

Birmingham Township Planning Commission (BTPC)

Minutes of the meeting October 13, 2020

The regular meeting of the BTPC was called to order by Ms. McCarthy at 7:30pm via Zoom.

PRESENT: Scott Garrison, MaryPat McCarthy, Brendan Murphy, David Shields

ABSENT: Eric Hawkins

Also present: Kim Venzie

Ms. Venzie asked to change the order of the items on the agenda tonight and address the Set Back and Solar Energy Ordinance first.

Set Back and Solar Energy Ordinance

Ms. Venzie is in attendance this evening to go over the final version of the Set Back and Solar Ordinance to see if the Planning Commission has any issues with this latest version. Ms. Camp worked with the supervisors on this and wanted to have the PC take a final look at this version and provide input.

Ms. McCarthy asked the members if everyone reviewed this version and if there is any additional discussion. Mr. Murphy made a motion to recommend approval of the latest version of the Set Back and Solar Energy Ordinance as written with no changes. Motion seconded by Mr. Garrison and approved unanimously.

Telecommunications Ordinance

There are a number of documents to go over tonight – they were all sent to the committee members on September 22nd for review prior to this meeting.

The first document will amend the Zoning ordinance as it will still govern the large cell towers and anything that does not meet the definition of Small Wireless Facilities. This first document specifically provides for new regulations and updates the definitions. It starts by referencing Section 1, Article II, Section 122.6. This is a document that the PC has already seen before – it is the Zoning Ordinance amendment that was worked on last year to update the wireless communication facilities provisions within the Zoning Ordinance. This is basically the same document that was approved last year – Ms. Venzie has simply added additional language as a cross reference to address Small Wireless Facilities (SWF). The Small Wireless Facilities will be its own ordinance.

The second document is the new Chapter 96 addition that will address only Small Wireless Facilities. It is best for this to be its own stand-alone section because the designs and regulations of SMF are constantly changing. The other reason to have it separate is that they are not supposed to be regulated according to Zoning because they are typically allowable within any public right of way. This new Chapter 96 will try to control and regulate the SWF by dictating what they can look like. The challenge with

these is that the FCC made a ruling that municipalities cannot regulate SWF like large towers because these are needed to advance technology. It also sets forth the application process and what fees that can be charged.

The third document is a resolution to adopt the Birmingham Township Small Wireless Facilities Ordinance and the Design Guidelines. The Design Guidelines are important for any provider looking to add SFW within Birmingham Township. The Design Guidelines are attached as four files that are labeled Fig 1, 2, 3, and 4; they offer acceptable design options within Birmingham Township based on the various areas the provider is planning to locate the SMF.

Figure 1 is for a residential location between two homes

Figure 2 is for a location between commercial buildings

Figure 3 is examples of colocation options on existing utility poles, pendant poles, existing traffic lights,

Figure 4 is examples of entirely new location options within the township

Note that the ordinances are written to encourage colocation. There is also language in the document that allows for the provider and the township to come up with a new idea for a specific area – this is important as the technology and the designs are constantly evolving.

Ms. McCarthy asks for discussion from the group on these proposed ordinances and amendments. She also asked Ms. Venzie what the timeline is for this being adopted by the BOS. Ms. Venzie notes that we are probably about two months out as it will require advertising prior to the public meeting.

Mr. Shields notes that he thinks it would behoove the township to adopt these soon since the technology is spreading across the area already. Ms. Venzie stated that the design guidelines can be updated as newer ideas and examples become available. Discussion ensued about how long the PC has spent discussing this topic, now it becomes important to get this in place to protect the township.

Mr. Murphy asked Ms. Venzie if there have been any lawsuits regarding these issues in other townships. She stated that the lawsuits happened previously and the lawsuits are what prompted the FCC to make a ruling about not limiting them in municipalities.

Mr. Garrison made a motion to move of the Wireless Communication Facility Ordinances and Design Guidelines forward to the Board of Supervisors for adoption. The full Wireless package includes the following: Wireless Communication Amendment to the Zoning Ordinance, Stand-alone Small Wireless Facilities Chap 96 Ordinance, and the Resolution with attached Design Guidelines. Mr. Shields seconded the motion and it passed unanimously.

New Business/Public Comment:

None

Motion to adjourn the meeting was made at 8:23pm by Mr. Murphy and seconded by Mr. Shields and approved unanimously. Next meeting is scheduled for November 10, 2020.

Respectfully submitted,
Jennifer A. Boorse
PC Secretary