

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
April 6, 2016 – 7:30PM

## **Present**

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Yaw. Also present was Township Planning Director Chris Patriarca and those mentioned below.

## **Call to Order**

Mr. Pomerantz called the meeting to order at 7:30 and led those present in the Pledge of Allegiance.

## **Adoption of Agenda**

The Agenda was approved unanimously as presented (JL/BW).

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of March 23, 2016, were unanimously approved as presented (BW/SY).

## **Reports**

Mr. Yaw presented the April 3 Board of Supervisors (BOS) meeting. He stated a March 28 BOS special meeting was held to review applications for the comprehensive plan task force, historic commission letters and the WEGO budget. At their April 3 workshop the BOS discussed a DEP letter and the sewer interceptor analysis. They also discussed the FEMA application for eligible reimbursements from winter storm Jonas, WEGO issues and well as open space mowing. At their regular meeting the BOS had several departmental reports presented, adopted the 2009 edition of the International Property Maintenance Code, made appointments to the comprehensive plan task force and rejected all mowing bids and instead determined to handle the work in-house.

Under new business, the BOS appointed Tom Oeste to serve as the PC solicitor. This appointment was made to allow for the PC to have independent counsel in the event the Township Solicitor may not be able to, when authorized by the BOS. The BOS also received the Giant Expansion land development application, adopted the employee handbook and paid the bills.

## **Announcements**

Mr. Patriarca stated there is the potential for two new text amendments to come before the PC over the next few months. One would be for the Deer Creek Malthouse and the other looking into major home occupations.

## **Non-Agenda Public Comment**

There were no non-agenda public comments.

## **Old Business**

### **Residential chicken keeping draft ordinance**

Mr. Pomerantz introduced the topic and asked Tom and Eva Foster, of 734 Westbourne Road, to first discuss their concerns with the proposed draft ordinance to start the overall discussion.

Mr. Foster stated he understood the draft to apply to “backyard,” residential flocks and not flocks as part of a larger agricultural use. He further stated one of his neighbors has such a flock, and that the keeping of these chickens has been very beneficial for their autistic child as well as to provide for allergen-free eggs for the family. Mr. Foster stated some consideration should be given to allowing for more than six chickens as proposed in the draft ordinance based on lot size. He then made note of the various state protections afforded to agricultural uses that protect them from local legislation. He further suggested language be added to the draft stating it applies except when preempted by state law for normal agricultural uses. He concluded by asking what brought about consideration of this ordinance.

Mr. Patriarca thanked Mr. Foster for coming to the meeting and providing their thoughts on the draft. He then stated that he was open to allowing more than the six total hens proposed in the draft based on overall acreage. He mentioned that the West Goshen ordinance took this kind of approach, and stated it would not be inappropriate for Westtown due to the varying lot sizes across the Township. Ms. Adler stated consideration should be given to allowing for more hens on larger residential lots. Mr. Rodia stated there should be some sort of incremental increase in the number of hens allowed based on overall lot size. Mr. Whitig also agreed with this sentiment and asked Mr. Foster what would be classified as agricultural keeping of chickens by the state. Mrs. Foster stated the state considers the keeping of at least 3,000 chickens as being a commercial operation.

Mr. Hatton asked if there is a minimum number of chickens needed for their health and survival. Mrs. Foster stated that there should be more than one, but that the total number depends on what the individual intends to utilize the production for. She stated in ideal conditions, a hen can lay approximately one egg per day and their commercial lifespan is generally 18 months. Mr. Pomerantz asked how long a chicken can live regardless of egg production to which Mrs. Foster stated they can live up to five years.

Mr. Patriarca next stated that he regularly receives calls about the keeping of residential chickens in the Township. Further he stated that presently residential chickens have been allowed, but are unregulated. He further stated the Township has not received any complaints on their keeping to date. Mr. Pomerantz followed by asking where the proposed limit of six hens was derived from. Mr. Patriarca stated the number six was selected as it was the number used by numerous other municipalities that placed a hard limit on the total number of hens allowed. Mr. Pomerantz followed by asking if those municipalities that regulate the total number of hens based on acreage were consistent with one another. Mr. Patriarca stated in what he had seen to date, there did not appear to be a standard number for this approach.

Mr. Yaw noted consideration should be given to allowing for more than six hens based on acreage, and maybe having a set minimum number of hens. Mr. Lees asked if the hens must remain in an enclosed structure, then why should there be only a limit of six per household. Mr. Patriarca followed by asking the PC if they have a preference to cooping the hens at all times versus allowing for free-range in a fenced rear yard. Mr. Rodia asked if the total number of chickens allowed could be calculated based on data from the state.

Mr. Pomerantz asked Mrs. Foster if there is a real difference between eggs produced from free-range versus cooped hens. She stated it is more of a perceived difference benefit for free-range eggs that adds economic value to the product being produced. Township Manager Rob Pingar

and provided some thoughts for consideration on the draft ordinance that he had researched. These items included waste management and overall public health issues related to chickens. Mrs. Foster stated the waste from chickens can be used for fertilizer, composting or placed in the regular trash when bagged appropriately.

Mr. Rodia asked if additional standards for fencing associated with free range chickens could be considered as to prevent strictly chicken wire fences from appearing in residential districts. He noted the West Chester borough ordinance provided some guidance on this issue by requiring free range chickens be screened from public view. Mr. Patriarca stated the current fence ordinance would not preclude a strictly chicken wire fence in a residential district. Ms. Adler also noted consideration will need to be given to where residential chickens could be kept on a corner lot.

Mr. Pomerantz asked if the keeping of residential chickens results in noxious odors impacting the neighbors, to which both Mrs. Foster and Mr. Whitig stated in their experience this was not the case. Next he asked if the keeping of residential chickens results in noise impacts to neighboring properties, to which the general response was that they do not unless being attacked by a predator.

Relevant to the issue of allowing for free range chickens, Mr. Lees stated that should be determined by overall acreage. Specifically, if there were greater than an acre free range may be appropriate, whereas less than that keeping them cooped may be more appropriate. Mr. Hatton, Mr. Rodia, Mr. Whitig and Ms. Adler agreed with this sentiment as well. Mr. Yaw stated he feels the chickens should be kept within some type of enclosure.

Doug and Sue Anderson of 606 Jacqueline Drive were also present as residents who currently keep residential chickens in the Township. Mr. Anderson first clarified the difference between a coop where the hens have shelter and the run that affords them protected, outdoor grazing area. Mr. Patriarca further spoke to this issue, that all residents would have a coop, but that whether or not to make the run mandatory or allow for free range in the rear yard. Mr. Rodia asked what the impacts on the actual ground are for chickens kept in a run versus being free range. Mrs. Anderson stated that most people rotate the area being utilized as a run with a tractor or movable run in order to allow for the ground to not be overgrazed. She followed by asking if consideration has been given to the keeping of more bantams than standard chickens as they are significantly smaller than the latter. Mr. Patriarca stated this has not been made in this draft and that he had not seen it in other ordinances he reviewed.

Mr. Patriarca followed by asking the PC for thoughts on what would be the “cut-offs” for allowing more hens on larger properties. Mr. Hatton noted the Birmingham ordinance allows for 10 hens per acre, but that West Bradford has a minimum lot size of only an acre with a maximum allowance of three hens. He did state that he liked generally the way West Goshen handled their ordinance that allowed an increasing number of hens on larger lots. Mr. Patriarca stated he did not object to having hens on smaller lots if appropriate standards are in place. Mr. Pomerantz then asked Mr. Patriarca to reach out to some of the Township’s neighbors to see what “lessons-learned” they may be able glean to further help in the refinement of the Westtown ordinance. Mr. Patriarca then indicated that he will refine the ordinance further based on the overall discussion on both the total number of hens allowed and to the issue of allowing them to be free range.

One final issue brought up by Mr. Patriarca was whether or not to permit the sale of eggs as an allowed home occupation. He stated that assuming the ordinance adequately addressed negative impacts, the principal concern would be with increased traffic. For residential chickens, the overall thought of the PC was that this was unnecessary as the overall scale of keeping residential chickens. Mr. Pingar then expressed his concern with enforcement if specific chicken breeds are allowed to be kept residentially. Mr. Anderson stated the two items needing to be addressed with this ordinance were simply “cruelty to the animals and cruelty to the neighbors.” Mr. Patriarca stated the proposed sizes for the coop and run were derived from what is recommended from the agricultural extension.

### **New Business**

#### **Prioritization of future PC projects**

Mr. Hatton led the discussion of what items from the annual report should be prioritized for completion as time becomes available. Each PC member then identified the three topics they felt should be addressed first.

- Mr. Yaw – Sidewalks, parking requirements for multi-family residential/commercial, riparian buffer definition
- Mr. Lees – Accessory building size, definition of open space in general, riparian buffer definition
- Ms. Adler – Parking requirements for multi-family residential/commercial, operationalizing the open space plan, riparian buffer definition
- Mr. Whitig – Riparian buffer definition, accessory building size, parking requirements for multi-family residential/commercial
- Mr. Rodia – Riparian buffer definition, accessory building size, sidewalks
- Mr. Pomerantz – Operationalizing the open space plan, accessory building size, definition of open space in general
- Mr. Hatton – Accessory building size, riparian buffer definition, sidewalks

At the end of the discussion, the three priority items were agreed to be riparian buffer definition, accessory building size and the definition of open space in general.

### **Public comment**

There were no public comments.

### **Adjournment**

9:00 pm (SR/EA)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary