MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

August 8, 2019

ENGINEER'S AGENDA

Subdivision Review Status Checklist (1)

- **Next Supervisors Meeting September 12, 2019**

Subdivision / Zoning / LDP

- Plans currently in review.
  - 5G Ordinance - P.C. has recommended draft regulations for approval by BOS. (2)
  - **Gun Range regulations being discussed by PC.**

- Melrose Place
  - **Original punchlist items completed; maintenance issues remain to be completed; recommend release of original LOC with the cash maintenance security of $43,262.10 being held.**

Projects

- Stormwater Projects
  - Ina/Rt. 73 – Lindbergh/Adele – on hold.

- West Shore Drive
  - Meet with inspector for state regarding Bridge Inspection. Report.
    - Repairs are somewhat extensive; Twp. Involvement is possible
    - Three (3) 60" dia. Pipes required as alternative to existing opening. Not desirable due to maintenance.
    - Twp. to make repairs as schedule permits.

- 2019 Road Projects
  - Notice of Award given to Ronnie C. Folk Paving in the amount of $268,772.60.
  - **Pre-construction mtg. held on 7/9/19 at 9:00 AM.**
  - **Work scheduled to start 8/8/19.** (3)

- Sinkholes
  - Meadow Brook – Millennium Drive.
    - Repair completed by Wexcon on 6/21/19; complete in one day.

- Blandon Fire Co. Community Park
    - Park & Rec preparing a Master Plan to present to BOS with proposed phasing.

- Zoning/5G Cellular Tower Investigation
    - SDE reviewed w/P.C. draft Zoning Ordinance amendments for 5G cellular tower installation. P.C. has made recommendation to BOS to approve 5G cellular tower regulations.

Subdivision Improvement LOC / Escrow Release (4)

Sewage Enforcement Officer Activity Report

SUBDIVISION STATUS
MAIDENCREEK TOWNSHIP, BERKS COUNTY
8/8/2019

No.	Project Name	Plan Stage	90-Day Review Period Begins	90-Day Review Period Ends	Extension (may reflect more than one extension)	Approved BY BOS	Comments	Most Recent Review Letter Date
	CURRENT PLANS:							
1	GSP Properties - Business Park	Prel. LDP	12/06/17	03/06/18	06/05/18	04/12/18	See SDE ltr. 3/6/18 and MTPC ltr. Dated 4/5/18	3/6/2018
2	Berkshire Building Services	Prel. LDP	12/06/17	03/06/18		02/08/18	See SDE ltr. 1/3/18 & 2/8/18 P.C. Action ltr. 1/4/18	2/8/2018
3	Berkshire Building Services	Final LDP	03/07/18	06/05/18	09/14/18	09/13/18	See SDE ltr. Dated 9/1/18	9/1/2018
4	GSP Properties - Business Park	Final LDP	05/02/18	07/31/18	10/12/18 11/09/18	11/08/18	See SDE ltr. Dated 7/6/18 Approved w/conditions	7/6/2018
5	Messinger Annexation Plan	Final Plan	10/03/18	01/01/19		11/08/18	See SDE ltr. Dated 10/31/18 Approved w/conditions	10/31/2018
6	Grove Road Subdivision	Final Plan	04/03/19	07/02/19		05/09/19	PC recommended conditional approval. PC action ltr. 5/2/19	4/29/2019
	APPROVED / PENDING PLANS:							
1								
2								

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHANNEL FLOW - That water which is flowing within the limits of a defined channel.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, and church-related educational and/or day-care facilities.

CLUB - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws; buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation by members and their guests.

CLUBHOUSE - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided they are not conducting any vending stands, merchandising or commercial activities, except as required for the sole benefit of the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related uses, as defined herein.

CLUSTER SUBDIVISIONS - A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

COFFEEHOUSE – A retail commercial establishment offering the sale of coffee, tea, and other non-alcohol beverages and where light refreshments and limited menu meals may also be sold.

COLLOCATED SMALL CELL INSTALLATION – means a single telecommunication pole, mast, tower, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

COLLOCATION – the mounting of one or more wireless communication facilities, including antennae, on an existing tower-based WCF, or on any structure that already supports at least one non-tower WCF.

COMMERCIAL PARKING - A parking lot or garage wherein parking spaces are rented or leased.

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or more common party walls and each unit having its own separate entrance from the outside. (Figure 5).

DWELLING UNIT - A building, or portion thereof, arranged or designed for occupancy by not more than one (1) family, and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

EASEMENT - An interest in land owned by another that entitles the holder to a specific limited use or enjoyment.

EATING AND DRINKING ESTABLISHMENT - A commercial activity, the principal purpose of which is the remunerated furnishing or serving of food and beverages for consumption on the premises. This definition includes restaurants and any other activity which may include a restaurant-type facility, such as hotels, country clubs, and social clubs, regardless of whether such activity is open to the general public.

EXEMPTED TELECOMMUNICATIONS FACILITIES – Includes, but not limited to the following.

- A single ground or building mounted receive-only radio or television antenna including any mast, for the sale use of the tenant occupying the residential parcel on which the radio or television antenna is located, with an antenna height not exceeding twenty-five feet.

- A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet.

- A ground, building or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet.

- A ground or building mounted receive-only radio or television satellite dish antenna which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located, provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.

- Mobile services providing public information coverage of news events of a temporary nature.

- Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal0use devices.

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- Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.

- Township-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.

- Telecommunication facilities, including multiple antennas located on an industrial parcen and utilized for the sole use and purpose of communications between employees/vehicles of said company in the course of business.

EMERGENCY – a condition that (1) constitutes a clear and immediate danger to the health, welfare or safety of the public, or (2) has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the service provided.

EROTIC ACTIVITIES - Actual or simulated genital, anal, or oral intercourse; sadomasochism; pedophilia; bestiality; or masturbation.

EXOTIC ANIMALS - An exotic animal is a rare or unusual animal which has not been domesticated, retaining its wild, carnivorous and or predatory nature making it unsuitable as a household pet. Examples of such animals include but are not limited to: alligators, amphibians, foxes, bears, wolves, skunks, degus, civets, genets, kinkajous, raccoons, chinchillas, hedgehogs, wallaroos, lions, tigers, bobcats, leopards, cheetahs, jaguars, cougars, servals, ocelots, hyenas, venomous or constricting snakes, and non-human primates.

EXTRACTIVE INDUSTRY or EXTRACTIVE OPERATION - The mining or quarrying of sand, clay, shale, gravel, topsoil, stone, ore, or minerals; also, similar operations such as the removal of materials for fill operations.

FCC RULES – recent Federal Communication Commission Rules effective April 8, 2015 which regulate both traditional telecommunication towers as well as distributed antenna systems and other small cells. Applicable rules reflected in the requirements as set forth in §27-745 of this Douglass Township Code relate to FCC Rules 47 U.S.C. §1455(a) [also known as §6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012] and 47 U.S.C. §332(c)(7).

FACADE - The front surface of a building, usually visible from the public street upon which the lot has frontage; that surface through which the main building entrance provides access. The facade is typically, but not necessarily, more or less parallel to the front lot line.

FAMILY - One (1) or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit,

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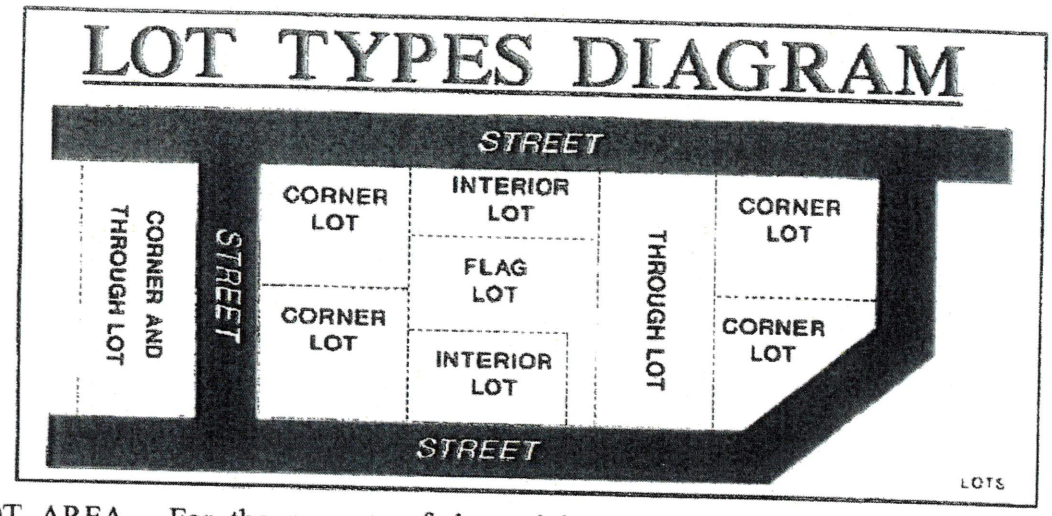

LOT AREA - For the purpose of determining compliance with minimum lot area requirements specified by this chapter and for all other instances where the term "lot area" or "lot size" is used without a preceding modifier, the "lot area" shall be the total area of land and surface waters contained within the legal limits of the property lines of a lot, excluding lands within public rights-of-way. The calculation of lot area for a flag lot shall not include the lands occupied by the access strip.

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and through lots, the depth shall be measured from the street right-of-way of the street of address to the directly opposite property line.

LOT LINE - A line of record bounding a lot which divides a lot from another lot, from a public or private street, or from any other public or private space.

LOT LINE, FRONT - A line of record separating a lot from the dedicated right-of-way of a public or private street.

LOT LINE, REAR - The lot line or lines parallel to, or within thirty degrees (30°) of being parallel to, and most distant from the front lot line.

LOT LINE, SIDE - Any lot line which is not a front lot line or a rear lot line, including all lot lines tangent to the front lot line.

LUMBERYARD - The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

MAJOR TELECOMMUNICATIONS FACILITY – means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeat microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

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includes billboard. For the purposes of this chapter, the term "sign" shall exclude the flag, pennant, or other insignia of any nation, state, city, or other political unit as well as public traffic and directional signs.

SITE – for towers other than towers in the public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SKIDDING - The dragging of felled trees on the ground from the stump to the landing by any means.

SLASH - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken uprooted trees and shrubs.

SMALL CELL INSTALLATION – means all equipment required for the operation and maintenance of so-called "small cell" wireless communication facilities (WCF's) that transmit and/or receive signals but are not "major Communication Facilities" including antennas, microwave dishes, power supplies, transformers, electronics, and other types of equipment required for the transmission or receipt of such signals.

SOIL SURVEY - The latest published version of the United States Department of Agriculture's Soil Survey for Berks County, Pennsylvania.

SOLAR ENERGY CONVERSION SYSTEM – Solar energy conversion systems includes solar collectors, storage facilities, and distribution components, for space heating and cooling, and hot water heating.

SOLAR SKY EASEMENT – A solar sky easement is a legal instrument which may be in the form of an easement, covenant or other property interest in any deed or other property instrument executed by or with the landowners permission, on behalf of any landowner, that protects the solar sky space of a proposed solar energy collector at a described location by forbidding and activity, including placement of objects, live or otherwise, that would interfere with solar access.

SOLID WASTE - Garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE LANDFILL - A site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

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Chapter 220

§220-81 Wireless Communication Facilities

A. Purpose.

(1) To accommodate the need for cellular communications antennas while regulating their location and number in the Township.

(2) To minimize adverse visual effects of wireless communications antennas and support structures through proper design, siting and vegetative screening.

(3) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through engineering and proper sighting of antenna support structures.

(4) To encourage the joint use of existing and any new antenna support structures to reduce the number of such structures needed in the future.

(5) At the discretion of the Maidencreek Township Board of Supervisors, municipal uses for the purposes of police protection, fire protection, ambulance service and road maintenance shall be exempt from these regulations.

B. Use regulations.

This section addresses the various types of Wireless Communication Facilities (WCF's) permitted in the Township either as a Use by Right or by Conditional Use in all or selected zoning districts. The following table presents an overview of the various WCF Uses and where they are permitted.

WCF Uses Permitted By Zoning District

WCF Use Type	Permitted By	Zoning District(s) Permitted
Towers on Municipal Property §220-81.B(1)(a)	By Right	All Districts
New Antenna / Existing Structure (1) §220-81.B(1)(b)	By Right	All Non-Residential Districts
Antenna / Equipment		

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Replacements §220-81.B(1)(c)	By Right	All Districts
New Antenna Collocation on Existing Tower (2) §220-81.B(1)(d)	By Right	All Districts
Relocation of Existing Tower §220-81.B.2(a)	Conditional Use	All Districts
New Antenna / Existing Structure (3) §220-81.B(2)(b)	Conditional Use	All Districts
New Communication Tower Outside Of Public ROW §220-81.B.2(c)	Conditional Use	Industrial District
New Communication Pole /Tower Inside Of Public ROW §220-81.B(2)(d)	Conditional Use	All Districts – Inside ROW of Rt. 222 & Park Road
New Non-Tower WCF Inside Public ROW §220-81.B(2)(e)	Conditional Use	All Districts – Inside Public Street ROW's

Notes: (1) Height increase of existing structure by twenty (20) feet or less.
(2) Compliant with "No Substantially Change" standards.
(3) Height increase of existing structure in excess of twenty (20) feet.

(1) Permitted Uses By Right. The following wireless communication facilities are permitted as a Use by Right in all or selected zoning districts subject to the specific requirements set forth below.

(a) Towers on Municipal Property. Antennas and/or towers (Tower-Based or Non-Tower Based WCF's), as regulated and defined by this Chapter, are permitted by right on land owned or controlled by Maidencreek Township without the need for a conditional use approval, provided a license and/or lease authorizing such antenna and/or tower has been approved by Maidencreek Township.

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(b) New Antenna/Existing Structure. A new cell site antenna (Non-Tower WCF) may be located on an existing smoke stack, water tower, farm silo or other tall structure in all non-residential zoning districts provided:

1) Submission of a zoning permit for the cell site antenna.

2) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing structure to accommodate the added weight and wind load of the proposed antenna location.

3) That the height of the antenna shall not exceed the height of the existing structure by more than twenty (20) feet above the permitted height of the applicable zoning district.

4) Building mounted communications antennas shall not be located on any single-family dwelling.

5) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

6) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

8) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer for compliance to applicable building codes.

9) The antenna complies with all applicable FCC and FAA regulations.

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10) The antenna complies with all applicable building codes.

(c) Antenna/Equipment Replacements. Replacements of existing antennas or existing equipment such as electrical cabinets are permitted to be replaced in all zoning districts subject to:

1) Submission of a zoning permit for the antenna/equipment replacement.

2) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing cell tower to accommodate the added weight and wind load.

3) Submission of a plan set and other information as appropriate to show the proposed replacement work.

4) The replacement antenna array(s) comply with all applicable FCC and FAA regulations.

5) The replacement array(s) comply with all applicable building codes.

(d) New Antenna Collocation. Location of a new antenna array on an existing cell tower is encouraged over the construction of a new tower location. Collocation of new antennas on existing towers is permitted in all zoning districts subject to:

1) Submission of a zoning permit for the antenna collocation.

2) Submission of a plan set and other information as appropriate to show the proposed collocation work.

3) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing cell tower to accommodate the added weight and wind load of the new antenna array.

4) The proposed antenna collocation will be reviewed to determine if it is considered as a "substantial change" or one which "does not substantially change" the wireless support structure (see §220-11 definition of substantial change).

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5) Timing of the zoning application for a new collocation antenna will be approved within the time frames set forth under §220- 81.C. Should a zoning variance be required due to a height conflict, the prescribed review period will not start until the required zoning approval has been secured and the application is then deemed to be complete.

6) The new collocation antenna array complies with all applicable FCC and FAA regulations.

7) The new collocation antenna array complies with all applicable building codes.

(2) Uses Permitted by Conditional Use. The following wireless communication facilities are permitted subject to Conditional Use approval from the Maidencreek Township Board of Supervisors, in all or specific zoning districts subject to the specific requirements set forth below in additional to those presented in §220-81.C below.

(a) Relocation of an Existing Tower.

1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on its site within fifty (50) feet of its existing location as long as all other applicable requirements have been met.

2) After the tower is rebuilt to accommodate collocation, only one (1) tower may remain onsite.

3) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to these regulations. The relocation of a tower hereunder shall in no way be deemed to cause a violation of these regulations.

4) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned land shall only be permitted with additional approvals

(b) New Antenna/Existing Structure. A new cell site antenna (Non-Tower WCF) to be located on an existing smoke stack, water tower, farm silo or other tall structure in all non-residential zoning districts where the height of the new antenna will exceed the height of the existing structure in excess of twenty (20) feet shall require Conditional Use approval provided:

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1) Submission of a zoning permit for the cell site antenna.

2) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing structure to accommodate the added weight and wind load of the proposed antenna location.

3) Building mounted communications antennas shall not be located on any single-family dwelling.

4) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

5) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

6) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer for compliance to applicable building codes.

8) The antenna complies with all applicable FCC and FAA regulations.

9) The antenna complies with all applicable building codes.

(c) New Communication Tower Outside Public Rights-of-Way.

New communication towers (Tower-based WCF's) outside of public rights-of-way are permitted in the I Industrial District

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subject to Conditional Use approval. Consideration for approval would be subject to compliance with the criteria listed below as well as those of §220-81.C of this Chapter:

1) Annual Permit Fee – The Applicant shall pay the Township an annual Permit Fee as set by Resolution by the Board of Supervisors.

2) Location – the Applicant shall be required to demonstrate, using technological evidence, that the tower-based WCF must be located where it is proposed.

3) Height – The Applicant must demonstrate that the tower-based WCF is the minimum height required to function satisfactorily. Maximum height of the tower shall be two-hundred (200) feet. Accessory facilities shall meet the height requirements of the zoning district in which it is located.

4) Structure Design – The applicant shall demonstrate that the proposed tower-based WCF is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electrometric fields, radio or satellite frequency interference. A licensed professional engineer shall certify that the tower can structurally accommodate the number of shared users being proposed by the applicant and that the tower meets the setback, requirements, separation distances.

5) Fence – A fence shall be required around the tower-based WCF and other equipment. The fence shall be eight (8) feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.

6) Landscaping – The following landscaping shall be required to screen as much of the tower-based WCF support structure as possible, the fence surrounding the support structure, and any other ground level features (equipment cabinets, etc.):

   (a) An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting, and shall grow to a minimum height of fifteen (15) feet at maturity.

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(b) In addition, the existing vegetation on and around the site shall be preserved to the greatest extent possible.

7. Parking Spaces – If the tower-based WCF is fully automatic, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people in the largest shirt, but in any event, may not be less than two (2) off-street parking spaces.

8. Other Permitted Uses – All other uses associated with the tower-based WCF such as a business office, transmission studio, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.

9. Accommodating Use – In order to reduce the number of tower-based WCF's needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services. Prior to proposing the construction of a new tower, the applicant shall demonstrate that a reasonable effort has been made to site the antenna on an existing tower or structure within close proximity of the choses site. Space for Township communication systems, if desired by the Township shall be made available at no cost.

10. Building Permit – The applicant shall obtain a building permit in accordance with Township requirements prior to commencement of construction for any tower-based WCF.

11. Federal Communication Commission – If the use of a tower-based WCF requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission (FCC), the Applicant shall present evidence that it has obtained such license. The Applicant shall demonstrate that the proposed Wireless Communication Tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

12) Lighting – No wireless communication towers shall be artificially lighted except when required by the Federal Aviation Administration or by state regulations. Communication towers shall comply with all applicable federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport zoning Regulations.

13) Lot Requirements. A new tower-based WCF may be permitted as the sole use on a lot, or in combination with an existing use, except residential, subject to the following conditions:

a) The existing use on the property may be any permitted use in the applicable zoning district, and need not be affiliated with the WCF.

b) The minimum lot size shall comply with the applicable district and shall be the area needed to accommodate the tower-based WCF, its guy wires, the equipment building, security fence, and buffer plantings in addition to the existing use.

c) The minimum lot size for a stand-alone WCF lot shall be one (1) acre.

14) Setbacks - The setback of a tower-based WCF from all property lines, existing street right-of-way lines and above ground utility lines shall be no less than the height of the tower. All guy wire anchors shall be setback a minimum of forty (40) feet from the property lot lines and existing street right-of-ways. No more than one (1) tower shall be permitted on a single lot.

15) Signs – No portion of any communication tower or antenna shall be used for a sign or other advertising purpose. No routine lighting of a tower, antenna, or accessory facilities shall be permitted.

16) The WCF shall employ the most current Stealth Technology in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the applicant shall be subject to approval of the Township.

17) Annual Certification – In January of each year an inspection shall be performed by an independent engineer acceptable to the Township and paid by the Applicant and

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verification shall be provided to the Township zoning officer that there have been no changes in the operating characteristics of the commercial tower-based WCF as approved at the time of conditional use application, including at minimum:

a) Direction of the signal

b) Frequency, modulation and class of service

c) Transmission and maximum effective radiated power

d) Manufacturer, type and model of equipment

e) Height of antenna

f) Name, address and emergency telephone number of the operator

g) Copy of current FCC license

h) Review of all reasonable requests of shared use of the tower

18) Geotechnical investigation. The owner shall complete and submit geotechnical evaluation of the site in which the communications tower is to be located. The owner shall demonstrate how the proposed tower and related infrastructure is to be stabilized and anchored.

19) Land Development Plan – A full Site Plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for tower-based WCF sites showing the communication tower, buildings, fences, buffering, access, and any accessory structures. Said Plan shall be in accordance with all applicable Subdivision and Land Development ordinance requirements of the Township.

20) Occupancy Permit – Prior to a Certificate of Use and Occupancy being issued, the Applicant shall provide an Engineer's Certification that the tower is constructed as designed and shall submit the same to the zoning officer.

21) Access – Access shall be provided to the tower-based WCF by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

22) If a tower-based WCF is to be designed as a structure or natural feature, the communications tower and antenna shall be disguised and/or camouflaged within the surrounding area. The type, style, color, design, size and location of the disguised and/or camouflaged communications tower and antenna shall be subject to the approval of the Township Board of Supervisors as part of the conditional use process.

23) Removal – The Applicant shall submit a plan for the removal of a tower-based WCF when it becomes functionally obsolete or is no linger in use. Any antenna or tower that is not operated, and for which there is no intent or attempt to operate, for a continuous period of time of twelve (12) months shall be considered abandoned, and the owner of such tower or antenna shall remove the same within ninety (90) days after receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna, at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users have abandoned the tower or antenna.

Replacement – when future technology avails itself with radiation suppressant devices and/or less harmful equipment to humans, such equipment shall replace dated equipment as soon as possible.

(d) New Communication Pole/ Tower Inside Public Rights-of-Way.

New communication towers (Tower-Based WCF's) of forty ~~(40)~~ (50) feet or shorter may be permitted inside the public right-of-way of Rt. 222 and Park Road throughout the Township, regardless of the underlying zoning district, provided they are compliant with the following:

1) The location of the proposed Tower-Based WCF inside public right-of-way is not located within fifty (50) feet of an area in which utilities are underground.

2) Tower-Based WCF's inside public right-of-way are prohibited in residential areas or areas in which utilities are located underground.

3) Tower-Based WCF's inside public right-of-way shall not be located in the front façade area of any structure.

4) The Township and PennDOT shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the public right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

5) Securing of a Highway Occupancy Permit (HOP) from PennDOT as may be required when the proposed WCF is within a state highway right-of-way.

6) Tower-Based WCF's inside public right-of-way and related equipment shall be located as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township and PennDOT. Minimum height of antennae & associated equipment shall be 14 feet from the surface of the ground. In addition:

   a) In no case shall ground-mounted related equipment, walls, or landscaping be located within eighteen (18) inches of the face of curb or a minimum of two (2) feet from edge of cartway if no curb. The location of new poles and other above ground facilities shall be installed outside the shoulder and highway zone as near to the right-of-way line as practicable, under the HOP and applicable PennDOT design provisions.

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b) Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township and PennDot.

c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

d) Any graffiti on the tower or on any related equipment shall be removed at the sole expense of the WCF owner.

e) Any underground vaults related to tower-Based WCF's shall be reviewed and approved by the Township and PennDOT.

f) The WCF shall employ the most current Stealth Technology in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the applicant shall be subject to approval of the Township and PennDot

g) Any proposed WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

~~h) Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Tower-Based WCF in the Township right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's cost incurred in connection with the activities described above. Said fee is to be set by Resolution of the Township.~~

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h) As part of the application for a new pole/tower based WCF within the public right-of-way, the applicant shall document compliance with the requirements of Section 220-81.B(2) (d) [1-6] above. In addition, the application should include:

- Submission of a zoning permit.
- Submission of a detailed site and engineering plans for each proposed WCF installation including all associated equipment necessary for operation.
- Photographs of proposed WCF antenna and equipment.
- Visual impact analysis with photo simulations.
- If any associated ground or underground equipment is proposed to be located outside of the public right-of-way, a copy of an Easment Agreement from the property owner on whos property the facilities are to be located shall be provided.

(e) New Non-Tower WCF Inside Public Rights-of-Way.

New Non-Tower WCF's located within the public right-of-way shall be collocated on existing poles, such as utility poles or light poles. If collocation is not technologically feasible, the WCF Applicant shall locate its non-tower WCF's on existing poles or freestanding structures that do not already act as wireless support structures with the approval of the Township and PennDOT, ~~provided they are compliant with the following:~~

Should none of the above location options be feasible and a new pole is proposed by the applicant, the proposed pole shall be 35 feet in height or less, or 110% of the height of poles in the surrounding streetscape, whichever is higher. In addition, any of the new WCF's covered under this subsection shall be compliant with the following:

1) WCF installations located above the surface grade in the public right-of way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are not more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

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2) Antenna and related equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3) The Township and PennDOT shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the public right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

4) Non-Tower WCF's and related equipment shall be located as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township and PennDOT. In addition:

a) In no case shall ground-mounted related equipment, walls, or landscaping be located within eighteen (18) inches of the face of curb, within two (2) feet of the edge or cartway if no curb, or within an easement extending onto a privately owned lot.

b) ~~Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township and PennDOT.~~

For sites in residential developments where utilities are underground, ground level cabinets are prohibited. Either underground cabinets or pole mounted cabinets may be used. If a pole mounted cabinet, it may not exceed 3 cubic feet in volume and must be finished and/or painted to blend in with the existing streetscape. Ground level cabinets are permitted in all non-residential zones provided that such ground level cabinet is less than 28 cubic feet in volume, is finished and/or painted so as to blend in with its background and does not inhibit any existing sight triangles.

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c) ~~Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township and PennDOT.~~
If an electrical meter cabinet is located outside of the public right-of-way, either underground or above ground, the applicant will need to secure an Easement Agreement from the property owner of the property upon which the equipment is to be located. Above ground level cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township and PennDOT.

d) Any graffiti on the non-tower WCF or on any related equipment shall be removed at the sole expense of the WCF owner.

e) ~~Any underground vaults related to non-tower based WCF's shall be reviewed and approved by the Township and PennDOT.~~
Minimum spacing between small cell WCF's shall be 300 feet between WCF installations. Small cell WCF's shall not be located within a distance equal to or less than the front yard setback distance of an adjoining existing residence.

f) Relocation or removal of facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Non-Tower WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Non-Tower WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations and PennDOT, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

i) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.

ii) The operations of the Township or other governmental entity in the right-of-way.

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iii) Vacation of a street or road or the release of a utility easement.

iv) An emergency as determined by the Township.

g) ~~Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Non-Tower WCF in the Township right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's cost incurred in connection with the activities described above. Said fee is to be set by Resolution of the Township.~~

As part of the application for a new non-tower WCF within the public right-of-way, the applicant shall document compliance with the requirements of Section 220-81.B(2) € [1-6] above. In addition, the application should include:

- Submission of a zoning permit.
- Submission of a detailed site and engineering plans for each proposed WCF installation including all associated equipment necessary for operation.
- Photographs ofproposed WCF antenna and equipment.
- Visual impact analysis with photo simulations.
- If any associated ground or underground equipment is proposed to be located outside of the public right-of-way, a copy of an Easement Agreement from the property owner on whose property the facilities are to be located shall be provided.

C. Permit Processing Time Frames

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Timing of approval for WCF applications shall be as follows:

1) For a Non-Tower WCF:

(a) Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application.

(b) Upon submission to the Township of the additional required information, the Township shall within ten (10) days notify the applicant if the application is now complete.

~~(c) For those applications for Non-Tower Based WCF's that do not Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within sixty (60) days the Township shall make its final decision on whether to approve the application.~~

60 Days – For collocation of small WCF's (non-tower based WCF's) on an existing wireless support structure to which they are to be attached which does not substantially change the physical dimensions of the wireless support structure, the Township within 60 days of receipt of a complete application, shall make its decision on whether to approve the application.

~~(d) For those applications for Non-Tower Based WCF's that do Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within ninety (90) days the Township shall make its final decision on whether to approve the application.~~

90 Days – For collocation of a small WCF on an existing non-tower based WCF that does substantially change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, or for the construction of a new small WCF on an existing pole (utility pole, street light, etc.) or a new pole of less than fifty (50) feet in height, to be used as a

wireless support structure to which the WCF's are to be attached, the Township within 90 days after receipt of a complete application shall make its decision whether to approve the application.

(e) The decision of the Township shall be made in writing and provided to the applicant.

(f) If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township's sixty (60) or ninety (90) day review periods, as applicable. These timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act. (Provision to put clock on "hold" when additional information has been requested to make an application complete)

2) For a Tower-Based WCF:

(a) Within thirty (30) calendar days of the date that an application for a new Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application (i.e.: the requirement for a Special Exception approval from the Zoning Hearing Board).

(b) Upon submission to the Township of the additional required information, the Township shall within ten (10) days notify the applicant if the application is now complete.

~~(c) All applications for Tower-Based WCF's shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision.~~

90 Days – For collocation of a new small wireless facility (WCF) on an existing wireless support pole or tower structure in excess of fifty (50) feet in height, the Township upon receipt of a complete

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application shall render its decision in the application within 90 days.

~~(d) If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.~~

150 Days – For construction of a new pole or tower based WCF on a wireless support structure in excess of fifty (50) feet in height, the Township shall act upon the application within 150 days of receipt of a complete application.

(e) If additional information was requested by the Township or any required zoning approval (conditional use or height variance) to complete the application, the time required by the WCF Applicant to provide the information or secure the required zoning approvals shall not be counted toward the 150-day review period.

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Tom Unger

From: Craig Momose
Sent: Tuesday, July 09, 2019 4:31 PM
To: Steve Bright; Diane Hollenbach; Keith Shuman
Cc: Chip; Tom Unger
Subject: RE: Maidencreek Twp tentative schedule

Craig Momose, PE

From: Steve Bright [mailto:sbright@ronniefolkpaving.com]
Sent: Tuesday, July 09, 2019 4:25 PM
To: Craig Momose <c.momose@sdei.net>; Diane Hollenbach <d.hollenbach@maidencreek.net>; Keith Shuman <k.shuman@maidencreek.net>
Subject: Maidencreek Twp tentative schedule

Here it is for now:

Aug 8 - Misc patching on Hoch and Wyatt

Aug 9 - Mill curb line and base repair on Bewley/Lakeside
Aug 12 or so - Oil & Chip Bewley/Lakeside
Aug 15 - Overlay Bewley/Lakeside

Aug 12 - Mill joints/patch on Schaeffer Rd
Aug 13 - Leveling on Schaeffer Rd
Aug 14 - Overlay on Schaeffer Rd
Line ptg on Schaeffer Rd (and Bewley) shortly thereafter.

Not set in stone but close....

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716 Water Street
P.O. Box 268
Shoemakersville, PA 19555
Email :
Office) 610-562-3550
Cell) 610-587-1519

(3)

SUMMARY
IMPROVEMENT AGREEMENTS INVOICES
APPROVED FOR PAYMENT
MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS
AUGUST 1, 2019

DATE OF INVOICE/PAYEE	INVOICE NO.	AMOUNT
1. **Berkshire Property Management Co., LLC**		
7/31/19 Maidencreek Twp. – Re: SDE, Inc.	96978	$472.02
	AMOUNT DUE	$472.02
	TOTAL AMOUNT DUE	**$472.02**