

FERGUSON TOWNSHIP PLANNING COMMISSION

Regular Meeting
Monday, August 10, 2015
6:00 pm

I. ATTENDANCE

The Planning Commission held its first regular meeting of the month on Monday, August 10, 2015 at the Ferguson Township Municipal Building. In attendance were:

Commission: Marc McMaster, Chairman
Richard Killian
Scott Harkcom
Kurt Homan
Lisa Strickland
Rob Crassweller

Staff: David Pribulka, Assistant Township Manager
Jeff Ressler, Zoning Administrator
Lindsay Schoch, Community Planner
Mark Kunkle, Township Manager

Others in attendance included: Heather Bird, Recording Secretary; Darlene Weener, Steve Miller, Mike Twomley, Wendy Wagner, Doug Ford, Mike Mulauski, Betsy Widman

II. CALL TO ORDER

Mr. McMaster called the Monday, August 10, 2015 Planning Commission meeting to order at 6:00 pm.

III. DRAFT GRASS AND WEED ORDINANCE AMENDMENT

Mr. Pribulka stated in July 2014 Dr. Blake Ketchum of Elm Road approached the Board of Supervisors challenging some of the provisions in Chapter 10, Grass and Weeds specifically the portion that prohibits the growth of grass and weeds in excess of 6 inches provided it is not used as ornamental or a useful purpose. Dr. Ketchum's property at that time had been cited for this violation of this ordinance and she argued that vegetation growing on her property did serve a useful purpose as native plant species. She requested clarification on some of the definitions in the ordinance for weed, edible, ornamental and useful so that residents could better understand what was permitted and not permitted to be planted. At the time the Board directed staff was not to issue further violations until this information could be better defined. Staff has been working on this ordinance along with Penn State Master Gardeners Darlene Weener and Doug Ford. The draft ordinance allows for the increase native biodiversity in Township landscapes to serve the purpose of increasing native pollinators, reduce soil erosion and strengthening the Chesapeake Bay Watershed while at the same time being mindful of the character of the community and surrounding neighbors. The draft ordinance would permit the cultivation of plant species included in the appendix of the ordinance provided that certain conditions are met such as a five foot setback around the property and the requirement to mow at least once during the season, April through October. The draft ordinance also permits the Township to cite those who do not meet the requirements included in the ordinance.

Ms. Strickland asked what zoning districts this would apply to. Mr. Pribulka stated the way the draft ordinance is worded this would apply to all properties in all zoning districts except Rural Agriculture (RA), Rural Residential (RR), forest game lands and Township rights-of-way.

Ms. Strickland questioned the requirement to mow once a year asking if this would have a negative impact on purpose of the pollinator plants. Mr. Doug Ford, Penn State Master Gardener responded stating that the requirement for mowing on annual basis may be damaging to the goal of the pollinator friendly garden depending on the intent of the garden planted.

Mr. Killian stated that enforcement of this ordinance may be an issue. Mr. Pribulka stated a guide, including photos of plant species, will be created and given to the ordinance enforcement officer to assist with the enforcement of this ordinance.

Mr. Killian stated there should be distinction between the lawn and landscape on a property. He would also like the consideration of neighbors to be included.

Ms. Darlene Weener, Penn State Master Gardener, stated the Borough of State College requires that a homeowner planting this type of garden is required to present a plan for the garden that identifies the plants and includes a plan

for maintenance. She stated if this was to be included in the ordinance it would address some of the enforcement concerns.

Mr. Harkcom commented that he wants to make sure these types of gardens don't include any noxious and invasive weeds.

Mr. Homan asked if the full planting would be required to mowed or just aspects of it. If the full area were required to be mowed it may be counterproductive to the goal of the garden. Mr. Homan also asked if a plan was required for this type of planting, who would that be submitted to, would there be a cost and who would review that plan.

Ms. Weener stated the plan would be submitted to Township and she would suggest the Township partnering with Master Gardeners such as herself to assist with the review of the plan. Mr. Ford stated this ordinance is a major movement toward creating habitats for insects such as bees and butterflies. He stated there are several of ways to register their natural landscapes. The purpose behind these types of landscapes is to bring nature back into the landscape. A degree of maintenance is required and simply letting plants grow is not enough. A natural landscapes needs to have a maintenance plan. A homeowner needs to understand that this planting should have intent. He also stated that DCNR has an extensive listing of those plants that are noxious and invasive, which change from time to time.

Mr. Homan stated he would like to see a plan submitted but questioned how five years down the road how would it be determined if the garden is being maintained properly. Ms. Weener stated that the neighbors would probably be who draws the attention to this. Mr. Pribulka stated the draft ordinance does provide a mechanism for the Township to respond to complaint from neighbors regarding these types of plantings.

Ms. Weener added that this ordinance is a great opportunity to reinforce the Townships sustainable community efforts. This shows a connection to residents about things residents care about.

Mr. Crassweller stated the plant listing needs to include the scientific name. He thinks the plant list is too restrictive. It should not be limited to only pollinators.

Mr. Pribulka stated Dr. Ketchum also suggested including the scientific name and including the USDA database of native plants and would expand on the permitted species for the ordinance.

Ms. Weener stated the intent of this ordinance is to distinguish between lawns and landscaped areas.

Mr. McMaster stated he is a neighbor that complained about Dr. Ketchum's property. He is concerned with these types of lawns and the effect they have on neighboring property values. Mr. Pribulka displayed pictures of Dr. Ketchum's yard. Ms. Weener stated this yard is not a good example of a pollinator friendly lawn. Mr. McMaster asked if there have been any other requests for this type of landscape. Mr. Pribulka stated at this time he is only aware of Dr. Ketchum.

Mr. McMaster is only in support of this ordinance if it is in a defined area. Ms. Strickland stated a registration of the lawn area should be required to avoid problem lawns.

Mr. Laura Dininni, resident, stated she does not want the Commission to be deterred by this one lawn that is not a good example of a pollinator friendly ordinance.

Ms. Wendy Wagner and Mr. Mike Mulauski, residents, stated they are neighbors to Dr. Ketchum's property and expressed their concerns. Mr. Mulauski presented photos of the rear of Dr. Ketchum's property. He stated he supports pollinator friendly gardens, he has them himself. He does spend a lot of time maintaining his landscape. He stated lawns that are not controlled create more animals and a negative view for neighbors. Ms. Wagner asked if the back yard would be controlled by this ordinance. Mr. Pribulka stated the ordinance would apply to the entirety of the lot. Ms. Wagner asked if the Township has to mow for a lot like Dr. Ketchum would the owner be billed. Mr.

Pribulka stated the property owner could be invoiced if an outside company had to mow due to violations to the ordinance. Ms. Wagner is concerned with the effect of this type of lawn on the property values for neighboring properties. Mr. Mulauski mentioned the risk of fire in the lawn from neighboring recreational fires. Ms. Wagner stated this is a negative effect on public health and safety. She questioned the timeline for implementation for a resident such as Dr. Ketchum indicating the intent for a pollinator friendly landscape.

Mr. Kunkle, Township Manager, stated that at this time this is a draft ordinance. The goal of this meeting is to gain feedback on creation of the ordinance. With regard to Dr. Ketchum property under the current ordinance there are plants in her yard that have a useful purpose.

Ms. Wagner stated she is not against a pollinator friendly landscape she is just concerned with this out of control lawn neighboring her property.

Mr. Kunkle suggested including a percentage of lawn that can be used for this purpose. Mr. McMaster and Mr. Harkcom agreed this would be appropriate.

Ms. Dininni suggested providing photos of lawns with appropriate pollinator friendly plantings.

Ms. Betsy Widman, native plant sale at Shavers Creek, commented that every plant is useful to someone or something somewhere but that does not mean they are native to Pennsylvania and beneficial to the local ecosystem.

Mr. Steve Miller, resident, stated he would like the ordinance to move forward. He supports the idea of a natural and pollinator friendly yards and encourages supporting the local ecosystem.

Mr. Harkcom stated he supports the ordinance and would like it to include a percentage of lawn permitted for this type of planting and he suggested increasing the setback to an amount greater than five feet such as 10 feet.

Ms. Strickland supported the idea of increasing the setback and suggested including a defined area instead of a percentage of lawn. Mr. McMaster stated a resident could define the full yard as the area. Mr. Crassweller stated setting the percentage as no more than an amount.

Ms. Strickland stated there needs to be an application or registration process included with this ordinance.

IV. RENAMING OF WESTFIELD / HILLSIDE FARM ESTATES PARK

Mr. Pribulka stated the Township has been soliciting suggestions for renaming Westfield / Hillside Park. The Township was awarded a \$200,000 grant from the Department of Conservation and Natural Resources in 2013 to develop the first phase of the park and it was suggested by the Department that the Township come up with a better name for the park. The Board of Supervisors adopted a park naming policy to establish general guidelines for naming of parks in the Township. The Township has received the following names as suggestions for the renaming: Hartswick Park, Madore Park, Sunday Park, Mountain View Park, Green Ridge Park, Ferguson Park, Ridge Top Park and Forest Peak Park. Mr. Crassweller stated he suggested Sunday Park because those were the original owners of the land.

Mr. Crassweller made a motion to recommend Sunday Park as the new name for Westfield/Hillside Farm Estates Park. Mr. Harkcom seconded the motion. The motion passed unanimously.

V. PLANNING DIRECTOR'S REPORT

Mr. Pribulka stated the Board of Supervisors met on Monday, August 3rd and discussed the draft food truck ordinance and authorized the advertisement of the zoning change for the property on Circleville Road. The Board appointed Ray Stolin, Jr. as the new Township Director of Planning and Zoning. The Cottages at State College was granted a time extension pushing the date for action on the plan to October 20th.

VI. APPROVAL OF THE JULY 13, 2015 MEETING MINUTES

Mr. Killian made a motion to APPROVE the Planning Commission Regular Meeting Minutes from July 13, 2015 including the following correction to page 2, paragraph 6:

He stated that it should be up the changed to He stated that it should be up to the.

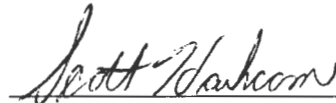
Mr. Crassweller seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

Mr. Crassweller made a motion to adjourn the meeting. Mr. Killian seconded the motion. The motion passed unanimously.

With no further business, the August 10, 2015 regular Planning Commission meeting was adjourned at 7:18 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, reading "Scott Harkcom", is written over a horizontal line.

Scott Harkcom, Secretary
For the Planning Commission