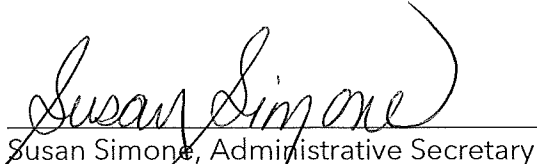


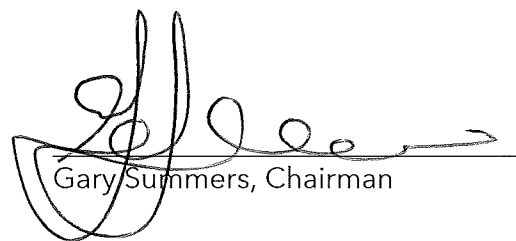
Planning Commission (PC) Meeting Minutes
Wednesday, September 5, 2018, 7:30 P.M.

Commissioners in attendance: Gary Summers, John Hess, Rob Miller, Mickey Bailey, Matt Murphy, Paul Cardell, Sean Rafferty. Commissioner absent: Sam Kanjula.
Consultants in Attendance: Kristin Camp, Solicitor; Craig Kologie, AICP, Zoning Official.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment:** no public comment.
3. **Conditional Use Application: Milliner, 75 South Wawaset Road, Tax Parcels 63-2-1; 63-2-3; 63-2-4 (Application):** the following individuals appeared before the PC to discuss the Application: Edward Foley, Esquire; Claire Milliner and Walt Koken, Applicants; Ken Crossan, P.E., Engineer; Tom Kearney Construction, Builder. In addition to the Application, the PC received an email from Brandywine Conservancy regarding the Grant of Easement and Declaration of Restrictive Covenants as well as comment and review letters from the Township Engineer and the Zoning Official.
 - a. **Discussion -** Applicants presented that the 98-acre farm was purchased in 1956 and the easement work was completed in the 1990s when the owners agreed to a walking trail along the Brandywine for the benefit of the Township. The oldest part of the farmhouse was built in 1744 and it is one of a number of structures on the property. The Applicants desire to build a second dwelling on the property which will match the architecture of the farmhouse. Kologie pointed out and the Applicants agreed that an apartment exists above a garage on the property. Foley noted it is an accessory dwelling that has been occupied by a member of the family in the past and currently. Bailey asked if the Applicants considered subdividing the property given that there may be a desire in the future to convey a dwelling. Foley responded that the family is interested in keeping the parcels as a farm although there is sufficient acreage in a non-conservation easement area to subdivide. Summers noted that the PC recommendation be limited to the Application without comment as to future conveyances. Milliner noted that the proposed dwelling is outside of the Brandywine Conservancy easement. Crossan expressed that the Applicants will be able to meet the conditions and recommendations set forth in the comment and review letters submitted by the Township Engineer and Zoning Official. Miller and Camp noted that no portion of the Conservation Easement Area can be used to satisfy the land area requirements for the second dwelling. Applicants are confident that the calculations are not problematic given the acreage of the parcels juxtaposed with the planned square footage and location of the second dwelling.
 - b. **Motion -** Miller moved, Murphy seconded, to recommend that the Board of Supervisors approve the requested conditional use pursuant to Section 250-02 of the Zoning Ordinance to allow the construction of a new accessory dwelling unit at the Property subject to compliance with the outstanding comments in the Township Engineer Review and Comment Letter dated August 30, 2018; and that the Planning Commission has no objection to a variance request for Section 250-93.B(3) regarding the existing accessory dwelling unit located above a detached garage on the Property; motion carried.

4. Informational Notice 2-lot Subdivision Birmingham Township Tax Parcel 65-3-8.1, 1200 West Street Road (10.6 acres/Fenceworks Property): PC acknowledged receipt of notice from Birmingham Township.
5. Ordinance Discussions:
 - a. Chapter 78, Fireworks, Preliminary Comments on Pre-Draft - Camp briefly reviewed the provisions of the new state law and attempts by various municipalities to propose prohibition of fireworks. PC agreed that in general terms, it is problematic for Pocopson to draft fireworks legislation for which there is no enforcement. MOTION: Hess moved, Rafferty seconded, to repeal Chapter 78 as it is not enforceable and any legislative relevance of the current Chapter has been replaced by revisions to the state fireworks code that was subsequently passed into law; motion carried.
 - b. Chapter 35, Burning Comments and Discussion - Camp commented that the sample open burning ordinances distributed in advance of the meeting may not have provided the relevance the PC needed for amending Pocopson Chapter 35. Summers noted that previous iterations may have represented a legislative overreaction. Cardell did recognize that portions of the East Bradford Township Ordinance (EBO) are not without merit in that the text provides clarification for bonfires and other fires by definition. Murphy agreed that EBO sections are comprehensive but offered that the section requiring permitting be removed. Miller agreed and noted components of EBO if adopted by Pocopson would not necessarily take away provisions that are important, but that the distance requirements need a closer look. Summers and Commissioners agreed that Camp should rework the language in the EBO as cross-referenced with the Pocopson Township Nuisance Ordinance and that the proposed language be circulated for the October PC meeting.
 - c. Comment and Discussion for an Unmanned Aircraft Ordinance - Secretary indicated that the Board of Supervisors had inquired as to the status of a draft ordinance governing use of drones in the Township. PC revisited previous discussion regarding such a stand-alone ordinance for unmanned aircraft. Commissioners agreed that with no mechanism or agency to enforce restrictions or provisions of a stand-alone ordinance, it would not be advantageous for the PC to draft such ordinance.
6. **Public Meeting Schedule:** Secretary reported that the Board of Supervisors Work Session (if needed) will be held on September 18th at 6:30 p.m. The public meeting for the Board of Supervisors will be held on September 24th at 6:30 p.m. The next Planning Commission Meeting will be October 3rd.
7. **Approval of Meeting Minutes:** Summers moved, Murphy seconded, to approve the Meeting Minutes for August 1, 2018; motion carried.
8. **Other Business:** Cardell noted that while the chain link fence was removed from the County site, some fencing materials remain. Kologie will contact the County facilities manager for removal.
9. **Adjournment:** At 8:25 p.m., Summers moved, Rafferty seconded, to adjourn the meeting; motion carried.


Susan Simone, Administrative Secretary


Gary Summers, Chairman