

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

DELAWARE RIVERKEEPER NETWORK,	:	No. 270 WAL 2017
CLEAN AIR COUNCIL, DAVID DENK,	:	
JENNIFER CHOMICKI, AND JOANN	:	
GROMAN,	:	Petition for Allowance of Appeal from
	:	the <b>Unpublished Memorandum</b>
Petitioners	:	<b>Opinion and Order</b> of the
	:	Commonwealth Court at No. 2609 CD
v.	:	2015 entered on June 7, 2017,
	:	<b>affirming</b> the Order of the Butler
MIDDLESEX TOWNSHIP ZONING	:	County Court of Common Pleas at No.
HEARING BOARD,	:	No. 15-10429 entered on November
	:	19, 2015
	:	
Respondent	:	
	:	
v.	:	
	:	
R.E. GAS DEVELOPMENT, LLC,	:	
MIDDLESEX TOWNSHIP, AND ROBERT	:	
G. GEYER,	:	
	:	
Respondent	:	

**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. Envtl. 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.