

Planning Commission (PC) Meeting Minutes
Wednesday, January 20, 2016, 7:30 P.M.

Attendance: Commissioners Gary Summers, Meg Johnson, Mickey Bailey, Rob Miller, Sean Rafferty; Kristin Camp, PC Solicitor. Commissioner absent: Suzy Breiseth.

1. **Call to Order:** Summers called the meeting to order at 7:35 p.m.
2. **Confirmation of Appointments and Election:** Secretary stated that during the January 4, 2016 Reorganization Meeting, the Board reappointed Summers with a term to expire December 31, 2019 or until a replacement is named. MOTION: Miller moved, Rafferty seconded, to nominate Summers to serve as Chairman; motion carried. MOTION: Rafferty moved, Miller seconded, to nominate Breiseth to serve as Vice Chairman; motion carried. Rafferty noted that Supervisor Alice Balsama is the Board Liaison to the Planning Commission but she is not able to attend tonight.
3. **Public Comment:** no public comment.
4. **Team AHA First Lego League Robotics - Tube Tree Protectors:** three students from Pocopson Elementary School - Josiah Hoopman, Bridget Hoban, and Chi Xu - presented their ideas to address concerns regarding the use of tube tree protectors. The students were before the PC as a follow-up to a presentation they made during the November 23, 2015 regular meeting of the Board of Supervisors. Previously, the students met with Chotty Sprenkle from the Chester County Conservation District to discuss how tube tree protectors are maintained by the County. The students presented arguments for and against the use of tube tree protectors and asked the PC to consider initiatives and legislation to mitigate the myriad of problems caused by tube tree protectors used on trees planted in riparian buffers. The students suggested incorporating a policy within the riparian buffer ordinance but asked that the reference be "soft" as to maintenance of the tube tree protectors because if a mandate is imposed, people may stop using the tube tree protectors altogether and the students believe that will present a greater detriment to the saplings. Rafferty questioned if the tubes were biodegradable, to which the students replied that the plastic does break down but into pieces and does not dissolve. Students created a prototype of an improved tube design. Solicitor Camp asked and the students provided information on tree growth and appropriate standards that might be followed for the removal of the tubes as the trees mature. Summers agreed that the PC will consider including tube tree protector standards in the ordinance so that landowners are aware of the responsibility that goes along with the use of the devices. The Commissioners thanked the students for taking time to attend the meeting.
5. **Riverside Daycare Partnership Request for Extension:** MOTION: Rafferty moved, Miller seconded to approve the request for a review extension dated January 5, 2016, to extend the review period to May 30, 2016; motion carried.
6. **Riparian Buffer Ordinance Amendment (Brandywine Conservancy):** John Theilacker, AICP, Associate Director for Municipal Assistance, Brandywine Conservancy, attended the meeting to discuss the review and comment memos as follows:
 - a. Greenway Corridor Conservation Standards - Commissioners discussed memo dated January 12, 2016 which provides background and recommendations

regarding what constitutes a greenway corridor and recommendations for compliance concerns for applicants who want to build within the corridor. Theilacker noted that the original intent of the corridor was to establish some semblance of open space to capture natural cultural resources. Zoning Chapter 250 includes a provision for the Board of Supervisors to modify a conditional use requirement depending on the site and the proposed improvement. Commissioners raised the following concerns: (i) the validity of the corridor references in the Code as the greenway map was not adopted as an exhibit to the ordinance; and (ii) while applicants take steps necessary to comply, invariably, an adjacent parcel is issued a logging permit which activity is exempt from natural features compliance. Going forward, Summers would like to see developable lands juxtaposed with the greenway corridor. Solicitor Camp suggests that the review process include a clear definition of and standards as to what constitutes a greenway corridor. Theilacker offered continued assistance from the Conservancy at no charge to the Township to rework the map and present it at a future Planning Commission meeting.

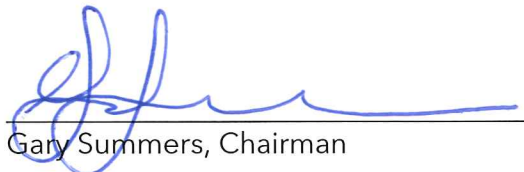
- b. Riparian Buffer Ordinance Amendment - Commissioners discussed memo dated January 15, 2016 regarding proposed ordinance amendments for increase forested riparian buffer protection. The matter was last discussed in July 2015 at which time the Township accepted the free technical assistance provided by the Conservancy available through a grant they received from the William Penn Foundation. Theilacker focused on Code Section 250-87, subsection F which currently defines the riparian buffer as comprising two zones - an inner (zone one) and an outer (zone two). It is proposed to eliminate the two-zone buffer definition in favor of a single riparian buffer of 100 feet in width, or a width that aligns with the outer edge of the 100-year floodplain where applicable. In addition, the proposed amendments seek to add use and activity standards and include a 50-foot minimum buffer width for wetlands. Commissioners recognized that the proposed changes are consistent with the MS4/TMDL requirements of the DEP for special protection waters, but voiced concern regarding enforceability of maintenance requirements as well as restoration and remediation issues. Commissioners will carefully consider the percentage of disturbed area and the kinds of limitations that may be imposed on a landowner, who by example, might want to build a residence. The proposed amendment will not apply to existing uses. Solicitor Camp will work with Theilacker to amend the definition for impacted riparian buffer (page 1); Section (5) uses or activities (page 2); and Section (8) conditions for approval (page 4).

7. **Upcoming Township Meetings:**

- a. Board of Supervisors January 25, 2016 and February 8, 2016
8. **Approval of Meeting Minutes:** Summers moved, Johnson seconded, to approve the Meeting Minutes dated November 18, 2015; motion carried.
9. **Other Business:** no other business brought before the Commission.
10. **Adjournment:** At 8:35 p.m., Rafferty moved, Miller seconded, to adjourn the meeting; motion carried.



Susan Simone, Administrative Secretary



Gary Summers, Chairman