

**PENNSBURY PLANNING COMMISSION MINUTES  
OCTOBER 10, 2017**

Chairman Dennis Smith called the meeting to order at 5 p.m. Present, Bob Crandell, Lynn Luft, Dennis Smith, by phone – Corinne Murphy, Jim Ware. The minutes of September 25, 2017 were approved as submitted.

**Township Solicitor Tom Oeste** was present to answer questions members have regarding the legality of regulating water exportation. A list of questions was submitted to him in advance and members reviewed the questions with him.

1. Implementing a tax or fee for water extraction – Mr. Oeste stated the township does not have the authority to collect a tax. However, a franchise fee might be possible but the cost could not be prohibitive to the applicant and the township could consider this under a conditional use process.
2. If the township wanted to cite a particular zoning district to address water exportation, the LI district would be a logical place. However, if members consider the HC district as a better choice, it could go there with the condition that public water, if available, must be used.
3. The township supervisors can consider passing an ordinance to require hook up to public water if it is available in the area and there is no other source of potable water at the time of the proposed development.
4. The easement on the Mendenhall Farm held by the Brandywine Conservancy could be amended to address water exportation. However, the current property owner must agree to the amendment and agreeing to this by the present owner is unlikely at this time. This may not be an issue if it is restricted to the HC district.

Lynn Luft suggested we should review our existing ordinance addressing water resources to make sure a good level of protection exists in them. There was consensus among members to have Mr. Oeste look into possibly drafting language restricting water exportation to the HC district. He will discuss this further with the supervisors.

Corinne Murphy arrived at the meeting. Dennis Smith moved to recommend an amendment to our zoning ordinance addressing water exportation by having the use covered in our HC district and coming under a conditional use process and one of the conditions being that it can be done only if public water is used. Bob Crandell seconded the motion. All in favor and the motion passed.

The next meeting will be October 23<sup>rd</sup> and Mr. Smith asked Ms. Howley to confirm if the Brenn Subdivision would be on the agenda. With no further business the meeting adjourned at 6:30 p.m.

Respectfully submitted: Kathleen Howley, Recording Secretary