



Planning Commission (PC) Meeting Minutes
Wednesday, September 21, 2016, 7:30 P.M.

Attendance: Commissioners - Gary Summers, Suzy Breiseth, Matt Murphy, Sean Rafferty, Rob Miller, Mickey Bailey.

Commissioner Absent: Meg Johnson.

Consultants: Kristen Camp, Esquire, PC Solicitor; Brittany Hackman, P.E., Township Engineer; Craig Kologie, AICP, Zoning Official.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment Non-agenda Items:** no public comment.
3. **Ordinances:**
 - a. **Keeping of Animals -** Camp provided an update regarding proposed amendments to Newlin Township's Equestrian Ordinance recently passed by the Newlin Township Board of Supervisors. The text was submitted to the State Attorney General's Office for review while work continues with Newlin's Board regarding the ordinance provisions for commercial equine activities such as horse boarding, riding lessons, and group riding lessons. Camp and Kologie noted that Pocopson's current ordinance requires a 3-acre minimum for such operations, while, in contrast, the position of the State Attorney General is that any parcel located in an agriculture zoning district is permitted equine operations by state law regardless of the acreage available for such operations. As such, state law and agencies are responsible for monitoring the operations for compliance with applicable laws and policies and procedures. A township does not have the right to impose restrictions or compliance regarding land and nutrient management or density limitations. Summers noted that the Commissioners understand the position of the State Attorney General, but that there are myriad of reasons why enforcement by state agencies fails, most likely because the science associated with animal husbandry has been removed. Rafferty asked if the minor or major occupation limits could be imposed when aligned with a commercial equine operation. Consultants noted that Code references to minor and major occupations support that aspect of a commercial operation if it can be said that the owner will need conditional use approval. Kologie noted certain triggers such as animal equivalency units and manure management that can be guiding as to animal density and pasture. Addition of Code Section D(7) would address these triggers even if part of an agriculture operation. Breiseth was uncertain as to whether the proposed legislation is then identifying the keeping of a horse as keeping a pet. Commissioners discussed at length the current Code Sections governing kennels and the keeping and breeding of dogs or hounds. Breiseth noted that previously, the amendments proposed by the PC were written to provide for the continued keeping of hounds for fox hunting. Commissioners agreed to leave the kennel references "as is" given that issues could be addressed at conditional use. Murphy led a lengthy discussion regarding the keeping of roosters noting that noise, or perceived noise, is part of any agriculture operation. He explained the function of a rooster as being more than to propagate a flock by fertilizing eggs. Murphy noted

that it is also the role of a rooster to protect the hens from natural predators. He cautioned writing an ordinance that over-regulates the keeping of animals based on the complaint of a crowing rooster by an adjacent neighbor. In addition, he noted that while the demographics of the Township are changing, agriculture is still a component of the area generally. Kologie recognized the popularity of keeping of chickens throughout Chester County. Summers suggested that guinea fowl are quite loud so animal noise-related legislation might not be possible if the legislation is written to identify a set number of acres or setbacks for keeping them. For these reasons, the Commissioners agreed that excluding roosters and guinea fowl would be unenforceable and should not be part of the ordinance. Relief could be sought under the current Nuisance Chapter if the noise level was such that it created a health or safety issue. With regard to proposed provisions for riding ring standards, the Commissioners agreed that the current Code Sections 250-18 and 250-95 (Lighting Standards) provide appropriate guidance for decisions regarding that aspect of a commercial operation. Proposed Code Sections H(a)(i) through (iv) to be removed.

- b. Greenway Corridor and Riparian Buffer - John Theilacker, AICP, Municipal Assistance, Brandywine Conservancy, was not able to attend the meeting but in a collaborative effort with Camp and Summers, a draft ordinance was prepared and reviewed by the PC. Summers reported that Theilacker agrees that the greenway corridor map is overregulated. Code Section 250-87 provides protection. MOTION: Miller moved, Breiseth seconded, to submit the proposed amendments to Code Sections regarding the greenway corridor and riparian buffer to the Board of Supervisors and the Township Solicitor for review for the purpose of proceeding with a public hearing; motion carried.
 - c. Floodplain Ordinance Update - Hackman and Kologie reviewed the memo dated September 19, 2016, regarding Floodplain Ordinance Update - FEMA & PA DCED Requirements, prepared by Kimberly Venzie, Esquire, Buckley, Brion, McGuire & Morris. They noted that the current Pocopson Code meets the most restrictive language proposed by FEMA. The discussion included a review of the timeline for passage of the legislation given that if the amendment is not adopted, residents who rely on flood insurance may not be able to renew or file claims for properties located in the floodway/floodplain. The amendment process cannot begin in earnest until the maps are approved and that is slated to happen on or about December 29th when FEMA issues the Letter of Final Determination. DCED will administer floodplain reimbursements for municipalities for this mandate up to 50% of the costs to update the ordinance. Hackman noted that Pocopson's Code currently meets most of the standards set forth in the model ordinance. For this reason, Camp suggested that the Township Engineer's Office review the proposed model ordinance juxtaposed with the current ordinance for the purpose of identifying areas that may require changes.
 - d. Miscellaneous Code Sections - PC will address the running list of miscellaneous updates at a future meeting.
4. Meeting dates:
 - a. Board of Supervisors Meeting Monday September 26th and October 17th
 - b. Planning Commission Meeting October 19th
 5. Approval of Meeting Minutes: Rafferty moved, Breiseth seconded, to approve the July 20, 2016 Minutes as circulated; motion approved.
 6. Other Business: Secretary reminded the Board that Brian O'Leary, Executive Director, Chester County Planning Commission, will make a brief presentation during the October 19th meeting regarding the County Comprehensive Plan Update.

7. Adjournment: at 8:31 p.m. Rafferty moved, Summers seconded, to adjourn the meeting; motion approved.

Susan Simone, Administrative Secretary

Gary Summers, Chairman