BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 210

AN ORDINANCE OF THE TOWNSHIP OF BARRETT, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 525 (ZONING) OF THE BARRETT TOWNSHIP CODE OF ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA STORAGE CENTERS.

The Board of Supervisors of Barrett Township (the "Board"), Monroe County, Pennsylvania, hereby ordains and enacts the following:

PART 1
GENERAL PROVISIONS

Section 101. Short Title. This Ordinance will be known as the Barrett Township Zoning Ordinance Amendment Regarding Data Storage Centers.

Section 102. Legal Authority. The Pennsylvania Second Class Township Code authorizes a board of supervisors to make and adopt ordinances that are necessary for the proper management, care and control of the township, and to maintain the health and welfare of the township and its citizens. See 53 P.S. § 66506 ("General Powers"). The Pennsylvania Municipalities Planning Code authorizes a board of supervisors to plan for the development of the township through zoning, subdivision and land development regulations, and also to enact of amendments to zoning ordinances pursuant to certain procedural formalities. See 53 P.S. § 66516 ("Land Use Regulations") and 53 P.S. § 10609 ("Enactment of Zoning Ordinance Amendments").

Section 103. Legislative Intent and Purpose. Based on the above referenced legal authority, the Board desires to amend Chapter 525 (Zoning) of the Barrett Township Code of Ordinances ("Code") by revising definitions of certain terms, and by providing for new regulations pertaining to "data storage centers."

The Board finds that the regulations promulgated by this Ordinance are necessary to achieve the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the citizens of Barrett Township; and

B. To ensure the adequate and safe development and use of property located in Barrett Township.

Section 104. Legal Conflicts.

A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.

B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms,

provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Township intends that this Ordinance would have been enacted had each and every invalid provision not been included.

PART 2
DEFINITIONS

Section 201. General Interpretation. For the purpose of this Ordinance, the present tense shall include the future tense; the singular shall include the plural; words used in masculine gender shall include the feminine and the neuter; the word "shall" is always mandatory; the word "may" is always permissive.

Section 202. Definitions. Chapter 525, Zoning, Article II, Definitions, Section 525-3 ("Word usage; definitions") of the Code, is hereby amended to add the following definitions of "Data Storage Center", "Data Center Accessory Uses", "Data center Equipment, "and "Cryptocurrency Mining Facility" in alphabetical order:

"Cryptocurrency Mining Facility: specialized Data Storage Centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency."

"Data Center Accessory Uses – Generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center."

Data Center Equipment ("DCE") – Includes any Data Center Accessory Uses which in an un-muffled state generate noise in excess of the permitted maximum dB(A) set forth below at the point of generation. DCE shall be accessory to the Data Storage Center and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center.

"Data Storage Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Storage Center may also include Data Center Equipment and/or Data Center Accessory Uses when located on the same parcel or assemblage of adjacent parcels developed as a unified development. The Data Storage Center use shall be inclusive of Cryptocurrency Mining Facilities."

PART 3
OTHER AMENDMENTS

Section 301. Amendment to Chapter 525, Article IX (Industrial District).

A. Data Storage Center and Data Center Accessory Uses. Chapter 525, Zoning, Article IX, Industrial District, Section 525-20.B, Uses permitted by conditional approval, is hereby amended to add "G-18: Data Storage Center and Data Center Accessory Uses" to the conditional uses.

Section 302. Amendment to Chapter 525, Article X (Use Regulations). Chapter 525, Zoning, Article X, Use Regulations, Section 525-23 (Use Regulations), Subparagraph G(18) is hereby added providing the following standards:

§ 525-23.G

(18) Data Storage Centers. Data Storage Centers as defined in Article II (Definitions) shall conform to the following requirements:

1. Minimum lot area: 10 acres.

2. The tract or assemblage of parcels developed as a unified development shall have direct access to an arterial, connector, or collector road, as defined in Chapter 450, Article 450-55 -STREETS A of the Subdivision and Land Development Ordinance.

3. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.

4. All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or loading/unloading areas shall be screened by a 250-foot-wide buffer yard from all property lines. A 250-foot buffer is also required along the frontage of all streets. These buffer yards shall meet the following conditions:

   A. The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.

   B. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.

   C. The following note shall be placed on the conditional use plans and on the recorded land development plan: "Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the landowner."

   D. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees and shrubs and plantings. Such guarantee shall be released only after passage of the second growing season following planting.

E. The buffer yard may overlap the required side, front, and rear yards for building setback, and in case of conflict, the larger yard requirements shall apply.

F. All plantings shall conform to the Township's requirements and shall not be considered invasive plants in accordance with the lists established by DCNR.

G. Existing woods within the buffer shall remain undisturbed and permanently maintained. Additional plantings shall be added, if required by the Zoning Officer, to achieve the visual screening requirements.

5. Data Center Equipment shall not be located between the principal structure(s) and the street upon which the parcel fronts. DCE shall be separated from all adjacent residential uses by principal buildings. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.

6. All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of one tractor-trailer.

7. A minimum 8-foot high black poly-coated chain link fence or other material approved by the Board of Supervisors shall be installed around the perimeter of the improved development area and inside the landscape buffer.

8. Data Storage Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser. No parking or loading/unloading shall be permitted on or along any public road.

9. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

10. LEED (Leadership in Energy and Environmental Design) Certification is strongly encouraged as well as roof-mounted accessory solar energy systems.

11. The applicant shall coordinate with the Monroe County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Monroe County Control Center Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems if needed to meet compliance.

12. Evidence of adequate water and sewage disposal service shall be provided to the township with the conditional use application.

A. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the conditional use application.

B. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the conditional use application, submit written evidence that they have complied with all Township and state regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

(1) Water Resources Impact Study. A water resources impact study shall be required for all Data Storage Center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period.

a. Purpose. These regulations are to ensure that the Data Center development of new wells are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses.

b. Pumping Test and Water Quality Analysis. All elements of the pumping test well and water quality analysis shall be completed prior to submission of the water resource impact study. A well construction permit is required for the pumping test well(s) and monitoring well(s) for preparation of the water resource impact study.

c. Professional Preparation & Certification. The water resource impact study shall be prepared, signed and sealed by a licensed professional geologist and/or engineer, licensed in the Commonwealth, and experienced in the performance of groundwater investigations for water supply wells.

d. The study shall contain the following at a minimum:

A. Water consumption. Calculations detailing the facility's daily and 30-day average water consumption. Include details on the specifications of the cooling system(s) to be used and how it affects the water usage (i.e. evaporative cooling, air cooling or hybrid cooling). The total water demand shall include usage for cooling and humidification, operational and maintenance needs, fireflow requirements, and potable water use for staff and facilities. The Water Usage Effectiveness metric shall be provided, which assesses the water consumption relative to energy usage.

B. Water sources. An evaluation of all potential water sources, such as public water supply, surface water, groundwater, reclaimed water, or harvested rainwater. The proposed facility

shall integrate reclaimed water or harvested rainwater into the water source.

C. Local water resource assessment. An evaluation of the capacity and reliability of the local water sources to meet the data center's demands without impacting existing users. An analysis of potential effects on local surface water and groundwater resources, including impacts on nearby private wells. If wetlands, seeps, springs, ephemeral pools and/or streams exist within 300 feet of the site, the potential affect of these features shall be evaluated during pumping tests. Direct monitoring of water levels and direct measurement of flows during pumping tests shall be required when surface water features are deemed at potential risk. Pumping test wells and monitoring wells shall be conducted to show data that the proposed water demand will not impact the adjacent properties' wells and/or water supply.

D. Water management and mitigation plan. Plans to maximize water efficiency through technologies like optimized cooling tower operations, water reuse, and greywater recycling. Alternative water resources shall be provided, including utilizing a minimum of one alternative water resource with on-site wells (i.e. storage tanks, water reuse, treated effluent). An analysis of the volume, quality, and discharge of wastewater (i.e. blowdown from cooling towers) and the potential impact on local water bodies (i.e. high-quality or exceptional value waters and how anti-degradation will be provided).

E. Contingency Plan. Plans shall include provisions for drought conditions such as utilizing on-site water storage and backup trucking services. The effects on the adjacent properties during drought conditions should be evaluated.

F. Calculations. The following shall be included as a minimum.

(1) Maps. A topographic and geologic map of the area within a one mile radius of the site. The following items shall be noted on the map:

a. The location of all existing and proposed wells, including the test well(s) and monitoring wells.

b. The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges.

c. The location of facilities storing and handling residual or hazardous wastes and substances or petroleum products.

d. The location of all perennial and intermittent watercourses.

(2) Site Plan. A site plan shall be provided showing the layout of the proposed Data Center. The following features shall be presented on an up-to-date plan for the site and area within 500 feet beyond the site perimeter.

a. Flagged wetland boundaries.
b. All springs, seeps, and ephemeral pools.
c. All watercourses with a statement as to whether they are perennial or intermittent.
d. Existing and proposed wells.
e. Existing and proposed septic systems.
f. Test well(s) and monitoring wells.
g. Topography.
h. Piezometer wells, if applicable.

(3) Pumping Test Wells. The test well shall be the supply well(s) anticipated for the facility. A backup well is highly recommended and should be tested on a separate week than the primary well.

(4) Monitoring Wells. Monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region and to determine any impacts associated with the adjacent properties. Wells shall be evenly distanced from the test well so as to experience background in addition to interaction conditions. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final report.

(5) The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Township permission for a period not to exceed 18 months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this chapter.

(6) Water levels in the monitoring wells shall be made as sufficient frequency during the test so as to allow for a clear understanding of the static water level trend throughout the pumping test. At least one week prior to the pumping of the test well, the monitoring wells shall be measured on at least four separate days. During the pumping test, monitoring wells shall be measured at no less than two-hour intervals during daylight periods. It is highly recommended that either nighttime measurements be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor quality data may negate the test results. At least four days of post well water level measurements shall be recorded over a period of a week.

(7) Ground elevation adjacent to the well(s) in addition to the static water level shall be based on the USGS vertical datum.

e. Testing Locations and Details. Prior to drilling and/or testing, the Township Engineer shall be provided with the Pennsylvania State Plan Coordinates for the monitoring and test well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and/or testing, the Township Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Township Engineer prior to the test. Dates of drilling and testing shall be made available to the Township Engineer so that they may witness field operations as necessary.

f. Geologic Log. An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s), to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every 20 feet during drilling, or at each change in rock type, whichever occurs first.

g. Pumping tests. Forty-eight-hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than 150% of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include the monitoring of background water levels in all wells for a period not less than one week prior to start of pumping and one week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least 95% recovery of draw down is observed in the test well, or until 48 hours after termination of pumping, whichever is first.

h. Pumping Rate. The pumping test shall be conducted at a constant pumping rate that shall not deviate greater than plus or minus five (+/- 5%) during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

i. Pump Test Discharge. The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Township Engineer, and shall be at least 100 feet distant.

j. Required Data. The report shall include precipitation data, static water levels immediately prior to yield testing, hydrograph of depth to water

surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.

k. Water Quality. Water quality samples shall be obtained from the test well and a representative sample of the monitoring wells at termination of the pumping testing to demonstrate that drinking water quality conforms to this section.

   A. All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the Commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.

   B. Water quality testing shall include, at a minimum, the following parameters: total and fecal coliform, nitrate/nitrite, pH, iron, manganese, sulfate, lead, chloride, hardness, turbidity, odor, total dissolved solids, surfactants (detergents), volatile organic compounds – Group 1 (VOC1) + 10 unknowns, mtbe, herbicides – Group 1 (H1) and pesticides – Group 3 (P3). A library search for tentatively identified compounds (TICs). Additional analysis shall be required if TICs are discovered. Group 1 (VOC1), etc., refer to PA DEP categories of contaminants.

   C. A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. There shall be no change in water quality of the monitoring wells due to the pumping of the test well.

   D. The laboratory report shall include the name, license number and address of the state drinking water certified laboratory.

l. Aquifer Capacity. Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the Data Center while not impacting the adjacent properties' wells. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

(2) The applicant shall provide proof of review and approval for Data Centers meeting the following criteria:

a. Annual water usage reports are required to be submitted to PADEP for Data Centers over 10,000 gallons per day (gpd) over a 30-day period.

b. Water withdrawals with an average of 10,000 gallons per day (gpd) over a 30-day period must register with PADEP.

c. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Delaware River Basin Commission (DRBC) or applicable River Basin are required to obtain a formal project review and Docket approval.
d. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source is required to be reviewed and approved by the Delaware River Basin Commission.

(3) On-lot wells may not be located within a buffer yard.

C. On-Lot Sewage Disposal. The applicant shall demonstrate safe and adequate on-lot sewage disposal capacity for the submission of the conditional use application. This shall include a report detailing the proposed sewage flow generation, soil testing performed and the results of those tests, anticipated pollutant/heat removal technologies and methods, and a map showing the sewage disposal area, along with all conveyance infrastructure and treatment tanks and equipment. The township sewage enforcement officer shall be notified prior to conducting preliminary deep soil test pit evaluations and percolation/hydraulic conductivity testing.

13. An environmental impact assessment shall be performed and submitted with the conditional use application. The Assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

A. The potential for public nuisance to residents resulting from operations, including noise, glare, light, and visual obstacles.

B. A stormwater management plan, demonstrating compliance with Chapter 23, Stormwater Management Ordinance.

C. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures which may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

D. Additional considerations. The following shall also be addressed:

(1) Alternatives analysis. A description of alternatives to the impacts.

(2) Adverse impacts. A statement of any adverse impacts which cannot be avoided.

(3) Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

(4) Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.

E. Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.

(1) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

(2) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.

(3) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

14. The applicant shall provide an interconnection agreement with the conditional use application from the applicable electric service provider indicating that the necessary capacity is available, and the data storage center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data storage center project shall be noted.

15. Fire protection plan. The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and the Barrett Township Fire Company (or other applicable successor local fire company) for review and comment. A Knox-type box shall be installed on all access gates for emergency access by the Barrett Township Fire Company (or other applicable successor local fire company) and other emergency responders.

16. Emergency management.

A. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

(a) Be reviewed and accepted by the local fire department and emergency management services as part of the [conditional use/special exception/land development] process;

(b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

(c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

(d) Ensure that all first responders receive adequate training specific to the installed system;

(e) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.

B. Any Data Storage Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

C. No Data Storage Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

D. Data Centers shall have automatic fire protection systems within the IT equipment areas, such as an automatic sprinkler system, a gaseous clean agent extinguishing system, or both. All proposed systems shall meet the Building Code requirements.

E. An on-site water tank shall be required to be provided with a Fire Company hook up. The capacity of the tank shall be based on the required fire flow, building's hazard level and size, and the required fire flow duration.

F. An on-site drum of Class A foam shall be provided (size, number, and location of drums to be coordinated with the Fire Chief) for the Fire Company. The drums shall be replaced and/or tested in accordance with NFPA requirements and/or the Fire Company.

G. Data Centers that utilize nuclear power shall provide the Fire Company with Personal Protection Equipment in accordance with NFPA and OSHA.

17. Power Supply.

    A. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that that the necessary capacity is available, and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.

    B. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

18. Permission to apply. An affidavit or evidence of agreement between the property owner and applicant and/or operator confirming the applicant and/or operator has permission to apply for the conditional use.

19. Noise Control.

    A. For Data Storage Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township professional acoustical expert, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including by not limited to generators) to a maximum decibel level of 57 dB(A) as measured from all external property lines of the Data Center use. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:

        (1) A preliminary sound study for the Data Storage Center and associated DCE shall be conducted as part of the Conditional Use process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.

        (2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Storage Center and associated DCE depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Storage Center.

        (3) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Storage Center and associated DCE prior to the final escrow release for any Data Storage Center land development

phase. An as-built sound study may also be required thereafter by the Township upon request.

(4) If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Storage Center shall promptly remediate the violation.

(5) The owner or occupant of the Data Storage Center shall provide the Township a plan of action to remediate the sound violation within 10 days of the date of the violation. The plan of action shall detail what measures will be conducted (e.g., construction of walls, additional buffering, etc.) to reduce the sound to meet the requirements of this Ordinance. Corrective action must be completed within 90 days of the Township's approval of the plan of action. Upon application by the owner or occupant, the Township's Board of Supervisors may approve and/or modify the timeline as it deems necessary. In the event of a failure by the owner or occupant to remediate a sound violation within the specified time, the Township may revoke any zoning permit(s) previously issued for the Data Storage Center. The owner or occupant must post a performance guarantee with the Township in an amount agreed upon by the Board for costs associated with completing the plan of action for sound remediation. Such guarantee shall be released only after the second year of operation with verification from a sound study showing the facility meets the required maximum decibel level at the property lines.

PART 4
EFFECTIVE DATE

Section 401. Effective Date. This Ordinance will be effective 5 days after its enactment, and will remain in force until modified, amended, or rescinded by Barrett Township, Monroe County, Pennsylvania.

[Signatures on Next Page]

ENACTED AND ADOPTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 18 day of December, 2025.

DULY ENACTED AND ADOPTED on this 18 day of December, 2025.

BOARD OF SUPERVISORS OF BARRETT TOWNSHIP

Pamela Gardsy, Chair

Patti O'Keefe, Vice-Chair

Kelly Slinger, Secretary/Supervisor

Darryl Speicher, Supervisor

Grover Cleveland, Supervisor

ATTEST:

Secretary

(TOWNSHIP SEAL)

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2025-210 enacted by a majority vote of the Board of Supervisors of Barrett Township at a properly advertised meeting of such Supervisors duly held on 12/18, 2025. Present at the meeting were, and a record of their vote was, as follows:

Name	Present	Aye	Nay
Pamela Gardsy	☒	☒	☐
Patti O'Keefe	☒	☒	☐
Kelly Slinger	☒	☒	☐
Darryl Speicher	☒	☒	☐
Grover Cleveland	☒	☒	☐

Further, be it certified that public notice of said meeting was given in the manner provided by law; that said Ordinance shall be duly recorded upon the Minutes of Barrett Township, has not been amended or rescinded, and is in full force and effect this 18 day of December, 2025.

Dated: December 18, 2025

Kelly Slinger, Secretary