

Birmingham Township Planning Commission (BTPC)

Minutes of the meeting May 14, 2019

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:30pm in the township building.

PRESENT: Scott Garrison, Eric Hawkins, MaryPat McCarthy, Brendan Murphy, Christopher Nash

ABSENT:

Also present: Frone Crawford, Esq., Kim Venzie

A motion to approve the minutes of the February 12, 2019 meeting was made by **Mr. Nash** and seconded by **Mr. Garrison**. Motion carried with one abstention from Mr. Murphy who was not able to vote.

Recommendation on Wireless Communications Facilities Ordinance

Ms. Kim Venzie with Buckley Brion is in attendance tonight to discuss the current Birmingham township ordinance and necessary updates with regard to wireless communication facilities. She has prepared a couple of memos with respect to the proposed changes that need to be addressed to bring the ordinance up to the current times. The March memo provides a general overview and the April memo goes into more detail.

The March 8th memo discusses the current ordinance as it relates to cellular data and it is fairly outdated. It does not address the newest facilities out there, called DAS facilities. The new revised ordinance will address these in terms of how to regulate both the small and larger cell towers within the township. She has several photographs of existing DAS facilities within the Chester County area. These smaller cell towers are generally located within the rights-of-way. They relate directly to the number of bars you see on your cell phone. These facilities need to be located much closer together than larger cell towers in order to allow devices to have access to data downloads. The FCC is pushing for rapid deployment of these facilities. This area of law is constantly changing.

Per Mr. Crawford, many of these facilities are attempting to be located within public rights-of-way and in turn townships are generating revenue from these because they are using the public right of way. The FCC has put forth suggested rates that can be charged for the use of the public right of ways.

Ms. McCarthy asked if these facilities can be located within developments? One way that Ms. Venzie has drafted these ordinances in other townships is to specify on which roads within a township the facilities can be located. For instance, in many

neighborhoods utilities are located underground and thus there are no poles readily available on which to locate the devices.

As the committee reviews the photographs of other facilities within Chester County, Mr. Garrison asked how far apart the devices are located? Ms. Venzie states approximately a half a mile - definitely within sight of each other to allow for communication between devices.

Mr. Murphy asked if there is a height allowance or requirement? Does a higher located device mean that you end up with less poles because they can all work in conjunction with each other? Ms. Venzie states that they generally seek a height of 55 ft. She is not sure of the answer to the second question as she doesn't know how the technology works exactly. She will find out the answer to this question though.

Ms. McCarthy asked if the devices emit any noises? And how does the technology work? Is the technology communicating via microwaves? Ms. Venzie has an article that explains how the DAS technology works and she will share it with the committee via email.

Ms. Venzie needs from the PC:

- Listing of roads on which we would like to see only co-location;
- Listing of roads where we would be ok with having new poles added to the area;
- Height allowances (minimum vs. maximum)
- Listing of viewsheds within the township that we would like to be protected.

Ms. Venzie would like to have a revised ordinance ready by the end of the summer. She will get a revised ordinance to the PC to review for feedback in the next month or so.

New Business:

Ms. McCarthy asked Mr. Crawford if there is anything that the PC should be working on at this point - either from the Comprehensive Plan or anything else that we should be addressing. Mr. Crawford will look at the Comprehensive Plan and let us know next month.

Motion to adjourn the meeting was made at 8:29pm by Mr. Garrison and seconded by Mr. Nash and approved unanimously. Next meeting is scheduled for June 11, 2019.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary