

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

DELAWARE RIVERKEEPER NETWORK,  
CLEAN AIR COUNCIL, DAVID DENK,  
JENNIFER CHOMICKI, AND JOANN  
GROMAN,

Petitioners

v.

MIDDLESEX TOWNSHIP ZONING  
HEARING BOARD,

Respondent

v.

R.E. GAS DEVELOPMENT, LLC,  
MIDDLESEX TOWNSHIP, AND ROBERT  
G. GEYER,

Respondent

: No. 270 WAL 2017  
:  
:  
:  
: Petition for Allowance of Appeal from  
: the **Unpublished Memorandum**  
: **Opinion and Order** of the  
: Commonwealth Court at No. 2609 CD  
: 2015 entered on June 7, 2017,  
: **affirming** the Order of the Butler  
: County Court of Common Pleas at No.  
: No. 15-10429 entered on November  
: 19, 2015

**ORDER**

**PER CURIAM**

**AND NOW**, this 3<sup>rd</sup> day of August, 2018, the Petition for Allowance of Appeal is **GRANTED**. The Order of the Commonwealth Court is **VACATED** and this matter is **REMANDED** to the Commonwealth Court for reconsideration of its decision in light of *Pa. Env'tl. Def. Found. v. Commonwealth*, 161 A.3d 911 (Pa. 2017). In addition, in light of the amendments contained in Middlesex Township Ordinance 127, which expressly include

gas well development as a permitted use in the subject R-AG zone, and our decision in *Gorsline v. Bd. of Sup. of Fairfield Twp.*, ---A.3d---, 2018 WL 2448803 (Pa. 2018) wherein we noted “this decision should not be misconstrued as an indication that oil and gas development is never permitted in residential/agricultural districts, or that it is fundamentally incompatible with residential or agricultural uses,” we direct the Commonwealth Court to reconsider the relevance of *Gorsline* to its analysis of the issues on appeal in this case.