Supervisors made the decision to adopt this ordinance based on all the ordinance information present to him and to them? Yes. And does Mr. Moul understand that the Zoning Hearing Board can't "go off script?" Yes, How much of those millions from the farm go to the Township? Unknown. No idea how many people actually work on that farm. Attorney Jones noted that this particular farm offers less than 25% in tilled production.

Sharon Gardner 2086 Dorwood Drive, retired environmental chemist, spoke in favor of the project. Her friend in another community in PA had a similar situation in which the citizens protested to prevent a brewery and a dog food factory, then another unknown use. Then a hazardous waste dump was actually permitted because "they weren't allowed to protest four uses/cases." Be careful, Ms. Gardner said, because we could end up with something even less desirable. Attorney Craley noted that the "three tries" scenario is inaccurate.

Christine Barkdoll, 4920 Harmony Grove Road, feels that the farmland is too precious to use for solar power. There are other options to place solar panels, such as warehouse rooftops, highway median strips, etc. In the past, the Supervisors moved to protect farmland by limiting development rights. She feels that this is just the beginning. The Supervisors must change this ordinance to stop this use. Would like to request that all equipment and panels be manufactured in the US.

At 9:52 p.m., the meeting *recessed* until the next meeting, which will be on March 16 at 7 p.m.

#### **IV. Other Business**

Nothing at this time.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary