

IN RE:

CONDITIONAL USE APPLICATION  
OF BSR SOLAR, LLC

BEFORE THE BOARD OF  
SUPERVISORS OF WESTTOWN  
TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA

### DECISION

BSR Solar, LLC (“Applicant”), has filed a conditional use application with the Westtown Township Board of Supervisors (“Board”) pursuant to §170-501.C(3) (Use regulations – Conditional uses) of the Westtown Township Zoning Ordinance (“Zoning Ordinance”), subject to the standards contained in §170-1618.C (Renewable energy systems – Solar energy systems) of the Zoning Ordinance, and §170-2009 (Conditional uses) of the Zoning Ordinance, to permit the installation of a solar energy system, for the property located at 975 Westtown Road, Westtown Township, Chester County, Pennsylvania (UPI No. 67-5-27), consisting of approximately 195 acres of land, and any other relief deemed necessary by the Board.

The hearing on this application was held on July 24, 2023.<sup>1</sup> Chairman Thomas Foster, Vice Chairman Richard Pomerantz, and Police Commissioner Scott E. Yaw, Esquire, heard the application for the Board. Patrick M. McKenna, Esquire, appeared as the Board’s Solicitor. The Applicant was represented by Louis J. Colagreco, Esquire. Kristine Lisi (915 Shady Grove Way) requested and was granted party status. *See* N.T., p. 12.

After receiving the evidence presented by Applicant and having reviewed the same, the Board makes the following:

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<sup>1</sup> The hearing for the instant application had been extended several times, and on the record, the Applicant’s Counsel agreed that the July 24, 2023 hearing was timely. *See* N.T., pp. 7-8.

## Findings of Fact

1. The hearing was duly convened, and the Applicant presented evidence in support of the application.

2. BSR Solar, LLC, is the Applicant,<sup>2</sup> and Westtown School owns the subject property. *See* Exhibits A-1, A-3, and B-1; *see also* N.T., p. 9.

3. Westtown School authorized the Applicant to file all required applications and appear before the Township to seek all required zoning and municipal permits or approvals for the proposed solar energy system improvements. *See* Exhibit A-3; *see also* N.T., p. 15.

4. The properties that make up the Westtown School are located at 975 Westtown Road, Westtown Township, Chester County, Pennsylvania (UPI Nos. 67-2-19, 67-2-24, 67-2-24.2, 67-2-25, 67-2-25.1, 67-2-25.2, 67-2-25.2, 67-2-25.3, and 67-5-27). *See* Exhibits A-1 and B-1; *see also* N.T., p. 8.

5. Although Westtown School is comprised of multiple individual parcels, the relief sought for the solar energy system is specific to UPI No. 67-5-27 (“Property”). *See* Exhibits A-1, A-4, A-5, and B-1; *see also* N.T., p. 3.

6. The Property is located in the A/C Agricultural/Cluster Residential District of the Township and contains approximately 195 gross acres of lot area. *See* Exhibits A-1, A-4, and B-1; *see also* N.T., p. 3.

7. During the course of the hearing, the Board marked and admitted the following exhibits into evidence:

Exhibit B-1: Notice of hearing for July 24, 2023;

Exhibit B-2: Proof of publication of notice in the Daily Local News on July 5, 2023 and July 12, 2023;

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<sup>2</sup> The Applicant owns and operates over 50 solar energy systems nationwide. *See* N.T., pp. 45-46.

- Exhibit B-3: Proof of posting of notice, dated July 11, 2023, signed by Assistant Township Manager Mila Carter;
- Exhibit B-4: Proof of mailing of notice, dated June 30, 2023, along with a list of individuals and entities to whom notice was mailed;
- Exhibit B-5: Tax parcel map depicting the location of the Property;
- Exhibit B-6: Westtown Township Zoning Ordinance, by reference;
- Exhibit B-7: Review letter, dated April 16, 2023, from Township Fire Marshal Gerald DiNunzio, Jr., to Township Manager Jon Altshul regarding the Conditional Use Application for the Westtown School Solar Panel Facility;
- Exhibit B-8: Letter, dated April 21, 2023, from Robert E. Flinchbaugh, P.E. with Cedarville Engineering Group, LLC, to Township Manager Jon Altshul regarding the Westtown School Solar Farm Conditional Use Review;
- Exhibit B-9: Review letter, dated April 21, 2023, from the Westtown Township Chief of Police, Brenda M. Bernot, to the Westtown Township Board of Supervisors regarding the Westtown School Solar Panel Facility;
- Exhibit B-10: Review letter, dated May 26, 2023, from Township Fire Marshal Gerald DiNunzio, Jr., to Township Manager Jon Altshul regarding the Conditional Use Application for the Westtown School Solar Panel Facility;
- Exhibit B-11: Letter, dated June 2, 2023, from Robert E. Flinchbaugh, P.E., with Cedarville Engineering Group, LLC, to Township Manager Jon Altshul regarding the Westtown School Solar Farm Conditional Use Review – Second Review;
- Exhibit B-12: Letter, dated June 9, 2023, from Kristin S. Camp, Esquire, to the Westtown Township Board of Supervisors containing the recommendation of the Westtown Township Planning Commission.

8. During the course of the hearing, the Applicant offered the following exhibits, which were admitted into evidence:

- Exhibit A-1: Westtown Township Conditional Use Application, dated April 6, 2023 with an enclosure letter and attachments;
- Exhibit A-2: Westtown Township Zoning Ordinance of 1991, as amended (*incorporated by reference*);

Exhibit A-3: Letter, dated July 20, 2023, from Chris Benbow, Head of School of Westtown School, to the Westtown Township Board of Supervisors;

Exhibit A-4(a): Plan Set prepared by Bohler Engineering, dated April 3, 2023, last revised July 13, 2023, consisting of the following:

- Overall Site Plan (Sheet Number C-301);
- Site Plan (Sheet Number C-302);
- Site Plan (Sheet Number C-303);
- Site Plan (Sheet Number C-304);
- Site Plan (Sheet Number C-305);

Exhibit A-4(b): Plan Set prepared by Bohler Engineering, dated April 3, 2023, last revised July 13, 2023, consisting of the following:

- Overall Landscape Plan (Sheet Number C-701);
- Landscape Plan (Sheet Number C-702);
- Landscape Details (Sheet Number C-703);

Exhibit A-5: Letter, dated June 9, 2023, from Kristin S. Camp, Esquire, to the Westtown Township Board of Supervisors containing the recommendation of the Westtown Township Planning Commission.

Exhibit A-6: Glare Analysis prepared by ForgeSolar, created March 1, 2023, last updated May 11, 2023;

Exhibit A-7: Letter, dated May 19, 2023, from Andy Stancati with BSR Solar, LLC, regarding the Westtown School Solar Conditional Use Permit Application Glare Statement;

Exhibit A-8: Sample Solar Easement and License Agreement;

Exhibit A-9: Stormwater Management Calculations Report for the Westtown School Proposed Solar Panel Facility prepared by Bohler Engineering, dated April 3, 2023 and last revised May 25, 2023 (*incorporated by reference*);

Exhibit A-10: Plan Set prepared by Bohler Engineering, dated April 3, 2023, last revised July 13, 2023, consisting of the following:

- Birds Eye (Sheet Number 2);
- Elevation (Sheet Number 3);
- Streetview-1 (Sheet Number 1A);
- Streetview-2 (Sheet Number 1B);
- Streetview-3 (Sheet Number 1C);

Exhibit A-11: Letter, dated May 23, 2023, from Andrew J. Zmoda, P.E., P.G., to Mr. Mike Eckard containing the Addendum Report of Geotechnical Exploration;

Exhibit A-12: Memorandum, dated September 23, 2022, from Roux Associates, Inc., to Biostar Renewables containing the Wetland Inspection Summary and Environmental Land Use Regulator Evaluation for the Proposed Solar Project – Westtown School;

Exhibit A-13: Letter, dated October 27, 2022, from Richard G. Webster, Jr., to Secretary Rosemary Chiavetta with the Pennsylvania Public Utility Commission containing the Recommendation on the Interconnection Agreement Application at Docket No. M-2017-2582579; and

Exhibit A-14: Professional resume of Chris Puzina, P.E.

9. Section 170-501.C(3) (Use regulations – Conditional uses) of the Zoning Ordinance provides, in relevant part, that a solar energy<sup>3</sup> system<sup>4</sup> shall be permitted only upon approval as a conditional use by the Board of Supervisors, subject to §170-1618.C of the Zoning Ordinance. *See* Exhibit B-6.

10. Section 170-1618.C (Renewable energy systems – Solar energy systems) of the Zoning Ordinance provides regulations and provisions concerning solar energy systems. *See* Exhibit B-6.

11. Chris Benbow, Head of School of Westtown School; Andy Stancati, Senior Vice President and authorized representative of BSR Solar, LLC; and Christopher D. Puzinas, P.E., testified on behalf of the Applicant. *See* Exhibit A-14; *see also* N.T., pp. 7, 9, 14, 59.

12. The Property has a unique shape and contains frontage along East Street Road, Westtown Road, Oak Lane, and Shady Grove Way. The Property is also bordered by single-family

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<sup>3</sup> Section 170-201 (Definitions) of the Zoning Ordinance defines “solar energy” as “[e]nergy which has been converted, through the use of a solar energy system, from sunlight into usable electricity or to heat air, water, or other fluids for use in hot water or space heating, or other applications.” *See* Exhibit B-6.

<sup>4</sup> Section 170-201 (Definitions) of the Zoning Ordinance defines a “solar energy system,” in relevant part, as “[a]n energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user, or which is to be sold to a utility company to be used by others, or sold directly to other users.” *See* Exhibit B-6.

detached dwellings located along Station Way and Westtown Road. *See* Exhibit B-5; *see also* N.T., p. 16.

13. The Property is currently improved with athletic fields, residences for Westtown School, agricultural areas and facilities, and other attendant improvements. *See* Exhibits A-1, A-4, and B-5; *see also* N.T., p. 18.

14. The Applicant proposes to install and maintain a solar energy system (“System”) on the Property.<sup>5</sup> *See* Exhibits A-1, A-4, A-5, A-10, B-1, and B-12; *see also* N.T., pp. 2, 9, 56.

15. Westtown School desires to have the System installed on the Property in order to further environmental stewardship, promote energy sustainability, and reduce its energy costs. *See* N.T., pp. 9-10.

16. The System will be an above-ground, ground-mounted, solar array. *See* Exhibit A-4; *see also* N.T., p. 18.

17. The System is a “single-access tracker,” meaning it tracks the sun from east to west, morning to night. *See* Exhibit A-6; *see also* N.T., pp. 27-28.

18. The solar panels are designed to deal with extreme temperatures and contain an anti-reflective coating designed to reduce glare. *See* N.T., pp. 26-27, 35-36.

19. The solar panels will be constructed on the Property over an existing grass area. *See* N.T., p. 30.

20. Energy generated by the System will travel underground to a transformer located towards the central part of Westtown School’s campus. *See* N.T., pp. 20, 75.

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<sup>5</sup> Per a license agreement, the Applicant will own the System and sell the energy produced by it to Westtown School. *See* N.T., pp. 48, 56. The proposed Solar Easement and License Agreement also grants the Applicant a non-exclusive license and a non-exclusive easement on, over and across defined portions of the Property to install, operate, maintain, repair and replace the System. *See* Exhibit A-8. Further, the License Agreement grants the Applicant a contractual right of access to, on, over and though the internal roads and driveways on the Property. *See* Exhibit A-8.

21. The energy generated by the System will be solely for operations of and consumption by Westtown School. *See* N.T., pp. 10-11, 56.

22. Batteries or other equipment utilized to store energy will not be co-located on the Property. *See* N.T., p. 74.

23. The System contains no hazardous substances as defined by the Pennsylvania Hazardous Sites Clean-Up Act. *See* N.T., pp. 75-76.

24. The System is designed to automatically shut itself down if it detects faults, including fire. *See* N.T., pp. 30, 32-33.

25. In the case of an extreme wind weather event or hail, the System automatically enters “stow mode,” whereby the panels lay flat to create the least resistance against the wind. *See* N.T., pp. 79, 81.

26. The design and installation of the System will conform to the standards of the American National Standards Institute Underwriters Labs, the American Society for Testing and Materials, and other applicable industry criteria. *See* N.T., pp. 74-75.

27. The System will be set back a minimum of 100 feet from any public right-of-way, lot line and historic structure, and the mechanical equipment associated with and necessary for the System will comply with all accessory setbacks for the A/C Agricultural/Cluster Residential District. *See* Exhibit A-4; *see also* N.T., pp. 73, 75.

28. The System will be surrounded by an eight-foot-high chain-link fence that will enclose an approximately 8.06-acre area of the Property dedicated to the System’s use. *See* Exhibit A-4; *see also* N.T., pp. 19, 42-44, 73.

29. The System will add approximately 1.48% of impervious coverage to the Property, which is below the maximum permitted impervious coverage of 20%. *See* Exhibits A-4 and B-6; *see also* N.T., p. 73.

30. The System will be constructed at a single time and not in stages. *See* N.T., p. 72.
31. The aisleways located between solar panel clusters will be a minimum of eight feet in width. *See* N.T., pp. 73-74.
32. Gravel paths, that are capable of supporting emergency vehicles, will be installed on the Property in order to access the System. *See* Exhibits A-4 and A-11; *see also* N.T., pp. 63, 69, 76-77.
33. No new access roadway will be installed in association with the installation of the System as access will be gained to the System through existing roadways. *See* Exhibit A-4; *see also* N.T., p. 24.
34. Appropriate signage will be constructed along the fence and in other strategic locations in order to indicate “high voltage” and “danger” for the System. *See* N.T., pp. 44-45.
35. Aside from reasonable signage utilized to identify the panels and other equipment, no additional advertising associated with the installation of the System is proposed. *See* N.T., p. 76.
36. The Applicant will install, operate, and monitor cameras on the Property in order to secure the System. *See* N.T., pp. 46, 53, 55.
37. In case of an emergency associated with the System, the Applicant has regional and local partners that will respond within 24 to 48 hours. *See* N.T., p. 48.
38. The Applicant intends to extend a water line and install a new fire hydrant closer to the System in order to adequately supply water for fire suppression. *See* N.T., pp. 24, 51-52.
39. The Applicant trains its customers how to disconnect and manually shut the System down in case of an emergency. *See* N.T., pp. 33-34.
40. After construction of the System, the Applicant typically inspects the equipment annually. *See* N.T., p. 29.
41. The Applicant will mow the grass located within the area of the System. *See* N.T., p. 29.



42. The Applicant does not propose any grading of the Property in order to install the System, nor to disturb any wetlands. *See* Exhibit A-12; *see also* N.T., pp. 57, 70-71.

43. In lieu of denser rows of evergreen trees lined along Shady Grove Way, the Applicant will install and integrate a more natural landscape plan that allows neighboring property owners to view the landscape while screening the solar array. *See* Exhibit A-4; *see also* N.T., pp. 22-23.

44. The Applicant will install additional landscaping located along the southern portion of the Property. *See* Exhibit A-4; *see also* N.T., pp. 84-85.

45. No incidental lighting will be mounted in association with the installation of the System on the Property. *See* N.T., pp. 53, 76.

46. Consistent with §170-1618.C(12)(b) of the Zoning Ordinance, the Applicant executed a statement that the System will not project glare or reflect concentrated solar radiation visible beyond the lines of the Property such that a nuisance situation is created. Further, the Applicant acknowledged that the Township might require abatement of the nuisance situation and the potential consequences for failing to fix the situation. *See* Exhibits A-7 and B-6; *see also* N.T., pp. 28-29.

47. The Applicant will submit zoning and building permits, including manufacturer's specifications, to the Township prior to the installation of the System. *See* N.T., p. 26.

48. The Applicant will install stormwater management facilities, which includes, but is not limited to, two above-ground basins. *See* Exhibits A-1 and A-9; *see also* N.T., pp. 61-62.

49. The Westtown Township Planning Commission reviewed the instant application and unanimously made a favorable recommendation, with proposed conditions of approval. *See* Exhibits A-5 and B-12.

50. On behalf of the Township, Westtown-East Goshen Regional Police Chief Brenda Bernot reviewed the subject application and concluded that she had no concerns about the impact of the System on police services. *See* Exhibit B-9.

51. On behalf of the Township, Cedarville Engineering and the Township Fire Marshal reviewed the subject application and provided comments for consideration. *See* Exhibits B-7, B-8, B-10, and B-11.

52. A letter from PECO was provided containing its approval of the interconnection agreement submitted by Westtown School. *See* Exhibit A-13; *see also* N.T., p. 75.

53. Kristine Lisi (915 Shady Grove Way) appeared at the hearing, was granted party status, asked questions about landscaping, and testified that she supported the application. *See* N.T., pp. 12, 83-84, 87-88.

54. Bill Ward (1408 Thrush Lane) and Joe Burns (919 Shady Grove Way) appeared at the hearing, did not request party status, and spoke during public comment. Mr. Ward stated that he did not want to see the solar panels, and Mr. Burns stated that, within reason, the Applicant and Westtown School have satisfied his concerns. *See* N.T., pp. 89-93.

## DISCUSSION

Under §603(c)(2) and 913.2(a) of the Pennsylvania Municipalities Planning Code (“MPC”) (53 P.S. §10603(c)(2) and §10913.2(a)), the Board, as the governing body of the Township, has the authority to grant conditional uses pursuant to the express standards and criteria set forth in the Zoning Ordinance and to attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of the MPC and the Zoning Ordinance. *Clinton County Solid Waste Auth. v. Wayne Twp.*, 643 A.2d 1162, 1168 (Pa. Cmwlth. 1994).

A conditional use is a form of permitted use. *Pennridge Dev. Enterprises, Inc. v. Volovnik*, 624 A.2d 674, 676 (Pa. Cmwlth. 1993). A conditional use is nothing more than a special exception which falls within the jurisdiction of the municipal governing body rather than the zoning hearing board. *In re Thompson*, 896 A.2d 659, 670 (Pa. Cmwlth. 2006). Because the law regarding conditional uses and

special exceptions is virtually identical, the burden of proof standards is the same for both. *Sheetz, Inc. v. Phoenixville Borough Council*, 804 A.2d 113, 115 n.5 (Pa. Cmwlth. 2002).

In a conditional use case, the applicant first bears the burden of establishing that the application falls within the special exception or conditional use provision of the particular township ordinance. *City of Hope v. Sadsbury Twp. Zon. Hearing Bd.*, 890 A.2d 1137, 1147 (Pa. Cmwlth. 2006). A conditional use applicant must demonstrate that it is entitled to a conditional use by establishing compliance with the specific criteria for the use detailed in the zoning ordinance. *Bray v. Zoning Bd. of Adjustment*, 410 A.2d 909, 911 (Pa. Cmwlth. 1980). An applicant seeking conditional use approval must prove compliance with both the use-specific and general conditional use standards and criteria explicitly set forth in the applicable zoning ordinance. *In re AMA/American Marketing Ass'n, Inc.*, 142 A.3d 923, 932 (Pa. Cmwlth. 2016).

In addition to the above-mentioned statutes and case law, the Zoning Ordinance contains standards for reviewing a conditional use application. In reviewing requests for a conditional use, the Board is guided by the general standards for a conditional use set forth in §170-2009.D (Conditional uses – Standards for conditional use approval) of the Zoning Ordinance, which provides as follows:

- 1) In reviewing and acting upon an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following standards:
  - (a) The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated.
  - (b) The proposal shall be consistent with the Township Comprehensive Plan and with the purpose of this chapter to promote the public health, safety, and general welfare.
  - (c) The appropriate use, and the value, of adjacent property will be safeguarded.
  - (d) The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.

- (e) If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this chapter shall be fully complied with at the completion of any stage.
  - (f) The demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured.
  - (g) The design and use of any new construction and the proposed change of design (if any) and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.
  - (h) The burden of proof shall be upon the applicant to prove to the satisfaction of the Board of Supervisors, by credible evidence, that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The peak traffic generated by the development shall be accommodated in a safe and efficient manner. Such analysis shall consider any improvements to streets that the applicant is committed to complete or fund.
- 2) The Board of Supervisors shall weigh each case on its own merits, separately, based upon pertinent information presented or known to it, and without regard to any previous case.

In consideration of the standards set forth in the Zoning Ordinance, relevant statutes, and case law, and based upon a careful review of the evidence presented to the Board, it is determined that the Applicant has met the requirements for conditional use pursuant to §170-2009.D of the Zoning Ordinance. Solar energy systems are permitted in the A/C Agricultural/Cluster Residential District of the Township pursuant to conditional use. The Westtown Township Comprehensive Plan Update, 2019, promotes energy conservation and the effective utilization of renewable energy sources. The Applicant has consulted and worked with adjacent property owners to address their concerns. Specifically, Joe Burns (919 Shady Grove Way) appeared at the hearing and stated that his concerns were addressed by the Applicant and Westtown School. Section 170-2009.D(1)(d) of the Zoning Ordinance requires the development of more than one building to be a harmonious grouping of

buildings. In the instant application, multiple buildings were not proposed, and thus, this criterion is not applicable. Section 170-2009.D(1)(e) of the Zoning Ordinance contains requirements for developments that are to be carried out in stages. The Applicant presented credible evidence that the development of the System will be conducted at a single time, and thus, this criterion is not applicable. Based on all of the evidence presented by the Applicant and the Township's professionals, the Board concludes that the demand created by the System upon public services and facilities has been considered and will be minimal. After construction, the System will not result in or substantially add to a significant traffic hazard or significant traffic congestion as the only trips to the Property for the System will be for maintenance.

In addition to the general conditional use standards contained in §170-2009.D of the Zoning Ordinance, the Board is also guided by the more specific standards contained in §170-1618.C (Renewable energy systems – Solar energy systems) of the Zoning Ordinance for solar arrays. Based upon a careful review of the evidence presented to the Board, it is determined that the Applicant has met the requirements for conditional use, pursuant to §170-1618.C of the Zoning Ordinance.

The maximum area occupied by the System will be approximately 8.06 acres, which is under the maximum permitted ten acres. The Applicant presented credible evidence that the maximum impervious coverage for the System and attendant improvements will be approximately 1.48%, which is below the maximum permitted 20%. Further, the System will be set back a minimum of 100 feet from any public right-of-way, any lot line, and any historic structure as required by the Zoning Ordinance. The System will be enclosed by an eight-foot-high fence, and will contain, at a minimum, eight-foot-wide aiseways which will be constructed between panel clusters as required by the Zoning Ordinance. Batteries or other equipment used to store the energy will not be co-located on the Property. Finally, the Applicant presented credible evidence that the System will be serviced by an adequate water supply to suppress fires.

Accordingly, the Applicant's request for conditional use approval pursuant to §170-501.C(3) (Use regulations – Conditional uses) of the Zoning Ordinance, subject to the standards contained in §170-1618.C (Renewable energy systems – Solar energy systems) of the Zoning Ordinance, and §170-2009 (Conditional uses) of the Zoning Ordinance to permit the installation of the System, for the property located at 975 Westtown Road, Westtown Township, Chester County, Pennsylvania (UPI No. 67-5-27) shall be GRANTED, subject to the conditions contained in the Order.

### **Conclusions of Law**

- 1) The hearing was duly advertised, all required notices were given, and the hearing was duly convened.
- 2) The Board has jurisdiction over this matter.
- 3) The Applicant has demonstrated that it is entitled to conditional use approval pursuant to §170-501.C(3) (Use regulations – Conditional uses) of the Zoning Ordinance and §170-2009 (Conditional uses) of the Zoning Ordinance, which have both been granted.

The Board, therefore, enters the following:

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]*

IN RE:

CONDITIONAL USE APPLICATION  
OF BSR SOLAR, LLC

BEFORE THE BOARD OF  
SUPERVISORS OF WESTTOWN  
TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA

### ORDER

AND NOW, this 21<sup>st</sup> day of August 2023, upon consideration of the conditional use application of BSR Solar, LLC, pursuant to §170-501.C(3) (Use regulations – Conditional uses) of the Westtown Township Zoning Ordinance, subject to the standards contained in §170-1618.C (Renewable energy systems – Solar energy systems) of the Zoning Ordinance, and §170-2009 (Conditional uses) of the Zoning Ordinance to permit the installation of a solar energy system, for the property located at 975 Westtown Road, Westtown Township, Chester County, Pennsylvania (UPI No. 67-5-27), IT IS HEREBY ORDERED that the conditional use requested shall be GRANTED, subject to the following conditions:

1. The Applicant shall address any outstanding conditions in the Cedarville Engineering Group, LLC, review letters, dated April 21, 2023 and June 2, 2023. *See*, Exhibits B-8 and B-11.

2. The Applicant shall comply with the recommendations from Geo-Technology Associates, Inc., as stated in the review letter, dated May 23, 2023, relating to an emergency fire department access road. *See*, Exhibit A-11.

3. The Applicant shall address any outstanding conditions in the review letter, dated April 11, 2023, prepared by the Director of Planning and Zoning of Westtown Township, Liudmila Carter.

4. The Applicant shall address any issues raised by the Township Fire Marshal in his letters, dated April 16, 2023 and May 26, 2023. *See*, Exhibits B-7 and B-10.

5. The Applicant and the use and development of the Property shall comply with the representations and commitments made in the testimony and exhibits presented at the hearing to the Board.

6. The Applicant and the use and development of the Property shall comply in all respects with all ordinances and regulations of Westtown Township and with all applicable provisions of any statute, ordinance or regulation of any municipal or governmental entity having jurisdiction over the Property or the uses thereon.

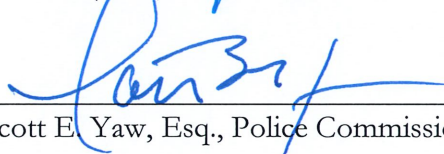
BOARD OF SUPERVISORS OF  
WESTTOWN TOWNSHIP



Thomas Foster, Chairman



Richard (Dick) Pomerantz, Vice Chairman



Scott E. Yaw, Esq., Police Commissioner

*[SIGNATURE PAGE TO THE CONDITIONAL USE DECISION, DATED AUGUST 21, 2023  
2023, ON THE APPLICATION OF BSR SOLAR, LLC]*