

**UPPER OXFORD TOWNSHIP PLANNING COMMISSION
SEPTEMBER 4, 2018**

The Upper Oxford Township Planning Commission held their monthly meeting at the township building, 1185 Limestone Road, Oxford, PA at 7:00 P.M. on Tuesday, September 4, 2018.

Members present: Elizabeth Randolph, Sam Reyburn, David Underwood, Karl Herr and Jane Daggett, township secretary.

Others present: Scott Rugen, Charles Fleischmann, Bill Hovis, Fran Sharon, Frances Reyburn, Blair Fleischmann and Sylvia Pope from the Brandywine Conservancy

MINUTES – Motion was made by Dave Underwood, seconded by Sam Reyburn and carried to approve the August 6, 2018 Minutes with the following correction:

“2. Section 306.R – which required storm water infiltration BMPs” (this was incorrectly listed as Section 305.R)

MOTION CARRIED.

TIMBER ORDINANCE – Scott Rugen gave an update regarding the Timber Harvest and Forestry Ordinance. Scott attended a seminar where the Department of Forestry, PA Hardwood Council, Chester County Conservation District, representatives from various industries and their attorneys were present and discussed the challenges by the “Acreage Program”. This prompted Chester County Conservation District to reach out to industries. Scott stated that they received very good input from the industries present and that they were very supported and wanted to be proactive. Scott stated that the meeting on a whole was a very constructed meeting. John Theilacker of Brandywine Conservancy resided over the meeting. The proposed ordinance that the Township is working on is deficient and must be changed. DEP is putting out a new 20 page Timber Harvest Application. Scott has a copy of such application. Issues we are addressing in our ordinance will be covered by DEP regulations. The forestry ordinance will have dramatic changes to it. Mr. Theilacker will re-draft our ordinance and send us an updated draft copies of the timber and forestry ordinance. The hedgerow ordinance is on hold until we get an update from the Conservancy. Karl Herr mentioned that the Attorney General suggested in the North Coventry case that they change their ordinance or rescind it and adopt Penn State’s model ordinance. Scott mentioned that Penn State was on speaker phone during the seminar that he attended.

RIPARIAN BUFFER ORDINANCE – This draft ordinance was discussed at the recently, held work session on August 27, 2018. The Supervisors were hoping that maybe the Planning Commission would soon be in a position to vote on a recommendation. A few minor typo errors were found and on Page 6, No. 6.b. “earth disturbance” was added to the last sentence to read “square feet of earth disturbance added to the property since adoption of this Ordinance”. Discussion was held regarding Section B.3.a. on whether the width should be 100, 50 or 35 feet. Sylvia Pope of Brandywine Conservancy explained low temperatures in streams and the intention of riparian buffers to maintain a forestry area to support quality of the streams for fish habitats. It was mentioned that all the streams in Upper Oxford Township are presently impaired. The Planning Commission questioned if the intent was to adopt all three ordinances at one time. Scott explained that originally the Supervisors had planned to do this but due to the cost, the timber and forestry will be put on hold. The Planning Commission expressed a desire to move forward with the riparian buffer. Two motions were made and died. Eventually, the Planning Commission came to an agreement, on Section B. Applicability – 3.a.

Motion was made by Karl Herr, seconded by Elizabeth Randolph and carried unanimously to have B.3.a read as follows:

“The riparian buffer width may be reduced from one hundred (100) feet to thirty-five (35) feet, but Upper Oxford Township strongly encourages and recommends a fifty (50) foot buffer, but realizes in some cases where it might not be practical, suggests a thirty (35) foot buffer, provided that a Conservation Plan, prepared by a Technical Service Provided certified by the Pennsylvania Natural Resource Conservation Service (NRCS), has been submitted to the Township and that implementation of the Conservation Plan is on schedule.”

Motion was made by Dave Underwood, seconded by Elizabeth Randolph and carried unanimously to recommend that the Board of Supervisors move forward to adopt this Riparian Buffer Ordinance.

A paper was given out listing top priorities to be filled out and given back to the Oxford Regional Planning Commission. The Planning Commission listed the following 3 as their priorities:

1. #12-14 – Natural – Recommendation for the Protection/Management of Vegetation
2. #8-26 – Community Facilities and Services – Recommendations for Fire Service
3. Protection of water quality and thru implementation of zoning ordinances and community education (this was added to the list)

Motion was made by Karl Herr, seconded by Elizabeth Randolph and carried unanimously to have the Board of Supervisors forward the three items listed above to the Oxford Area Regional Planning Commission.

RAIN GARDEN – Sylvia Pope from the Brandywine Conservancy gave an update on the rain garden. Sylvia informed the Planning Commission and the Supervisors present, that they had an ecologist come out to check on the rain garden and the invasive plants. They discussed management moving forward and that the rain garden is ponding water more than it should. Fran Sharon pointed out that the initial problem of drainage has not been corrected.

SEWAGE MANAGEMENT – Two ordinances were given to the Planning Commission to review. Scott Rugen stressed that some time a solution must be found by the township for the sewage problem in Russellville. Different options will be available but at a high cost. The Planning Commission will study the draft ordinances.

ADJOURNMENT - There being no further business, motion was made by Karl Herr, seconded by Dave Underwood and carried unanimously to adjourn at 8:30 P.M.

Respectfully submitted,

Jane Daggett
Secretary